

(Mount Clipping in Space Below)

Ray Charges Hanes, Huie in 'Collusion'

By NELLIE KENYON

James Earl Ray charged attorney Arthur J. Hanes and author William Bradford Huie yesterday with "collusion" with specific intent to "exploit his plight" for their own "monetary benefit."

The allegation was made in an amended complaint filed for Ray in federal court yesterday by Atty. Robert W. Hill Jr., of Chattanooga, one of Ray's new lawyers.

THE AMENDED complaint added the name of Hanes, whom Ray fired last November as a defendant in a lawsuit filed last week. Huie and attorney Percy Foreman of Houston were listed as defendants in the original complaint.

Hill filed the amended bill

about 12:30 p.m., after spending three hours with Ray at the state prison where he is serving a 99-year prison sentence for the murder of Dr. Martin Luther King Jr.

Hill said Ray requested during this visit that he represent him in his criminal proceedings. Hill and J. B. Stoner of Savannah, Ga., have been representing in civil matters only.

Ray has filed a motion for a new trial which is now before Criminal Judge Arthur Facquin of Memphis. Ray claims he was coerced into pleading guilty to killing King and that both Foreman and Hanes were acting in their own financial interests and not in Ray's behalf.

FACQUIN HAS said he will announce today when and if a hearing on Ray's motion will be held.

The amended complaint alleged among other things that Ray was "under extreme emotional and mental stress and thus was more susceptible to the urgings of the attorney who was allegedly acting in his behalf."

It was charged further that Hanes realized that Ray was a stranger "to the tangles of the law, and therefore proceeded to 'take him in.'"

Huie, a free-lance writer from Hartselle, Ala., contracted with through Hanes to write Ray's life story. Foreman was later made a party to the contract. Ray's original complaint seeks to block publication of the book by Huie.

HILL SAID Hanes was omitted as a defendant from the original complaint through an oversight. Hanes was mentioned in the body of the complaint but was not formerly listed as a defendant.

(Indicate page, name of newspaper, city and state.)

PAGE 31
NASHVILLE, TENNESSEE
NASHVILLE TENN.

Date: 4-16-69
Edition:
Author: JOHN SEIGENTHALER
Editor:
Title:

Character:
or
Classification: MEMPHIS
Submitting Office:
☐ Being Investigated

Hanes, of Birmingham, was employed as Ray's first lawyer. The suit filed in federal court here alleged Hanes was released when Foreman was engaged, under an agreement in which Hanes would receive \$30,000.

The amended complaint charged Foreman coerced Ray into "signing some sort of petition for waiver and other unlawful and unconstitutional petitions . . ." under which he pleaded guilty to King's murder and accepted a 99 year prison term.

Among the rights which Foreman was charged with attempting to coerce Ray to waive were Ray's motion for a new trial; successive appeals to the Court of Criminal Appeals of the State Supreme Court; and petition for review by the U.S. Supreme Court.

THE SUIT said there "is no precedent for such a waiver in law or equity and that as an experienced attorney, Mr. Foreman must have realized not only the impropriety, but the gross injustice he was fostering upon his own client . . . in direct contradiction" of his guaranteed constitutional rights.

Soon after Criminal Court Judge W. Preston Battle Jr. of Memphis, sentenced Ray, Battle died and Faquin was named to succeed Battle.

The civil suit which has been filed in federal court here charges Hanes, Foreman and Huie of wanting Ray to plead guilty so as to avoid a trial which would make facts and testimony public property and eliminate any exclusive rights to such material. Battle questioned Ray at length to determine whether Ray understood a plea of guilty closed the door to a new trial or appeal under Tennessee law.

The amended complaint, however, insisted such a waiver is unconstitutional.

(Mount Clipping in Space Below)

Ray May Pay Return Trip To the City

By ROY B. HAMILTON
Press-Scimitar Staff Writer

James Earl Ray's return to Memphis appeared likely today, following announcement by Criminal Court Judge Arthur Faquin he would hear arguments on Ray's new trial motion May 26.

Judge Faquin set the hearing date after it was agreed upon by the court, Robert K. Dwyer, executive assistant attorney general, and Richard J. Ryan, one of Ray's new attorneys.

While the Judge did not disclose whether he would order Ray brought back to Memphis for the hearing from the state penitentiary in Nashville, it was considered virtually certain he will be returned.

THE LATE Judge W. Preston Battle, whom Faquin succeeded on the case, had Ray in the courtroom for all pretrial hearings, as a safeguard to his rights, and Judge Faquin is expected to follow the policy he laid down, according to sources.

Following the announcement in Faquin's courtroom, Dwyer told newsmen the state would file a written answer sometime this week opposing a new trial for Ray.

ASKED IF he thought Ray would win a new trial, Dwyer replied: "From the state's viewpoint, I don't think he will." He said Ray, in pleading guilty to the murder of Dr. Martin Luther King on March 10, waived his rights to appeal and he could not see "any merit" to his arguments.

Ray, who received a 99-year sentence, contends he was "pressured" into pleading guilty. He said his former attorneys, Arthur J. Hanes and Percy Foreman, were more interested in selling book and movie rights to Alabama author William Bradford Huie than in defending him.

ATTY. GEN. Phil Canale, usually the spokesman for the state on the Ray case, was reported in a hospital today undergoing tests.

In another development, it was reported Clyde Mason, assistant attorney general, will replace Jim Beasley on the prosecution team. Beasley, the state's research man on the case, has been named county attorney, effective Monday.

JUDGE FAQUIN is expected to conduct the May 26 hearing in Division 3 courtroom, where all previous hearings were held.

Sheriff William N. Morris said the special, armor-plated cell Ray occupied while a prisoner here is available and Ray will be confined there if returned.

(Indicate page, name of newspaper, city and state.)

PAGE 43

MEMPHIS PRESS-
SCIMITAR

MEMPHIS, TENN.

Date: 4-16-69

Edition: CHAS. H. SCHNEIDE

Author:

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MURKIN

Ray's Bid for New Trial To Be Heard May 26

MEMPHIS, Tenn. (AP) — Judge Arthur Faquin Jr. today set May 26 to hear a motion by James Earl Ray for a new trial in the murder of Dr. Martin Luther King Jr.

Robert K. Dwyer, executive assistant district attorney, said there is a strong possibility that

Ray himself will appear at the hearing.

The question of Ray's eligibility for a new trial is unclear under Tennessee law. Ray entered a guilty plea to King's murder on March 10 and was sentenced to 99 years in prison.

Normally, anyone who enters such a plea forfeits rights to appeals or new hearings, and Criminal Court Judge W. Preston Battle pointed that out to Ray on March 10.

But, Tennessee law also provides that any new trial motions that are pending before a judge who dies must automatically be granted.

Battle died of a heart attack on March 31.

Ray began saying almost immediately after he pleaded guilty that he was pressured into doing so and wanted a new trial. He wrote two letters to that effect to Battle and Ray's attorneys contend that a letter sent five days before the judge's death constitutes a motion for a new trial.

Faquin, who had been named back-up judge to Battle in the early stages of the case last summer, assumed full responsibility upon Battle's death.

In a development yesterday, a civil suit filed in U.S. District Court in Nashville by Ray's present attorneys was amended to charge that Ray's former counsel, Arthur Hanes of Birmingham, Ala., had been in "collusion" with Alabama author William Bradford Huie in a plan to "exploit" Ray for monetary reasons.

Hanes was mentioned in the suit that was filed last week, but was not listed as a defendant until yesterday.

Chattanooga lawyer Robert W. Hill Jr., one of the men now representing Ray, said he first believed Ray did not want Hanes listed as a defendant in the action.

Hanes, former Birmingham mayor, was fired by Ray last November and replaced by Percy Foreman of Houston, Tex. The suit contends Ray was pressured into pleading guilty because Foreman wanted to protect exclusive story and movie rights to Ray's biography, assigned by Ray to Huie in return for payment of legal fees.

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The Wall Street Journal _____
The National Observer _____
People's World _____
Examiner (Washington) _____

Date *4/16/69*

(Mount Clipping in Space Below)

Ray Attorney Claims He Has 'New Evidence'

CHATTANOOGA, Tenn. — (UPI) — Claiming he has "new evidence," attorney Robert Hill says he is ready for a hearing Wednesday when James Earl Ray will begin a legal process he hopes will grant him a new trial.

Memphis Criminal Court Judge Arthur Faquin has said he will decide at the Wednesday hearing when to hear arguments on Ray's new trial motion in the slaying of Dr. Martin Luther King Jr.

HILL TOLD UPI Saturday he was not sure if Faquin would take new evidence Wednesday, but if he does, "I do have new evidence in the case." He did not disclose the nature of the evidence.

Hill said Ray's brother, Jerry, would be available to testify if Faquin so desires, and that Jerry "had a good portion of proof and will cooperate."

Hill, a 29-year-old karate expert who walks with a slight limp because of a childhood bout with polio, said he took the case out of sympathy for Ray and "because I think Mr. Ray was done a great injustice."

ASKED WHETHER he thinks Ray is innocent, Hill stated: "Well, I believe in defending him — my personal viewpoint is immaterial, but since you have asked me, 'yes,' I do believe he is innocent."

He said although the state has charged Ray killed King because of a deep-seated hatred for Negroes, the charge was false. "I asked him about his feelings on race, and he is not a racist," Hill said.

(Indicate page, name of newspaper, city and state.)

PAGES 6

MEMPHIS POST-
SCIMITAR

MEMPHIS, TENN.

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RAY 4/14 NX

CHATTANOOGA, TENN. (UPI)--CLAIMING HE HAS "NEW EVIDENCE," ATTORNEY ROBERT HILL SAYS HE IS READY FOR A HEARING WEDNESDAY WHEN JAMES EARL RAY WILL BEGIN A LEGAL PROCESS HE HOPES WILL GRANT HIM A NEW TRIAL.

MEMPHIS CRIMINAL COURT JUDGE ARTHUR FAQUIN HAS SAID HE WILL DECIDE AT THE WEDNESDAY HEARING WHEN TO HEAR ARGUMENTS ON RAY'S NEW TRIAL MOTION IN THE SLAYING OF DR. MARTIN LUTHER KING JR.

HILL TOLD UPI SATURDAY HE WAS NOT SURE IF FAQUIN WOULD TAKE NEW EVIDENCE WEDNESDAY, BUT IF HE DOES, "I DO HAVE NEW EVIDENCE IN THE CASE." HE DID NOT DISCLOSE THE NATURE OF THE EVIDENCE.

HILL SAID RAY'S BROTHER, JERRY, WOULD BE AVAILABLE TO TESTIFY IF FAQUIN SO DESIRES, AND THAT JERRY "HAD A GOOD PORTION OF PROOF AND WILL COOPERATE."

HILL, A 29-YEAR-OLD KARATE EXPERT WHO WALKS WITH A SLIGHT LIMP BECAUSE OF A CHILDHOOD BOUT WITH POLIO, SAID HE TOOK THE CASE OUT OF SYMPATHY FOR RAY AND "BECAUSE I THINK MR. RAY WAS DONE A GREAT INJUSTICE."

ASKED WHETHER HE THINKS RAY IS INNOCENT, HILL STATED: "WELL, I BELIEVE IN DEFENDING HIM--MY PERSONAL VIEWPOINT IS IMMATERIAL, BUT SINCE YOU HAVE ASKED ME, 'YES,' I DO BELIEVE HE IS INNOCENT."

HE SAID ALTHOUGH THE STATE HAS CHARGED RAY KILLED KING BECAUSE OF A DEEP-SEATED HATRED FOR NEGROES, THE CHARGE WAS FALSE. "I ASKED HIM ABOUT HIS FEELINGS ON RACE, AND HE IS NOT A RACIST," HILL SAID. "I WOULDN'T NECESSARILY CALL HIM A LIBERAL ON THE SUBJECT, BUT HE CERTAINLY IS NOT A RADICAL IN ANY SENSE OF THE WORD."

BA747AEST

057A

RAY 4/14 NX

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BA747AEST

FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

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P.R.

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Claiming he has "new evidence," attorney Robert Hill says he is ready for a Wednesday hearing when James Earl Ray, serving life for slaying Martin Luther King Jr., begins a new legal process he hopes will grant him a new trial.

The Washington Post _____
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 The Evening Star (Washington) _____
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 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date 4/14/69

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Forman, Huie Sued by Ray

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Ray asked yesterday that an estimated \$1 million worth of contracts with his biographer, William Bradford Huie of Hartselle, Ala., and his former attorney, Percy Foreman of Houston, Tex., be nullified.

Ray is serving a 99-year sentence in Tennessee State Prison here after pleading guilty to a murder charge in the April 4, 1968, slaying of Dr. Martin Luther King Jr. in Memphis.

The suit was filed by Robert Hill Jr. of Chattanooga, one of Ray's attorneys in civil matters. Later yesterday, Hill obtained a federal court order to see Ray after Harry S. Avery, state corrections commissioner, refused to let the attorney enter the prison.

U.S. Dist. Court Judge William E. Miller issued the order after Avery said Richard J. Ryan of Memphis, who is seeking a new trial for Ray, is the only attorney of record in the case.

Ray's suit contends he was pressured by Foreman into pleading guilty—the same grounds he cited in asking a new trial.

The Washington Post _____
 Times Herald _____
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 The Evening Star (Washington) A-5
 The Sunday Star (Washington) _____
 Daily News (New York) _____
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 New York Post _____
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Date 4-12-69

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UPI-73

(RAY)

CHATTANOOGA, TENN.--JAMES EARL RAY'S NEW ATTORNEY SAID SATURDAY HE BELIEVES HIS CLIENT IS INNOCENT OF THE SLAYING OF DR. MARTIN LUTHER KING JR. AND THAT HE IS PREPARED TO PRESENT "NEW EVIDENCE" AT A HEARING NEXT WEDNESDAY.

ATTORNEY ROBERT HILL NOTED THAT CRIMINAL COURT JUDGE ARTHUR FAQUIN HAS SAID HE WILL DECIDE IN MEMPHIS WEDNESDAY WHEN HE WILL HEAR ARGUMENTS ON RAY'S MOTIONS FOR A NEW TRIAL.

HILL SAID HE WASN'T SURE WHETHER FAQUIN WOULD TAKE NEW EVIDENCE AT THAT TIME, BUT IF SO, "I DO HAVE NEW EVIDENCE IN THE CASE." THE NATURE OF THE EVIDENCE WAS NOT DISCLOSED.

THE ATTORNEY SAID RAY'S BROTHER, JERRY, WOULD BE AVAILABLE TO TESTIFY IF THE JUDGE SO DESIRES, AND THAT JERRY "HAD A GOOD PORTION OF PROOF AND WILL COOPERATE."

HILL FILED A PETITION IN U.S. DISTRICT COURT IN NASHVILLE FRIDAY CHARGING THAT RAY WAS "PRESSURED" INTO PLEADING GUILTY TO THE KING SLAYING TO PROTECT THE STORY AND MOVIE RIGHTS TO HIS LIFE--RIGHTS THAT HILL SAID MIGHT BE WORTH "MILLIONS OF DOLLARS."

4/12--SW144PES

WASHINGTON CAPITAL NEWS SERVICE

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RAY 4/12 NX
 BY JAMES A. LEWIS

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RAY, APPARENTLY TRYING TO SET THE STAGE FOR A NEW TRIAL, FILED A PETITION IN FEDERAL COURT CLAIMING HE COULD HAVE DONE JUST AS WELL WITH A "STUDENT RIGHT OUT OF LAW SCHOOL" AS WITH FAMED TRIAL LAWYER PERCY FOREMAN. THE PETITION ASKED THAT RAY'S CONTRACTS WITH FOREMAN AND AUTHOR WILLIAM BRADFORD HUIE BE VOIDED.

THE PETITION CONTENDED THAT FOREMAN "NEVER INTENDED FOR HIM TO HAVE A FAIR TRIAL AND TESTIFY IN HIS OWN BEHALF AS THIS WOULD THEN MAKE THE FACTS AND TESTIMONY PUBLIC PROPERTY AND NO ONE WOULD OR COULD HAVE EXCLUSIVE (STORY) RIGHTS IN THE MATTER."

RAY SAID THAT NO "ABILITY, EXPERIENCE OR EXHAUSTIVE RESEARCH" WAS NECESSARY TO CARRY OUT THE BARGAINING IN WHICH HE WOUND UP WITH A PRE-ARRANGED 99-YEAR SENTENCE AFTER PLEADING GUILTY TO THE SLAYING. ✓

HUIE PAID RAY FOR INFORMATION HE USED IN SEVERAL MAGAZINE ARTICLES. AND RAY USED THE MONEY TO HIRE ATTORNEYS.

THE PETITION WAS FILED BY ONE OF HIS NEW ATTORNEYS, ROBERT HILL OF CHATTANOOGA.

RAY ALSO ASKED THE COURT TO ENJOIN FOREMAN AND HUIE FROM DISCLOSING ANY MORE "ALLEGED FACTS" ABOUT THE SLAYING, AND TO VOID HIS CONTRACTS WITH ANOTHER OF HIS PREVIOUS ATTORNEYS, FORMER BIRMINGHAM MAYOR ARTHUR HANES SR.

RAY, WHO NOW SAYS HE IS INNOCENT, CLAIMS THAT HE WAS NOT AWARE THAT THERE HAD BEEN NO EXECUTION IN TENNESSEE FOR NINE YEARS WHEN HE MADE HIS GUILTY PLEA.

BA431AEST

Forman, Huie Sued by Ray ^{A-3}

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The National Observer _____
People's World _____
Examiner (Washington) _____

Date APR 12 1969

RAY CALLS FOR CURB ON 'EXPOSURE' OF HIM

NASHVILLE, April 11 (UPI) —James Earl Ray apparently began setting the stage for a new trial today by asking a Federal judge to enjoin William Bradford Huie the author from disclosing any additional "alleged facts" linking Ray to the slaying of the Rev. Dr. Martin Luther King Jr.

Ray asked the judge to void his contracts with two of his previous attorneys, Percy Foreman and Arthur J. Haynes, and with Mr. Huie, who wrote several magazine articles about Ray after purchasing the rights to his story.

One of Ray's new attorneys, Robert W. Hill Jr. of Chattanooga, also informally asked United States District Court Judge William E. Miller to try to make arrangements whereby he could confer with Ray in the maximum security building at the Tennessee State Penitentiary.

Ray's petition, filed by Mr. Hill, asked Judge Miller to enjoy in Mr. Huie and Mr. exposure of alleged facts surrounding the slaying of Martin Luther King, insofar as much alleged facts affect Ray.

Ray pleaded guilty March 10 to the murder of Dr. King and by prearrangement received a 99-year sentence. He now contends he is not guilty and is seeking a new trial.

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Date APR 12 1969

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Song

BY JAMES A. LEWIS
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UPI-121

(RAY)

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IN AN APPARENT ATTEMPT TO SET THE STAGE FOR A NEW TRIAL, RAY FILLED A PETITION IN FEDERAL COURT CONTENDING HE COULD HAVE DONE JUST AS WELL WITH A STUDENT "FRESH OUT OF LAW SCHOOL" AND ASKED THE COURT TO VOID HIS CONTRACTS WITH FAMED TRIAL LAWYER PERCY FOREMAN AND AUTHOR WILLIAM BRADFORD HUIE.

RAY CONTENDED THAT FOREMAN "NEVER INTENDED FOR HIM TO HAVE A FAIR TRIAL AND TESTIFY IN HIS OWN BEHALF AS THIS WOULD THEN MAKE THE FACTS AND TESTIMONY PUBLIC PROPERTY AND NO ONE WOULD OR COULD HAVE EXCLUSIVE (STORY) RIGHTS IN THE MATTER."

HUIE WROTE SEVERAL MAGAZINE ARTICLES ON RAY AFTER PURCHASING THE RIGHTS TO HIS LIFE STORY, AND RAY USED THE MONEY TO HIRE ATTORNEYS TO DEFEND HIMSELF IN THE CASE.

4/11--TD601PES

NEW RAY LAWYER ASKS FOR VOIDING OF FOREMAN PACT

NASHVILLE, Tenn. (AP) —A lawyer for James Earl Ray asked U.S. District Court Judge William E. Miller today to void Ray's contract with the lawyer who represented him when he pleaded guilty to the slaying of Dr. Martin Luther King Jr.

At the same time, the attorney, Robert W. Hill Jr. of Chattanooga, asked for nullification of Ray's contract with William Bradford Huie, Alabama author, for the story of Ray's life. Several stories relating to this contract have appeared in Look magazine.

Hill asked a preliminary injunction against Percy Foreman of Houston, Tex., the lawyer, and Huie. He asked for an early hearing on an injunction against "any and all contracts and powers of attorney" negotiated with Ray.

Ray, serving a 99-year sentence in King's death, now is seeking a new trial on a charge of first-degree murder.

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Date 4-11-69

(RAY)
CHATTANOOGA, TENN.--JAMES EARL RAY'S NEW ATTORNEY SAID SATURDAY HE BELIEVES HIS CLIENT IS INNOCENT OF THE SLAYING OF DR. MARTIN LUTHER KING JR. AND THAT HE IS PREPARED TO PRESENT "NEW EVIDENCE" AT A HEARING NEXT WEDNESDAY.

ATTORNEY ROBERT HILL NOTED THAT CRIMINAL COURT JUDGE ARTHUR FAQUIN HAS SAID HE WILL DECIDE IN MEMPHIS WEDNESDAY WHEN HE WILL HEAR ARGUMENTS ON RAY'S MOTIONS FOR A NEW TRIAL.

HILL SAID HE WASN'T SURE WHETHER FAQUIN WOULD TAKE NEW EVIDENCE AT THAT TIME, BUT IF SO, "I DO HAVE NEW EVIDENCE IN THE CASE."

THE NATURE OF THE EVIDENCE WAS NOT DISCLOSED.

THE ATTORNEY SAID RAY'S BROTHER, JERRY, WOULD BE AVAILABLE TO TESTIFY IF THE JUDGE SO DESIRES, AND THAT JERRY "HAD A GOOD PORTION OF PROOF AND WILL COOPERATE."

HILL FILED A PETITION IN U.S. DISTRICT COURT IN NASHVILLE FRIDAY CHARGING THAT RAY WAS "PRESSURED" INTO PLEADING GUILTY TO THE SLAYING TO PROTECT HIS STORY AND MOVIE RIGHTS TO HIS LIFE--RIGHTS THAT HILL SAID MIGHT BE WORTH "MILLIONS OF DOLLARS."

4/12--SW14APES

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UPI-22C

(EVERS)

KENT, OHIO--THE USE OF "POLITICAL POWER" RATHER THAN VIOLENCE BY NEGROES TO OBTAIN CIVIL RIGHTS WAS URGED HERE LAST NIGHT BY A NAACP OFFICIAL.

CHARLES EVERS, MISSISSIPPI FIELD DIRECTOR FOR THE NAACP, TOLD A PREDOMINANTLY WHITE STUDENT AUDIENCE AT KENT STATE UNIVERSITY THAT HE WAS OPPOSED TO VIOLENCE, BUT THAT RIGHTS MUST BE OBTAINED.

"WE'RE NOT GOING TO BOMB YOUR HOMES," HE SAID, "BUT WE'RE GOING TO MAKE SURE YOU DON'T BOMB OURS."

EVERS SAID WHITES CONTROL AMERICAN AND THAT THE SITUATION MUST BE CHANGED.

"YOU CAN'T TAKE IT WITH A GUN, DON'T BE FOOLISH," HE SAID. "WE CAN'T WIN THAT WAY. WE'RE GOING TO DO IT BY TAKING OVER POLITICAL POWER."

"THE WHITE MAN IS THE GREATEST MURDERER UNDER THE SUN," HE CHARGED.

EVERS IS A CANDIDATE FOR THE DEMOCRATIC NOMINATION FOR MAYOR OF FAYETTE, MISS.

4/10--GE1009A

FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

UPI-42

MURKIN
P.R. Folder

L. H. G.

Rosen

(RAY)

NASHVILLE, TENN.--A TENNESSEE STATE PRISON GUARD SAYS JAMES EARL RAY WOULD BE DEAD WITHIN TWO YEARS IF HE WERE TAKEN FROM HIS MAXIMUM SECURITY CELL AND PLACED WITH OTHER PRISONERS.

IN A COPYRIGHT STORY IN THE NASHVILLE TENNESSEAN TODAY, THE UNIDENTIFIED GUARD SAID PRISON OFFICIALS WOULD BE "SMART" TO KEEP RAY IN MAXIMUM SECURITY AS LONG AS HE IS CONFINED HERE.

THE GUARD SAID OFFICIALS ARE "SERIOUSLY CONSIDERING" MOVING RAY FROM HIS MAXIMUM SECURITY CELL WHEN HIS CLASSIFICATION PERIOD IS UP LATER THIS MONTH.

"THE TEMPTATION TO KILL THE MAN WHO KILLED MARTIN LUTHER KING WILL BE TOO GREAT FOR SOME OF OUR PRISONERS OUT HERE," THE GUARD SAID. "THEY'LL GET HIM AND THERE'S NOTHING WE CAN DO ABOUT IT."

4/9--SW1029AES

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MURKIN
P.R. Folder

An unidentified Tennessee State prison guard in a copyrighted story in the Nashville Tennessean, said Earl Ray would be dead within two years if he is taken from his maximum security cell and placed with other prisoners. He was commenting on rumors officials are "seriously considering" moving Ray when his classification period is up later this month.

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Date APR 9 1969

MURKIN

*Murkin
P.R. Folder*

James Earl Ray, serving ~~99~~ years for the murder of Dr. Martin Luther King Jr., has taken the first step to get a full-fledged trial. His lawyers alleged that Ray was pressured into entering a guilty plea to avoid a jury trial and a possible death sentence.

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People's World _____
Examiner (Washington) _____

Date 4/8/69

Ray Scores Lawyers In New Trial Petition

MEMPHIS (AP) — James Earl Ray, contending that two of his lawyers were more interested in financial gains than his fate, has officially asked for a new trial in the slaying of Dr. Martin Luther King Jr.

In a petition filed yesterday Ray said he was "pressured" into a March 10 guilty plea because a trial would have made the facts a "matter of public

record for the free use of all" and would have endangered the success of a projected book and movie.

Ray was represented first by Arthur Hanes of Birmingham, an attorney he fired in November, and then by Percy Foreman of Houston, who arranged a 99-year sentence in exchange for the guilty plea.

Claims Duress

The motion said Foreman "pressured him, and he, the defendant, under duress due to this pressure, entered a plea of guilty" for "the sole financial gain of the said attorney."

Attached to the petition were letters and agreements involving Ray and author William Bradford Huie of Hartselle, Ala., who is writing a book about Ray and negotiating movie rights, Hanes and Foreman.

The papers outlined financial arrangements under which Huie, who has already written a series of magazine articles on the case, will pay part of his royalties to the two attorneys.

Ray said in the motion that if he had taken the stand in a full scale trial, "then he would have no book."

He contended that his guilty plea was "a farce, a sham and a mockery of justice."

No date has been set for a hearing on the motion. The attorney general's office has said that Ray would be returned from his maximum security cell in the penitentiary in Nashville to Memphis for any such hearings.

3 Listed as Attorneys

The motion was filed by three men listed as attorneys for Ray—Richard J. Ryan of Memphis, J. B. Stoner of Savannah, Ga., and Robert W. Hill Jr. of Chattanooga.

Ray formally dismissed Foreman as his attorney in a letter to Criminal Court Judge W. Preston Battle on March 13. Battle, who had received the guilty plea March 10, died of a heart attack March 31 and a previously undisclosed second letter from Ray was found among his effects.

It said the letter should be taken as notice of an intention to seek a new trial and the petition filed yesterday was listed as an amended and supplemental motion to the letter, which was dated March 26.

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Date 4-8-69

UPI-33

(RAY)

MEMPHIS, TENN.--WITHIN TWO OR THREE WEEKS CRIMINAL COURT JUDGE ARTHUR FAQUIN JR. WILL HEAR ARGUMENTS TO DETERMINE WHETHER TH ATTORNEYS WHO FIRST HANDLED THE JAMES EARL RAY CASE PRESSURED RAY INTO PLEADING GUILTY FOR POSSIBLE MONETARY GAIN.

RAY'S NEW ATTORNEYS -- RICHARD J. RYAN OF MEMPHIS, J. B. STONER OF SAVANNAH, GA., AND ROBERT W. HILL JR. OF CHATTANOOGA -- FILED A MOTION IN SHELBY COUNTY CRIMINAL COURT YESTERDAY ALLEGING THAT PREVIOUS ATTORNEYS ARTHUR J. HANES SR. AND PERCY FOREMAN "ACTUALLY REPRESENTED WILLIAM BRADFORD HUIE AND THEIR OWN FINANCIAL INTERESTS."

COURT CLERK JAMES A. BLACKWELL SAID, AFTER A CONFERENCE WITH FAQUIN, THAT A HEARING ON THE MATTER WOULD BE SCHEDULED WITHIN TWO OR THREE WEEKS.

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037A RAY 4/8 NX
 MEMPHIS, TENN. (UPI)--WITHIN TWO OR THREE WEEKS CRIMINAL COURT JUDGE ARTHUR FAQUIN JR. WILL HEAR ARGUMENTS TO DETERMINE WHETHER THE ATTORNEYS WHO FIRST HANDLED THE JAMES EARL RAY CASE PRESSURED RAY INTO PLEADING GUILTY FOR POSSIBLE MONETARY GAIN.
 RAY'S NEW ATTORNEYS--RICHARD J. RYAN OF MEMPHIS, J. B. STONER OF SAVANNAH, GA., AND ROBERT W. HILL JR. OF CHATTANOOGA--FILED A MOTION IN SHELBY COUNTY CRIMINAL COURT MONDAY ALLEGING THAT PREVIOUS ATTORNEYS ARTHUR J. HANES SR. AND PERCY FOREMAN "ACTUALLY REPRESENTED WILLIAM BRADFORD HUIE AND THEIR OWN FINANCIAL INTERESTS."
 COURT CLERK JAMES A. BLACKWELL SAID, AFTER A CONFERENCE WITH FAQUIN, THAT A HEARING ON THE MATTER WOULD BE SCHEDULED WITHIN TWO OR THREE WEEKS.

RAY, NOW SERVING A 99-YEAR PRISON TERM FOR THE SLAYING OF DR. MARTIN LUTHER KING JR., PLEADED GUILTY MARCH 10.

IN HIS MOTION, HE CLAIMED THE LEGAL DEALINGS BETWEEN HUIE, HIS BIOGRAPHER, AND HIS ATTORNEYS DEPRIVED HIM OF COUNSEL AS GUARANTEED BY THE U.S. AND TENNESSEE CONSTITUTIONS SO AS TO MAKE HIS GUILTY PLEA "A FARCE, A SHAM AND A MOCKERY OF JUSTICE."

THE MOTION WAS STYLED AN "AMENDED AND SUPPLEMENTAL MOTION FOR A NEW TRIAL" AND REFERRED SPECIFICALLY TO A LETTER WHICH RAY WROTE THE LATE JUDGE W. PRESTON BATTLE ON MARCH 26, FIVE DAYS BEFORE BATTLE DIED, IN WHICH HE ASKED FOR A NEW TRIAL.

SOME LEGAL AUTHORITIES IN THE STATE SAID THE LETTER COULD BE CONSIDERED A FORMAL MOTION FOR A NEW TRIAL AND, UNDER TENNESSEE LAW, BATTLE'S DEATH MEANS IT IS AUTOMATICALLY GRANTED.

FAQUIN WAS NAMED LAST FRIDAY TO TAKE BATTLE'S PLACE AS PRESIDING JUDGE IN THE RAY CASE. ON MONDAY, HE CONTINUED UNTIL JUNE 16 A CASE INVOLVING MURDER CHARGES AGAINST A FORMER CITY JAILER, CLAIMING HE WAS RESERVING TIME FOR THE RAY CASE.

RAY'S MOTION WAS ACCOMPANIED BY COPIES OF SEVERAL LETTERS BETWEEN RAY, HANES, FOREMAN AND HUIE, WHO HAD CONTRACTED FOR INFORMATION ON WHICH HE PLANNED TO BASE A BOOK.

THE LETTERS WERE BETWEEN RAY AND FOREMAN, RAY AND HUIE AND HUIE AND HANES. THE EXHIBITS ALSO INCLUDED A COPY OF AGREEMENTS BETWEEN RAY, HUIE AND HANES AND RAY, HUIE AND FOREMAN.

IN ONE OF THE LETTERS, DATED MARCH 8, FOREMAN TOLD RAY HIS FEE WOULD BE \$165,500--\$150,000 IN FEES, \$15,000 FOR EXPENSES AND \$500 WHICH THE ATTORNEY HAD ADVANCED TO RAY'S BROTHER, JOHN GERALD RAY.

THE LETTER SAID THE CONTRACT FOR THE \$165,500 DEFENSE FEE WAS CONTINGENT UPON RAY'S PLEADING GUILTY AND "WITHOUT ANY UNSEEMLY CONDUCT" ON RAY'S PART DURING THE TRIAL.

IN THE MOTION, RAY SAID THE CONFLICT OF INTEREST STEMMED FROM THE FACT THAT IF HE TOOK THE STAND TO DEFEND HIMSELF, HE "WOULD HAVE NO STORY TO SELL AND NO PUBLISHING RIGHTS TO CONVEY" SINCE HIS VERSION OF THE CASE WOULD BE A MATTER OF PUBLIC RECORD.

HE SAID HE WAS TOLD THAT HUIE HAD MADE THE STATEMENT THAT RAY "MUST NOT TAKE THE WITNESS STAND IN HIS EXPECTED TRIAL, BECAUSE IF THE DEFENDANT DID TAKE THE WITNESS STAND, THEN HE (HUIE) WOULD HAVE HAVE NO BOOK."

HP/FM536AES

MURKIN

Ray Files For Trial in King Slaying

MEMPHIS, Tenn., April 7 (AP)—James Earl Ray took the first formal step today to get a full-fledged trial for the slaying of the Rev. Dr. Martin Luther King Jr.

A motion, signed by Ray and a trio of attorneys, requesting a new trial was filed in Shelby County Criminal Court.

No date was set for hearing the motion. It was expected that Ray, who was held in a top-security cell in the Memphis jail for eight months, would be returned for such a hearing.

Ray pleaded guilty March 10 to shooting Dr. King and was sentenced to 99 years in the state penitentiary. He began talking about moving for a full trial virtually as soon as his guilty plea was entered.

The motion, signed by Richard Ryan of Memphis, Ray's third defense attorney, who conferred with Ray in the state penitentiary in Nashville on Saturday, and lawyers J. B. Stoner of Savannah, Ga., and Robert W. Hill of Chattanooga, Tenn., alleged that Ray has been pressured into entering the guilty plea and thus avoiding a jury trial.

Under Tennessee law, a guilty plea in a capital case requires the state only to present evidence that a crime was committed. In the March 10 hearing the state presented five witnesses to prove that Dr. King had been killed; and then an assistant prosecutor outlined the case the state would have presented had there been a full trial.

Ray previously wrote two letters to the late Judge W. Preston Battle, who had received his guilty plea, stating that he wanted a new trial. The second letter was found among Battle's papers after the judge died March 31.

Judge Arthue Faquin was named by the other Criminal Court judges to take the Ray case after Battle died.

Ray had been represented by Percy Foreman, the noted attorney from Houston, Tex., when he entered his guilty plea. Soon after he was transported to the state penitentiary in Nashville to begin serving his term, Ray wrote Battle that he had fired Foreman.

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People's World _____
Examiner (Washington) _____

Date *4/8/69*

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MURKIN
P R Folder

James Earl Ray, serving 99 years for the murder of Dr. Martin Luther King Jr., has taken the first step to get a full-fledged trial. His lawyers alleged that Ray was pressured into entering a guilty plea to avoid a jury trial and a possible death sentence.

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Date **APR 8** 1969

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RAY 4/7 NX

BY MINROSE BRYAN

MURKIN P.R. Folder

Loney

NASHVILLE, TENN. (UPI)--JAMES EARL RAY AND MEMPHIS ATTORNEY RICHARD J. RYAN HAVE HELD A BRIEF STRATEGY SESSION AT THE TENNESSEE STATE PRISON TO DISCUSS WAYS OF OBTAINING A NEW TRIAL FOR RAY. "WE DISCUSSED LANGUAGE," SAID RYAN AFTER THE 45-MINUTE MEETING. THE GRAY-HAIRED ATTORNEY REFUSED TO SAY ANYTHING ELSE ABOUT THE SATURDAY VISIT. *pf Rosen*

RYAN'S STATEMENT APPARENTLY REFERRED TO LANGUAGE RAY USED IN TWO LETTERS HE WROTE THE LATE JUDGE W. PRESTON BATTLE. THE LETTERS APPARENTLY WILL BE THE KEY TO WHETHER RAY GETS A NEW TRIAL IN THE SLAYING OF DR. MARTIN LUTHER KING JR.

RAY ASKED BATTLE IN ONE OF THE LETTERS TO CONSIDER IT AS NOTICE OF INTENT TO SEEK A REVERSAL OF HIS 99-YEAR SENTENCE. A STATE LAW PROVIDES THAT A MOTION FOR A NEW TRIAL PENDING BEFORE A JUDGE ON THE JUDGE'S DEATH IS AUTOMATICALLY GRANTED.

WHEN RAY PLEADED GUILTY, HE WAS ADVISED BY BATTLE THAT HE WAS WAIVING ALL RIGHTS TO APPEAL AND RAY ACKNOWLEDGED THAT HE UNDERSTOOD THIS. THERE REMAINS A JUDICIAL QUESTION AS TO HOW THE LETTERS WILL BE CONSIDERED AND WHETHER RAY'S WAIVER IS BINDING.

CRIMINAL COURT JUDGE ARTHUR FAQUIN, APPOINTED TO HANDLE THE RAY CASE AFTER BATTLE'S DEATH, WILL DECIDE WHETHER RAY'S LETTERS CONSTITUTE A LEGAL MOTION.

RYAN, 55, IS THE THIRD LAWYER ACQUIRED BY RAY TO HANDLE HIS DEFENSE. FORMER BIRMINGHAM MAYOR ARTHUR HANES SR. WAS FIRED IN NOVEMBER AND SUCCEEDED BY FAMED HOUSTON ATTORNEY PERCY FOREMAN, WHO PERSUADED RAY TO PLEAD GUILTY.

ANOTHER ATTORNEY, J. B. STONER OF SAVANNAH, GA., MET RAY AT THE PRISON RECENTLY AND SAID HE WOULD FILE LIBEL SUITS IN RAY'S BEHALF AGAINST MAGAZINES. STONER SAID HE WOULD NOT HANDLE RAY'S DEFENSE.

RYAN ARRIVED AT THE PRISON WITH TWO COMPANIONS IN A 10-YEAR-OLD CAR WITH A DANGLING FRONT BUMPER. THE OTHER TWO MEN REFUSED TO ACKNOWLEDGE THEY ACCOMPANIED RYAN AS THEY WAITED FOR HIM TO EMERGE FROM THE PRISON.

FAQUIN HAD DIRECTED PRISON OFFICIALS FRIDAY TO PERMIT RYAN TO VISIT RAY. RYAN HAD BEEN DENIED PERMISSION TO SEE RAY EARLIER BECAUSE OFFICIALS SAID HE HAD NO EVIDENCE HE WAS RAY'S COUNSEL.

BR/FM538AES

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Sirhan and Ray

JAMES EARL RAY, serving a life sentence for murdering Dr. Martin Luther King Jr., held a brief strategy session with his attorney Richard J. Ryan to discuss ways of obtaining a new trial. "We discussed language," is all that Mr. Ryan would say.

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UPI-122

(RAY)

MEMPHIS, TENN.--ATTORNEYS FOR JAMES EARL RAY, CONVICTED OF SLAYING
 DR. MARTIN LUTHER KING JR., FILED MOTIONS FOR A NEW TRIAL TODAY ON
 GROUNDS THAT RAY HAS BEEN USED BY HIS ATTORNEYS TO PEDdle HIS INSIDE
 STORY TO MAGAZINES, BOOKS AND MOTION PICTURES.
 IN MOTIONS SIGNED BY RAY'S THREE NEW ATTORNEYS, THE 41-YEAR-OLD
 CONVICT CLAIMED THAT HE WAS FORCED TO PLEA GUILTY TO THE APRIL 4,
 1968 SNIPER SLAYING BECAUSE OF PRESSURE FROM HIS ATTORNEYS.
 4/7--EG349PES

FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

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Reagan

Hutch

WASHINGTON (UPI) -- IT WAS 8:01 P.M. WHEN THE SHIPPER'S DELIVERY MAN, MARTIN LUTHER KING, JR. IN THE BACK AS HE LEANED OVER HIS TRUNK FLOOR RAILING OUTSIDE HIS ROOM AT THE LOBBAYE HOTEL IN MEMPHIS, TENN., APRIL 4, 1968.

PHOTOES TAKEN MOMENTS LATER SHOWED HIM SPRAWLED ON THE BALCONY WITH FRIENDS AND AIDS KNEELING AROUND HIM. THESE AND OTHER PICTURES ARE BEING SHOWN TODAY TO THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS, WHICH HELD ITS FIRST FORMAL MEETING YESTERDAY.

AT THE CLOSED PORTION OF THE MONDAY SESSION, 11 COMMITTEE MEMBERS COLLECTIVELY WATCHED A NOW-FAMOUS FILM CLIP TAKEN IN DALLAS WHEN PRESIDENT JOHN F. KENNEDY WAS SHOT AND KILLED. THE WARREN COMMISSION LATER CONCLUDED THAT LEE HARVEY OSWALD WAS THE SOLE ASSASSIN AND IT FOUND NO SIGNS OF A CONSPIRACY INVOLVING OTHERS.

THEN ATTORNEY GENERAL RAUBEN CLARK, IMMEDIATELY AFTER THE KING ASSASSINATION AND THEN AFTER JAMES EARL RAY WAS CHARGED AND SENT INTO LIFE IMPRISONMENT FOR THE CRIME, ASSERTED THAT THERE WAS NO EVIDENCE OF A "WIDESPREAD PLOT...THERE IS NO EVIDENCE THAT MORE WERE INVOLVED."

BUT THROUGH THE YEARS, PERSISTENT DOUBTS HAVE ARISEN ON BOTH THE KENNEDY AND KING MURDERS. THE COMMITTEE HAD ASKED THE JUSTICE DEPARTMENT AND INTELLIGENCE AGENCIES TO PROVIDE ALL THEIR EVIDENCE ON THE TWO KILLINGS AND IS FORMING A TASK FORCE OF 170 PERSONS TO CONDUCT ITS INVESTIGATION.

UPI 4-11-68 09:12 AM

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Department of Justice

FOR IMMEDIATE RELEASE AT 11:00 A.M., E.D.T.
THURSDAY, APRIL 29, 1976

AG

In response to inquiries from the news media regarding the Civil Rights Division's review of the Martin Luther King files, Attorney General Edward H. Levi today issued the following statement:

I have directed the Office of Professional Responsibility, headed by Michael Shaheen, to complete a review of all records in the Department of Justice concerning the Reverend Dr. Martin Luther King, Jr. The Civil Rights Division, under the personal direction of Assistant Attorney General J. Stanley Pottinger, completed on April 9 a five-month preliminary review of files at FBI headquarters. As a result of this preliminary review, the Civil Rights Division has recommended that the review be carried forward to completion with an additional examination of records at FBI headquarters and field offices. It is believed that more than 200,000 documents may be involved.

On the basis of this preliminary review, Assistant Attorney General Pottinger stated that his tentative conclusions were (1) there was no basis to believe that the FBI in any way caused the death of Dr. King, (2) no evidence was discovered that the FBI investigation of the assassination of Dr. King was not thorough and honest, and (3) instances were found indicating that the FBI undertook a systematic program of harassment of Dr. King in order to discredit him and harm both him and the movement he led.

- 2 -
In ordering on April 26 the complete review by Mr. Shaheen, I directed that the investigation be completed forthwith and that answers to four specific questions be furnished to me and FBI Director Clarence M. Kelley on the basis of the review of all documents:

-- Whether the FBI investigation of Dr. King's assassination was thorough and honest;

-- Whether there is any evidence that the FBI was involved in the assassination of Dr. King;

-- Whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King;

-- Whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action.

Mr. Pottinger pointed out that the Civil Rights Division has been continuously investigating allegations concerning the assassination of Dr. King as these allegations come to the attention of the Department.

UP-008

(ASSASSINATION INVESTIGATIONS)

Phillips
(fax)

(BY HOWARD FIELDS)
WASHINGTON (UPI) -- THE HOUSE CONCLUDED TODAY THAT ENOUGH QUESTIONS HAVE BEEN RAISED SINCE THE ASSASSINATIONS OF PRESIDENT KENNEDY AND MARTIN LUTHER KING JR. TO WARRANT A SPECIAL COMMITTEE TO TAKE NEW INVESTIGATIONS.

IT VOTED 200-65 TO ESTABLISH A SELECT COMMITTEE TO NOT ONLY REOPEN THE INVESTIGATIONS OF THOSE TWO DEATHS BUT ALSO "OF ANY OTHERS THE SELECT COMMITTEE SHALL DETERMINE." THE PANEL WOULD HAVE TO BE RECREATED IN JANUARY.

THE NEW PANEL'S FIRST CHAIRMAN, RETIRING REP. THOMAS DOWNING, D-VA., SAID RECENT REVELATIONS OF CIA AND FBI ACTIVITIES RELATING THE INVESTIGATIONS OF THE DEATHS RAISED ENOUGH QUESTIONS TO JUSTIFY NEW PROBS. HE CITED THE DEATHS OF TWO MAFIA FIGURES RECRUITED BY THE CIA TO KILL CUBAN PREMIER FIDEL CASTRO AND POSSIBLE TIES TO THE MAFIA AND CUBA BY KENNEDY ASSASSINATION FIGURES WHICH WERE UNKNOWN TO THE WARREN COMMISSION WHEN IT SAID LEE HARVEY OSWALD WAS THE LONE ASSASSIN AND THAT NO CONSPIRACY WAS INVOLVED.

OTHER ALLEGATIONS WERE OF A SLOPPY INVESTIGATION AND WRONGDOING BY THE FBI INTO THE KENNEDY ASSASSINATION, ITS HARASSMENT OF KING AND THE FACT THAT KING'S ASSASSIN WAS BEEN DENIED A NEW TRIAL. WERE CITED AS JUSTIFICATION FOR THE SPECIAL PANEL.

IN OPPOSING THE NEW PANEL, REP. D.F. SISK, D-CALIF., TOLD THE HOUSE, "I THOUGHT WE PUT THIS TUNKEY TO BED A LONG TIME AGO" WHEN THE RULES COMMITTEE VOTED AGAINST IT LAST MARCH.

"IT'S A TOTAL WASTE OF TIME" INSTIGATED BY "PLAIN WITCH HUNTERS WHO HAVE SOME KIND OF MELODRAMATIC DESIRE FOR THE MORBID," HE SAID.

REP. JOHN ANDERSON, D-ILL., SAID THE SCOPE OF THE PANEL'S POWERS WAS BROADENED BECAUSE OF THE RECENT DEATHS OF SAM GIANCANA AND JOHN ROSARIO, TWO MAFIA FIGURES CONNECTED WITH A CIA PLOT TO ASSASSINATE CASTRO.

DOWNING PROMPTLY ACKED FOR \$250,000 TO HIRE STAFF AND BEGIN HEARINGS D.F.R. THE END OF THE YEAR. BUT REP. FRANK RUPPEL, D-IND., CHAIRMAN OF THE HOUSE ADMINISTRATION COMMITTEE WHICH AUTHORIZES SUCH FUNDS, QUESTIONED SETTING UP A COMMITTEE TWO WEEKS BEFORE THE SCHEDULED END OF THE SESSION WHEN IT WOULD HAVE TO BE RECREATED WITH THE STARTING OF A NEW CONGRESS IN JANUARY.

UPI 09-17 03:03 PLD

5- Cassidy
5- DeLoach
6- Phillips
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Helms

MEMPHIS, TENN. (UPI) — WASHINGTON ATTORNEY BERNARD FENSTERWALD, COUNSEL FOR JAMES EARL RAY, HAS ASKED THE 5TH U.S. CIRCUIT COURT OF APPEALS TO ALLOW HIM TO WITHDRAW FROM RAY'S LONG LEGAL FIGHT TRIED ON CHARGES OF ASSASSINATING MARTIN LUTHER KING JR. RAY'S LOCAL COUNSEL, MEMPHIS ATTORNEY ROBERT LIVINGSTON, SAID HE HAD LEARNED THAT RAY ASKED FENSTERWALD TO WITHDRAW FROM THE APPELLATE COURT TWO WEEKS AGO DENIED RAY'S REQUEST FOR A TRIAL DELAYING OF THE CIVIL RIGHTS LEADER. RAY HAS TRIED TO GET OUT SIX YEARS AFTER HE CLAIMED HE WAS COERCED INTO PLEADING GUILTY TO KING'S MURDER IN MEMPHIS. LIVINGSTON SAID HE RECEIVED NOTICE OF FENSTERWALD'S WITHDRAWAL FROM THE 5TH CIRCUIT COURT. LATER, FENSTERWALD TOLD THE COURT THAT "COUNSEL HAS BEEN ASKED IN WRITING (BY RAY) THAT HE IS TO BE REPLACED BY NEW COUNSEL."

UPI 05-26 04:07 PCD

Phelan
referred to
Mr. Donogh

ACSD

D A

PH-RAY SKED 5-11
BY RICK VAN SANTO
RECEIVED
GENERAL INVESTIGATIVE
DIVISION

CINCINNATI (UPI) -- AFTER SEVEN FUTILE YEARS IN
EARL RAY IS RIGHT BACK WHERE HE STARTED MARCH 10, 1969 -- GUILTY OF
ASSASSINATING DR. MARTIN LUTHER KING JR., AND WITH NO PROSPECT OF A
TRIAL IN SIGHT. MAY 12 3 24 PM '76

THE U.S. SIXTH CIRCUIT COURT OF APPEALS RULED MONDAY THAT RAY
CANNOT REPUDIATE HIS ORIGIN. DEPT OF JUSTICE
WANTS.

RAY, 48, SERVING A 99-YEAR SENTENCE AT THE TENNESSEE STATE PRISON
IN NASHVILLE WHERE HE WORKS IN THE PRISON LAUNDRY, IS NOW EXPECTED TO
TAKE HIS CASE TO THE U.S. SUPREME COURT.

IN A PRISON INTERVIEW LAST MONTH WITH UPI, RAY ADMITTED HE "MAY
HAVE BEEN PARTLY RESPONSIBLE" FOR KING'S DEATH BUT STEADFASTLY DENIED
FIRING THE SHOT THAT KILLED THE CIVIL RIGHTS LEADER ON A MEMPHIS,
TENN., MOTEL BALCONY APRIL 4, 1968.

RAY PLEADED GUILTY TO FIRST DEGREE MURDER ON MARCH 10, 1969, AND
THE CASE NEVER WENT TO TRIAL. BUT IMMEDIATELY AFTER ENTERING THE
PLEA, RAY BEGAN TRYING TO GET IT CHANGED, CONTENDING THAT ATTORNEYS
MORE INTERESTED IN MONEY THAN HIS FATE HAD TALKED HIM INTO PLEADING
GUILTY.

SEVERAL COURTS TURNED RAY DOWN, BUT HE KEPT ON APPEALING.
RAY'S TWO-PRONGED APPEAL MONDAY ALLEGED THAT THE PLEA TO THE LATE
JUDGE PRESTON BATTLE WAS NOT "VOLUNTARY" AND THAT HE DID NOT HAVE
"EFFECTIVE" LAWYERS IN PERCY FOREMAN AND ARTHUR HANES. THE
THREE-JUDGE APPELLATE COURT UNANIMOUSLY REJECTED BOTH ARGUMENTS.
"THE PLEA WAS ENTERED VOLUNTARILY AND KNOWINGLY," THE JUDGES SAID
OF THE PLEA BARGAINING ARRANGEMENT THAT GUARANTEED RAY WOULD NOT
RECEIVE THE DEATH SENTENCE.

"JUDGE BATTLE VERY CAREFULLY QUESTIONED RAY AS TO THE
VOLUNTARINESS OF HIS PLEA BEFORE IT WAS ACCEPTED ON MARCH 10, 1969."
THEY NOTED. "RAY SPECIFICALLY DENIED AT THAT TIME THAT ANY ONE HAD
PRESSURED HIM TO PLEAD GUILTY. HIS RESPONSES AND ACTIONS IN COURT
REVEAL THAT HE WAS FULLY AWARE OF WHAT WAS OCCURRING."

THE COURT ALSO SAID THE "ADVICE RAY RECEIVED WAS WITHIN THE RANGE
OF COMPETENCE DEMAND OF ATTORNEYS IN CRIMINAL CASES."

UPI 05-11 04:15 AED

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P. [signature]
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UP-087

(RAY)

MEMPHIS, TENN. (UPI) -- WHILE JAMES EARL RAY IS SERVING A 99-YEAR SENTENCE FOR THE KILLING OF DR. MARTIN LUTHER KING JR., HIS LAWYER DISMISSED THE LATEST U.S. JUSTICE DEPARTMENT PROBE OF THE CASE AS A COVER-UP.

"I DON'T THINK THE TRUTH WILL EVER BE KNOWN UNTIL THE INVESTIGATION IS PUT IN THE HANDS OF A BODY COMPLETELY DISSOCIATED WITH THE DEPARTMENT OF JUSTICE," ATTORNEY ROBERT LIVINGSTON SAID THURSDAY.

EARLIER, J. STANLEY POTTINGER, CHIEF OF THE DEPARTMENT'S CIVIL RIGHTS DIVISION, SAID THE PROBE SO FAR HAS DISCLOSED NO FBI INVOLVEMENT AND NO CONSPIRACY BUT THAT THE INVESTIGATION IS BEING BROADENED.

"MR. RAY WAS NOT EXPECTING ANYTHING TO COME OF THIS INVESTIGATION EXCEPT MORE COVERUP," SAID LIVINGSTON, ONE OF THE ATTORNEYS WHO HAS HANDLED RAY'S APPEAL FOR A NEW TRIAL.

LIVINGSTON SAID A SERIOUS PROBE OF THE CONSPIRACY THEORY OF KING'S 1968 MEMPHIS SNIPER SLAYING MIGHT ARISE FROM A PROPOSAL BY REP. HENRY GONZALEZ, D-TEX., AUTHORIZING THE HOUSE SPEAKER TO NAME A SELECT COMMITTEE.

UPI 04-30 03:09 PED

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1/28/68

Handwritten signature

WASHINGTON (UPI) -- "IF THE WALLS COULD TALK I THINK THEY WOULD SCREAM OR CRY," THE JUSTICE DEPARTMENT OFFICIAL SAID AS HE BEGAN THE FBI'S FIGHT- THE CAMPAIGN OF HARASSING DR. MARTIN LUTHER KING JR. ASSISTANT ATTORNEY GENERAL J. STANLEY POTTINGER HAS TAKEN OVER THE OFFICE OF FBI DIRECTOR J. EDGAR HOOVER, WHO CONSIDERED KING BE THE "MOST DANGEROUS AND EFFECTIVE LEADER IN OUR COUNTRY." POTTINGER HELD A NEWS CONFERENCE ON KING'S ASSASSINATION AND THE FBI DEPARTMENT IN A BIG ROOM IN A JUSTICE DEPARTMENT BUILDING LAST WEEK. A REPORTER INTERRUPTED HIS DISCUSSION OF HOOVER AND KING TO POIN OUT THE SITE WAS NEAR THE OFFICE HOOVER OCCUPIED UNTIL HIS DEATH ON APRIL 6, 1935. "IF THE WALLS COULD TALK I THINK THEY WOULD SCREAM OR CRY," POTTINGER SAID. POTTINGER IS A WIRE POINTS APR 24-25 09130 PEO

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R W

PM-KING SKED 4-30

BY ED ROGERS

WASHINGTON (UPI) -- THE SENATE INTELLIGENCE COMMITTEE HAS FOUND THAT THE ATTORNEY GENERAL'S OFFICE AND THE WHITE HOUSE WERE AWARE OF THE FBI'S HARASSMENT OF THE LATE DR. MARTIN LUTHER KING, JR., CONGRESSIONAL SOURCES SAID TODAY.

A COMMITTEE STAFF REPORT NEXT WEEK WILL DISCLOSE PREVIOUSLY UNPUBLICIZED DETAILS OF A WIDESPREAD INVOLVEMENT IN A CAMPAIGN BY THE LATE J. EDGAR HOOVER, LONGTIME FBI DIRECTOR, TO DISCREDIT THE CIVIL RIGHTS LEADER, THE SOURCES SAID.

THE COMMITTEE WEDNESDAY RELEASED A REPORT OF ITS INVESTIGATION OF THE FBI'S DOMESTIC SURVEILLANCE POLICIES, INCLUDING HOOVER'S 15-YEAR PROGRAM OF USING DIRTY TRICKS TO DISRUPT RADICAL GROUPS.

THE FORTHCOMING SUPPLEMENTAL STAFF REPORT ON INTELLIGENCE ACTIVITIES WILL CONTAIN A "SUBSTANTIAL" SEGMENT ON THE KING AFFAIR, THE CONGRESSIONAL SOURCES SAID.

THE SOURCES SAID THE SUPPLEMENTAL STAFF REPORT WILL EXPAND ON LINKS BETWEEN THE HARASSMENT CAMPAIGN AGAINST KING AND THE ATTORNEY GENERAL'S OFFICE AND THE WHITE HOUSE.

THE JUSTICE DEPARTMENT ANNOUNCED THURSDAY THAT ITS FIVE-MONTH INVESTIGATION INTO KING'S DEATH UNCOVERED NO EVIDENCE THE FBI WAS BEHIND THE KILLING. BUT ASSISTANT ATTORNEY GENERAL STANLEY POTTINGER SAID THE PROBE DIDN'T FULLY "EXONERATE" THE FBI AND THE INVESTIGATION WILL CONTINUE.

"IT IS POSSIBLE THAT THEY WILL FIND NEW EVIDENCE," POTTINGER SAID. "IF IT WEREN'T POSSIBLE, I WOULD NOT RECOMMEND THAT THEY GO AHEAD. I DO NOT BELIEVE, QUITE FRANKLY, IN COSMETIC EXERCISES."

HE SAID THE DEPARTMENT'S OFFICE OF PROFESSIONAL RESPONSIBILITY WILL REVIEW FILES AT FBI HEADQUARTERS AND FIELD OFFICES AND INTERVIEW POSSIBLE WITNESSES.

ATTORNEY GENERAL EDWARD LEVI, IN A WRITTEN STATEMENT, SAID HE WANTED FINAL ANSWERS ON WHETHER THE FBI PLAYED ANY ROLE IN KING'S DEATH AND WHETHER ANYONE SHOULD BE PROSECUTED FOR THE BUREAU'S "SYSTEMATIC HARASSMENT" OF THE CIVIL RIGHTS LEADER.

KING WAS FATAALLY SHOT BY A RIFLEMAN AS HE STOOD ON A HOTEL BALCONY IN MEMPHIS, TENN., ON APRIL 4, 1968. JAMES EARL RAY PLEADED GUILTY TO THE CHARGES OF MURDERING KING AND IS SERVING A LIFE SENTENCE.

UPI 04-30 11:41 AM

WASHINGTON CAPITAL NEWS SERVICE

FBI/DOJ

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UP-066

ADD 2 KING ASSASSINATION, WASHINGTON
... WHO RECOMMENDED TO LEVI THAT THE INVESTIGATION BE
... SAID HE WOULD NOT HAVE DONE SO IF HE DID
... THAT SOME NEW EVIDENCE CONCERNING THE
... TURN UP.
... BEING TURNED OVER TO THE JUSTICE DEPARTMENT'S
... RESPONSIBILITY, A NEWLY CREATED INTERNAL
... OF SIX LAWYERS.
... "IT IS POSSIBLE THEY WILL FIND IT." PUTTING A TOLD REPORTS IN A
... "IT IS POSSIBLE THEY WILL FIND NEW EVIDENCE. IF
... POSSIBLE, I WOULD NOT RECOMMEND THAT THEY GO AHEAD. I DO
... FRANKLY IN COSMETIC EXERCISES. I THINK THEY ARE
... DISHONEST."

UPI 04-29 01:11 PM

CORRESPONDENTS:

ATTORNEY GENERAL LEVI WILL ISSUE A STATEMENT AT 11

A.M. TODAY ON THE JUSTICE DEPARTMENT'S REVIEW OF THE ASSASSINATION OF

MARTIN LUTHER KING AND OTHER RELATED MATTERS--ROOM 3114 JUSTICE BLDG.

CONTACT: ROBERT HAVEL OR JOHN WILSON, 725-2014.

UPI 12-12 10:00 AM

Peel

Hutchins

Peel

FBI

Hutchins

ADD 1 KING ASSASSINATION, WASHINGTON (UP-045)
DISCLOSURES DURING A SENATE INVESTIGATION LAST FALL THAT THE FBI
HAD BEEN HARASSING KING BEFORE HIS DEATH LED TO WIDESPREAD
SPECULATION THAT THE FBI MAY HAVE HAD SOMETHING TO DO WITH THE
ASSASSINATION.

CIVIL RIGHTS LEADERS LAST FALL CALLED ON PRESIDENT FORD TO
INVESTIGATE THIS ASPECT OF THE CASE.

LEVI SAID THE CIVIL RIGHTS DIVISION RECOMMENDED THAT "THE REVIEW
BE CARRIED FORWARD TO COMPLETION WITH AN ADDITIONAL EXAMINATION OF
RECORDS AT FBI HEADQUARTERS AND FIELD OFFICES."

"IT IS BELIEVED THAT MORE THAN 200,000 DOCUMENTS MAY BE INVOLVED,"
LEVI SAID.

"I DIRECTED THAT THE INVESTIGATION BE COMPLETED THOROUGHLY AND THAT
ANSWERS TO SOME SPECIFIC QUESTIONS BE FURNISHED TO ME AND THE
DIRECTOR CLASSIC M. KELLE ON THE BASIS OF THE REVIEW OF ALL
DOCUMENTS," LEVI SAID.

TWO QUESTIONS OF THE ADDITIONAL REVIEW WILL BE WHETHER THE FBI
INVESTIGATION OF THE ASSASSINATION WAS "THOROUGH AND HONEST" AND
WHETHER "THERE IS ANY EVIDENCE THAT THE FBI WAS INVOLVED IN THE
ASSASSINATION."

ADDED QUESTIONS, LEVI SAID, ARE "WHETHER, IN LIGHT OF THE FIRST
TWO MATTERS, THERE IS ANY NEW EVIDENCE" ABOUT THE ASSASSINATION THAT
HAS COME TO THE FBI'S ATTENTION AND "WHETHER THE NATURE OF THE
RELATIONSHIP BETWEEN THE BUREAU AND DR. KING CALLS FOR CRIMINAL
PROSECUTIONS, DISCIPLINARY PROCEEDINGS OR OTHER APPROPRIATE ACTION."

LEVI'S INVESTIGATION WAS TOUCHED OFF BY DISCLOSURES IN TESTIMONY
BEFORE THE SENATE INTELLIGENCE COMMITTEE LAST FALL THAT FBI DIRECTOR
J. EDGAR HOOVER, BEFORE HIS DEATH, HAD SUGGESTED KING TO MEANS OF
HARASSMENT BEFORE HIS DEATH.

"AS SOON AS THE SENATE TESTIMONY CAME OUT, I ASKED THAT IT BE
REVIEWED TO SEE IF ANY OF IT CAST ANY NEW LIGHT ON THE INVESTIGATION
OF THE ASSASSINATION," LEVI SAID IN A NEWS CONFERENCE LAST DEC. 5.

FBI RECORDS SHOWED KING HAD BEEN SUGGESTED TO "FARCES" AND WIRETAPS IN
ATTEMPTS TO FIND WAYS TO DISCREDIT THE CIVIL RIGHT LEADER, WHOM
HOOVER CONSIDERED TO BE THE "MOST DANGEROUS AND EFFECTIVE LEADER IN
OUR COUNTRY."

UPI 12-12 12:00 PM

APR 29 1968
ADD 2 WIRE ASSASSINATION. WASHINGTON
POTTINGER, WHO RECOMMENDED TO LEVI THAT THE INVESTIGATION BE
EXPANDED ON A BROADER BASIS, SAID HE COULD NOT HAVE DONE SO IF HE DID
NOT THINK IT POSSIBLE THAT SOME NEW EVIDENCE CONCERNING THE
ASSASSINATION MIGHT TURN UP.

THE INVESTIGATION IS BEING TURNED OVER TO THE JUSTICE DEPARTMENT'S
OFFICE OF PROFESSIONAL RESPONSIBILITY, A NEWLY CREATED INTERNAL
INVESTIGATING TEAM OF SIX LAWYERS.

IT IS POSSIBLE THEY WILL FIND NEW EVIDENCE. POTTINGER TOLD REPORTERS IN A
NEWS CONFERENCE. "IT IS POSSIBLE THAT THEY WILL FIND NEW EVIDENCE. IF
IT WERE NOT POSSIBLE I WOULD NOT RECOMMEND THAT THEY GO AHEAD. I DO
NOT BELIEVE, QUITE FRANKLY, IN CONSPIRACY EXERCISES. I THINK THEY ARE
PROBABLE CONSPIRACY."

UPI 04-29 01:11 PEO

MEMPHIS, TENN. (UPI) -- WHILE JAMES EARL RAY IS SERVING A 99-YEAR
SENTENCE FOR THE KILLING OF DR. MARTIN LUTHER KING JR., HIS LAWYER
DISMISSED THE LATEST U.S. JUSTICE DEPARTMENT PROBE OF THE CASE AS A
COVER-UP.

"I DON'T THINK THE TRUTH WILL EVER BE KNOWN UNTIL THE
INVESTIGATION IS PUT IN THE HANDS OF A BODY COMPLETELY DISSOCIATED
WITH THE DEPARTMENT OF JUSTICE," ATTORNEY ROBERT LIVINGSTON SAID
THUSDAY.

EDWARD J. STANLEY POTTINGER, CHIEF OF THE DEPARTMENT'S CIVIL
RIGHTS DIVISION, SAID THE PROBE SO FAR HAS DISCLOSED NO FBI
INVOLVEMENT AND NO CONSPIRACY BUT THAT THE INVESTIGATION IS BEING
PROCEEDED.

"WE ARE NOT EXPECTING ANYTHING OF THIS INVESTIGATION
EXCEPT MORE COVER-UP," SAID LIVINGSTON, ONE OF THE ATTORNEYS WHO HAS
HANDLED RAY'S APPEAL FOR A NEW TRIAL.

LIVINGSTON SAID A "TRAGIC PROBE OF THE CONSPIRACY THEORY OF KING'S
KILLING" AFTER RAY'S MURDERER OFFERED A PROPOSAL BY REP. HENRY
COZAD, D-TEX., AUTHORIZING THE HOUSE SPEAKER TO LAUNCH A SELECT
COMMITTEE.

UPI 04-29 01:11 PEO

AM-KING-HOOVER 4-29

WASHINGTON (UPI) -- "IF THE WALLS COULD TALK I THINK THEY WOULD
SCREAM OR CRY," THE JUSTICE DEPARTMENT OFFICIAL SAID AS HE DISCUSSED
THE FBI'S EIGHT-YEAR CAMPAIGN OF HARASSING DR. MARTIN LUTHER KING JR.
ASSISTANT ATTORNEY GENERAL J. STANLEY POTTINGER HAS TAKEN OVER THE
FORMER OFFICE OF FBI DIRECTOR J. EDGAR HOOVER, WHO CONSIDERED KING TO
BE THE "MOST DANGEROUS AND EFFECTIVE LEADER IN OUR COUNTRY."

POTTINGER HELD A NEWS CONFERENCE ON KING'S ASSASSINATION AND THE
FBI HARASSMENT IN A BIG ROOM ACROSS A HALL, IN A JUSTICE DEPARTMENT
WING THE FBI VACATED WHEN IT MOVED INTO ITS OWN NEW BUILDING LAST
YEAR.

A REPORTER INTERRUPTED HIM TO ASK HOOVER AID KING TO POINT
OUT THE SITE WAS NEAR THE OFFICE HOOVER OCCUPIED UNTIL HIS DEATH ON
MAY 2, 1972.

"IF THE WALLS COULD TALK I THINK THEY WOULD SCREAM OR CRY,"
POTTINGER SAID.

DUPLICATE TO 8-WIRE POINTS
UPI 04-29 09:30 PEO

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AM-RAY 4-17

MEMPHIS, TENN. (UPI) -- ATTORNEYS FOR JAMES EARL RAY SAID SATURDAY THE DEATH OF A FEDERAL JUDGE REVIEWING RAY'S CASE MAY KILL CHANCES FOR A NEW TRIAL IN THE 1968 ASSASSINATION OF CIVIL RIGHTS LEADER MARTIN LUTHER KING JR.

JUDGE WILLIAM E. MILLER, 68, WHO DIED OF AN APPARENT HEART ATTACK LAST WEEK, WAS ONE OF THREE JUDGES ON THE U.S. SIXTH CIRCUIT COURT OF APPEALS IN CINCINNATI PREPARING A RULING ON RAY'S REQUEST THAT HIS 1969 GUILTY PLEA BE OVERTURNED.

"I WAS VERY DISTRESSED TO LEARN OF JUDGE MILLER'S DEATH," MEMPHIS ATTORNEY ROBERT I. LIVINGSTON SAID SATURDAY. "I FELT LIKE WE LOST A SYMPATHETIC EAR."

LIVINGSTON SAID, "SOME OF THE REMARKS HE MADE FROM THE BENCH CAUSED ME TO THINK HE MIGHT HAVE RULED IN OUR FAVOR."

IN A FEB. 3 HEARING ON THE CASE, MILLER HAD BEEN THE JUDGE MOST VOCAL IN FAVORING RAY'S SIDE OF THE CASE. JUST LAST MONTH, LIVINGSTON SAID HE WOULD NOT BE SURPRISED IF THE PANEL DECIDED TO RULE IN RAY'S FAVOR BY JUNE.

A SPOKESMAN FOR THE 6TH CIRCUIT APPEALS COURT SAID MILLER'S DEATH MEANS THAT THE TWO REMAINING JUDGES -- CHIEF JUSTICE HARRY PHILLIPS AND ANTHONY CELEBREZZE -- WILL DECIDE THE CASE.

LIVINGSTON AND JAMES LESAR OF WASHINGTON, ANOTHER RAY ATTORNEY, SPECULATED THAT PHILLIPS MIGHT LEAN TOWARD A NEW TRIAL, BUT CELEBREZZE PROBABLY WOULD RULE RAY SHOULD STICK WITH THE GUILTY PLEA AND SERVE OUT HIS 99-YEAR TERM IN THE TENNESSEE STATE PENITENTIARY.

FEDERAL COURT OFFICIALS SAY THAT IF THE REMAINING TWO JUDGES DISAGREE ON A RULING, THE CASE PROBABLY WILL BE REHEARD.

RAY'S APPEAL FOR A NEW TRIAL IS BASED ON HIS CONTENTION THAT HE WAS COERCED INTO PLEADING GUILTY BY HOUSTON LAWYER PERCY FOREMAN IN

ORDER TO ESCAPE THE ELECTRIC CHAIR.

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AN-WITNESS 4-B

MEMPHIS, TENN. (UPI) -- A WITNESS TO THE KILLING OF DR. MARTIN LUTHER KING JR. THURSDAY LOST A MEMPHIS COURT BID TO COLLECT \$125,000 IN REWARDS OFFERED FOR INFORMATION LEADING TO THE CONVICTION OF KING'S ASSASSIN.

CHANCELLOR CHARLES ROND RULED CHARLES STEPHENS "DISCLOSED NO INFORMATION THAT HAD BEEN OFFERED" GIVEN" AND THAT HIS ACTION WAS NOT "THAT OF A VOLUNTEER SEEKING A REWARD, BUT OF A RECALCITRANT WITNESS, THUS NULLIFYING HIS CLAIM."

STEPHENS, 34, FILED THE CHANCERY COURT CLAIM AFTER THE MEMPHIS PUBLISHING CO., THE CITY COUNCIL AND OTHER MEMPHIS AGENCIES REFUSED TO GRANT THE REWARD ON GROUNDS HE VOLUNTARILY OFFERED NO NEW INFORMATION.

THEY SAID STEPHENS' DESCRIPTION OF JAMES EARL RAY AS THE MAN HE SAW FIRE THE FATAL SHOT FROM A FLOPHOUSE WINDOW APRIL 4, 1968, WAS NOT VITAL TO RAY'S ARREST. THEY SAID FINGERPRINTS ON THE MURDER RIFLE WERE THE KEY.

STEPHENS ARGUED HIS TESTIMONY WAS SO IMPORTANT HE WAS PLACED IN PROTECTIVE CUSTODY UNTIL RAY'S TRIAL. OTHER WITNESSES SAID STEPHENS WAS JAILED BECAUSE HE WAS CONSIDERED A RECALCITRANT WITNESS WHO MIGHT LEAVE TOWN.

"OUR FIRST REACTION IS THAT WE'RE GOING TO APPEAL," SAID HARVEY GIBSON, ONE OF STEPHENS' ATTORNEYS. "I THINK THE CHANCELLOR'S ARGUMENT IS WRONG. HE (STEPHENS) GAVE MORE INFORMATION AFTER THE ASSASSINATION UP UNTIL TWO WEEKS AFTER IT."

DUPLICATE TO B-WIRE POINTS

UPI 04-08 11:55 PLS

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HELD FOR FILE

Peelman

WASHINGTON (UPI) -- ATTORNEY GENERAL EDWARD LEVI IS AWAITING A REPORT THAT COULD PROMPT HIM TO REOPEN THE INVESTIGATION OF MARTIN LUTHER KING'S ASSASSINATION, A JUSTICE DEPARTMENT SPOKESMAN SAID TODAY.

LEVI ORDERED HIS CIVIL RIGHTS DIVISION LAST NOVEMBER TO REVISIT THE FBI'S INVESTIGATION OF KING'S DEATH IN A MEMPHIS, TENN., MOTEL APRIL 4, 1968. SPOKESMAN JOHN WILSON SAID THE REPORT IS ALMOST READY FOR LEVI'S REVIEW.

ASSISTANT ATTORNEY GENERAL J. STANLEY POTTINGER, HEAD OF THE DIVISION, IS AWAITING REPORTS BEFORE HE IS READY TO GIVE LEVI HIS RESULTS, WILSON SAID. THERE HAS BEEN NO HINT OF WHETHER POTTINGER WILL RECOMMEND A FULL INQUIRY.

WASHINGTON CAPITAL NEWS SERVICE

1ST ADD RAY NASHVILLE HFR 4-6 XXX CARES NOT TO DIE."
LIVINGSTON LAST VISITED RAY IN FEBRUARY SHORTLY AFTER THE 6TH
DISTRICT APPEALS COURT CINCINNATI TOOK THE PLEA FOR A TRIAL UNDER
ADVISEMENT.

PRISON SPOKESMEN SAID RAY, WHO NOW HAS A CELLMATE, IS LOOKING
BETTER SINCE HE WAS RELEASED FROM HIS SOLITARY CELL ON THE PRISON'S
MAXIMUM SECURITY UNIT LAST AUGUST.

BERNARD FENSTERWALD JR OF WASHINGTON, ANOTHER RAY LAWYER, DISPUTES
THOSE WHO SAY RAY HAS CHANGED HIS STORY OVER THE YEARS AND IS NOT TO
BE BELIEVED.

"I DON'T THINK HE'S BEEN INCONSISTENT," FENSTERWALD SAID IN A
TELEPHONE INTERVIEW. "HE'S ALWAYS MAINTAINED HE WAS NOT AT THE SCENE
OF THE CRIME. IT'S JUST THAT HE'S BEEN ASKED SO MANY DETAILED
QUESTIONS THAT UNLESS HE HAD A PHOTOGRAPHIC MEMORY, HE'S BOUND TO
HAVE SOME DISCREPANCIES."

LIVINGSTON INSISTS THAT HIS CLIENT HAS A CHANCE OF ACQUITTAL IF HE
IS SUCCESSFUL IN WINNING THE FULL-FLEDGED TRIAL HE GAVE UP IN 1969 TO
AVOID THE ELECTRIC CHAIR.

"IF WE COME TO TRIAL, THE BURDEN WILL BE ON THE STATE OF TENNESSEE
TO PRODUCE EVIDENCE TO PROVE HIM GUILTY," THE PLAIN-SPOKEN MEMPHIS
ATTORNEY SAID. "THEIR EVIDENCE IS CIRCUMSTANTIAL AT BEST AND I THINK
WE CAN PUNCH HOLES IN IT."

THE STATE BASES ITS CASE ON FINGERPRINTS FOUND ON THE RIFLE USED
IN THE SLAYING AND A WITNESS WHO CLAIMS HE SAW RAY FLEEING FROM THE
FILTHY FLOPHOUSE BATHROOM WHERE THE SINGLE SHOT THAT SEVERED KING'S
SPINAL CORD ALLEGEDLY WAS FIRED.

"THE STATE'S STAR WITNESS IS ESSENTIALLY A SKIDROW DRUNK," DRAWLED
LIVINGSTON, "AND HIS CREDENTIALS ARE NOT UNIMPEACHABLE. I HARDLY
THINK HIS EVIDENCE WILL STAND UP IN COURT."

RAY, WHO HAS SAID HE HAD NOTHING AGAINST KING AND HAD NEVER SEEN
HIM, HAS MAINTAINED THAT HE WENT TO MEMPHIS AT THE REQUEST OF A
MYSTERIOUS MAN KNOWN TO HIM ONLY AS "RAOUL".

HE ADMITS THAT HE BOUGHT THE .30-06 RIFLE IN BIRMINGHAM AND
REGISTERED AT THE SLEAZY BOARDINGHOUSE ACROSS FROM THE MURDER SPOT.
BUT SAYS HE FIRST HEARD OF THE CIVIL RIGHTS LEADER'S DEATH AS HE
DROVE HIS WHITE MUSTANG TOWARD MISSISSIPPI.

HE SAID HE PANICKED WHEN HE HEARD ON THE CAR RADIO THAT HE WAS
WANTED FOR THE CRIME, AND BEGAN A FLIGHT WHICH ENDED IN HIS ARREST IN
ENGLAND JUNE 5, 1968.

THE STATE'S POSITION, WHICH HAS BEEN UPHELD ONCE BY A U.S.
DISTRICT COURT IN MEMPHIS, IS THAT RAY IS "AN INTELLIGENT AND
SEASONED CRIMINAL WHO WAS AND IS WELL AWARE OF THE NATURE OF CRIMINAL
PROCEEDINGS."

A BRIEF FILED BY ASSISTANT STATE ATTORNEY GENERAL WILLIAM HAYNES
JR. SAYS RAY DELIBERATELY ENTERED THE GUILTY PLEA TO AVOID THE DEATH
PENALTY.

"THERE WAS NO REAL HOPE OF AVOIDING THE DEATH PENALTY FOR JAMES
EARL RAY OTHER THAN TO ENTER THE PLEA OF GUILTY...AND RAY'S DECISION
WAS A REASONED AND INTELLIGENT ONE," HAYNES WROTE.

THE JUSTICE DEPARTMENT, WHICH HAS SO FAR DECLINED SUGGESTIONS THAT
IT REOPEN THE KING INVESTIGATION, HAS STATED IT IS SATISFIED THAT RAY
ACTED ALONE. BUT STILL UNANSWERED IS THE QUESTION OF WHERE RAY--A
SMALL-TIME HOLDUP MAN AND ESCAPEE FROM THE MISSOURI STATE
PRISON--OBTAINED THE MONEY TO FINANCE HIS \$2,000 MUSTANG, HIS TRIP TO
MEMPHIS AND SUBSEQUENT FLIGHT THROUGH FOUR COUNTRIES.

WHEN HE WAS CAUGHT, THE FUGITIVE STILL HAD \$200 IN HIS POSSESSION.

THOSE WHO BELIEVE THE CASE SHOULD BE REOPENED POINT TO RECENT
HINTS OF A CONSPIRACY BROUGHT FORTH BY CONVICTED HEROIN DEALER ROBERT
BYRON WATSON AND CONVICTED CONFIDENCE MAN CLIFFORD H. ANDREWS. CLAIMS
BY WATSON AND ANDREWS THAT THEY HEARD OF A PLOT AGAINST KING HAVE
LARGELY BEEN DISCOUNTED, BUT HAVE RAISED SOME QUESTIONS.

IN ADDITION, RUMORS OF AN FBI CONSPIRACY AGAINST KING HAVE ALSO
SURFACED.

LAWYERS FOR BOTH SIDES NOW SAY THAT WHETHER RAY GETS A TRIAL WILL
LIKELY BE DECIDED BY THE SUPREME COURT, POSSIBLY IN EARLY 1977.

"ANY WAY I SEE IT, THE SUPREME COURT IS GOING TO HAVE TO DECIDE
THE MATTER," LIVINGSTON SAYS. "THEY (THE PROSECUTION) FOUGHT US EVERY
STEP OF THE WAY. IF WE WIN IN THE APPEALS COURT, THEY'LL FIGHT US ON
UP TO THE SUPREME COURT. IF WE LOSE, YOU CAN BE SURE WE'LL APPEAL."

HENRY HAILE, A FORMER ASSISTANT TENNESSEE ATTORNEY GENERAL WHO WAS
PART OF THE FIRST SUCCESSFUL ATTEMPT TO BLOCK A TRIAL FOR RAY,
AGREES.

"RAY'S ATTORNEYS WILL BE FIGHTING IN THE APPEALS COURTS AS LONG AS
LIFE AND BREATH HOLD OUT," HE SAID RECENTLY.

RAY, WHO WILL PROBABLY FACE CHARGES IN MISSOURI AND ENGLAND EVEN
IF HE CAN CONCEIVABLY WIN AN ACQUITTAL IN THE KING MURDER CASE,
BECOMES ELIGIBLE FOR PAROLE 22 YEARS FROM NOW EVEN THOUGH HIS
SENTENCE DOES NOT OFFICIALLY EXPIRE UNTIL APRIL 29, 2019.

BUT TENNESSEE'S RETIRING STAR PRISONER SHOWED THE FIRST TRACE OF A
SMILE AS HE INDICATED HE'D RATHER RISK A TRIAL THAN CONTINUE TO SERVE
OUT HIS TERM IN HIS DINGY, CRAMPED PRISON CELL.

"YOU'VE NEVER BEEN IN PRISON, HAVE YOU?" HE SAID WRYLY. "THAT'S
ALL I THINK I NEED TO SAY."

ADV FOR AMS SUN APRIL 4

UPI 04-01 08:23 PES

RAY 4-5

DAY LD

BY KATHERINE C. BEAN

NASHVILLE, TENN. (UPI) -- JAMES EARL RAY FLASHED A TRACE OF A SMILE WHEN HE WAS ASKED THE QUESTION THROUGH THE BARS OF A DARK CELL BARELY LARGE ENOUGH TO HOLD HIS SLENDER FRAME.

WHY WAS HE WILLING TO RISK THE ELECTRIC CHAIR IN A NEW TRIAL, RATHER THAN HOPE FOR AN EARLY PAROLE?

"YOU'VE NEVER BEEN IN PRISON, HAVE YOU?" REPLIED THE MAN SERVING A 99-YEAR PRISON SENTENCE FOR THE 1968 SNIPER SLAYING OF DR. MARTIN LUTHER KING JR.

IF RAY MERELY SERVES OUT HIS TERM, HE WILL BE ELIGIBLE FOR PAROLE 22 YEARS FROM NOW. HIS SENTENCE OFFICIALLY IS SCHEDULED TO END APRIL 23, 2019.

RAY RECEIVES NO SPECIAL TREATMENT IN TENNESSEE STATE PENITENTIARY. HE SPENDS HIS DAYS WORKING IN THE LAUNDRY OR LYING SILENTLY IN HIS DINGY CELL WITH HIS FACE TOWARD THE WALL.

ACCORDING TO MEMPHIS ATTORNEY ROBERT LIVINGSTON, RAY MAY BE THE TARGET OF VIOLENCE FROM OTHERS SECRETLY RESPONSIBLE FOR KING'S ASSASSINATION.

"I THINK HE'S IN SOME DANGER," LIVINGSTON SAID RECENTLY. "RAY SPOKE UP (ABOUT A CONSPIRACY) IN 1969, BUT THEY ALL CHOSE TO IGNORE HIM."

KING WAS SHOT BY A SNIPER AS HE STOOD ON THE BALCONY OF A MEMPHIS HOTEL EIGHT YEARS AGO. RAY ORIGINALLY PLEADED GUILTY TO THE CRIME WITH THE UNDERSTANDING HE WOULD ESCAPE THE ELECTRIC CHAIR BY DOING SO.

NOW HE CLAIMS LAWYER PERCY FOREMAN COERCED HIM INTO THE PLEA AND THAT HE DID NOT PULL THE TRIGGER ON THE RIFLE SAID TO HAVE BEEN THE MURDER WEAPON.

RAY CONSISTENTLY HAS REFUSED TO TALK WITH REPORTERS. BUT ONE RECENT DAY HE RELUCTANTLY INTERRUPTED A MAP TO DISCUSS AN UPCOMING RULING BY CINCINNATI'S 6TH CIRCUIT COURT OF APPEALS THAT COULD ALLOW HIM TO STAND TRIAL.

"THE RULING MAY COME IN FIVE WEEKS OR SO," THE SOFTSPOKEN, SANDY-HAIRED RAY SAID AS HE PEERED THROUGH THE BARS.

SEEMING IN GOOD MENTAL AND PHYSICAL SHAPE AND LOOKING YOUNGER THAN HIS 46 YEARS, HE APOLOGETICALLY REFUSED TO DISCUSS HIS CONTENTION HE WAS "SET UP" BY ONE OR MORE CONSPIRATORS TO TAKE THE BLAME FOR KING'S MURDER.

"I THINK IT WILL ALL COME OUT IN COURT," HE SAID. "ANYTHING I SAY HERE NOW WON'T MAKE ANY DIFFERENCE BECAUSE IT WILL BE DECIDED IN COURT. AND IT SEEMS TO ME IT SHOULD BE DECIDED IN COURT."

"I DON'T WANT TO BE TRIED IN THE PRESS."

LIVINGSTON SAYS RAY REFUSES TO ADMIT HIS LIFE IS IN DANGER. HE ALSO SAYS IT MAY BE THE UNDERLYING REASON FOR HIS CLIENT'S SEALED LIPS.

"OF COURSE HE ISN'T GOING AROUND NAMING ADDRESSES AND TELEPHONE NUMBERS (OF CONSPIRATORS)," THE ATTORNEY SAID.

"LET'S JUST SAY HE CARES NOT TO DIE."

LIVINGSTON INSISTS HIS CLIENT HAS A CHANCE OF ACQUITTAL IF FEDERAL JUDGES WILL GRANT HIM A TRIAL.

"IF WE COME TO TRIAL, THE BURDEN WILL BE ON THE STATE OF TENNESSEE TO PRODUCE EVIDENCE TO PROVE HIM GUILTY," HE SAID. "THEIR EVIDENCE IS CIRCUMSTANTIAL AT BEST AND I THINK WE CAN PUNCH HOLES IN IT."

RAY, WHO HAS SAID HE HAS NOTHING AGAINST KING AND HAD NEVER SEEN HIM, ADMITTED THE RIFLE WAS HIS. BUT HE SAID HE WAS NOT NEAR THE HOTEL WHEN THE SHOT WAS FIRED AND HEARD OF THE MURDER ONLY AS HE DROVE TOWARD MISSISSIPPI.

HE SAID HE PANICKED WHEN HE HEARD HE WAS WANTED FOR MURDER AND BEGAN A FLIGHT WHICH ENDED IN HIS ARREST IN ENGLAND ON JUNE 8, 1968.

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HELPER OFF

DATES 4-5

JITH RA

NASHVILLE, TENN. (UPI) -- IMPORTANT DATES IN THE JAMES EARL RAY CASE INCLUDE:

-- APRIL 23, 1967. RAY ESCAPES FROM MISSOURI STATE PRISON IN JEFFERSON CITY.

-- APRIL 4, 1968. DR. MARTIN LUTHER KING JR. IS ASSASSINATED OUTSIDE THE LORRAINE MOTEL IN MEMPHIS, WHERE HE HAD GONE TO SUPPORT THE CITY'S STRIKING SANITATION WORKERS.

-- JUNE 5, 1968. RAY IS APPREHENDED IN LONDON.

-- MARCH 10, 1969. RAY OFFERS A GUILTY PLEA AND IS GIVEN A 99-YEAR TERM.

-- FEBRUARY 27, 1975. U.S. DISTRICT JUDGE ROBERT MCCRAE JR. REFUSES TO ALLOW RAY TO WITHDRAW HIS GUILTY PLEA AND FACE A FULL TRIAL FOR KING'S MURDER.

-- JULY 31, 1975. ATLANTA PUBLIC SAFETY COMMISSIONER A. REGINALD EAVES SAYS HE HAS RECEIVED INFORMATION HINTING AT A CONSPIRACY AND UNSUCCESSFULLY URGES THE JUSTICE DEPARTMENT TO REOPEN THE KING INVESTIGATION.

-- AUGUST 15, 1975. RAY, RELEASED FROM THE TENNESSEE PENITENTIARY'S MAXIMUM SECURITY UNIT, IS ASSIGNED TO A \$22-A-WEEK JOB AT THE PRISON LAUNDRY.

-- SEPTEMBER 24, 1975. MEMPHIS CRIMINAL COURT JUDGE WILLIAM WILLIAMS DENIES CBS-TV PERMISSION TO EXAMINE BALLISTICS EVIDENCE USED TO CONVICT RAY.

-- NOVEMBER 22, 1975. RAY'S LAWYERS ASK THE 6TH CIRCUIT COURT OF APPEALS TO GIVE RAY THE CHANCE FOR A TRIAL.

-- JANUARY 3, 1976. A TELEPHONE POLL CONDUCTED NATIONWIDE BY CBS-TV FINDS 80 PER CENT OF THOSE QUESTIONED THOUGHT RAY HAD "HELP" FROM OTHERS IN THE KING MURDER.

-- FEBRUARY 3, 1976. RAY'S LAWYERS APPEAR IN APPEALS COURT TO ARGUE FOR A TRIAL. THE COURT TAKES THE CASE UNDER ADVISEMENT.

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