5. That an article in the, Tennessean, dated Dec. 22nd 1973, suggest's that their is a move afoot by Federal & State bureaucrats to surreptitiously attempt a removal of petitioner from his present jurisdiction, without reguer to due process of Law, to a Federal mental institution in, Springfield, Missouri.

6. That the State of, Missouri, not the Fdderal Government, has alleged succeeding jurisdiction over petitioner.

7. That petitioner received a back injury approximately thirty (30) days ago which prevents him from standing or sitting in excess of ten (10) minutes at a time, the nature of which would preclude his being transfered a substantial distance without the possibility of irreprable physical harm being done.

8. That petitioner has received inadquate treatment for said back injury and a transfer to Federal jurisdiction would obsecure the negligence, if any, between Federal & State authorities.

WHEREFORE, petitioner prays the honorable court issue orders restraining the defendants from transfering petitioner beyon the instant court's jurisdiction, until a hearing can be held, as said reported transfer would result in immediate & irreprable legal & physical damage to petitioner; that the court also overlook technical errow herein- until petitioner can retain counsel which he is in the process of doing- since petitioner is denied use of the prison Law library.

Respectfully submitted:

plaintiff/ petitioner James E. Ra...

#65477...

Station-A

A. Block

Nashville, Tenn. 37203.

IN THE UNITED STATES DISTRICT COURT,
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED

DEC 27 1973

BRANDON LEWIS, Clerk
By [illegible] D.C.

JAMES E. RAY, 65477
Plaintiff

vs.

MARK H. LUTTRELL, Commissioner of Corrections, State of Tenn.

JAMES H. ROSE, Warden, Tenn., State prison.

ROBERT V. MORFORD, Dep. Warden, Tenn., State prison.

DAVID M. PACK, Attorney General for, State of Tenn.

W. HENRY HAILE, Asst. Attorney General for, State of Tenn. defs.

Civil Action no 7338.

COMPLAINT

1. ALLEGATION OF JURISDICTION:

(a) Jurisdiction of the parties in the herein subject matter is based upon the amount in recovery.

Plaintiff, acting pro se, is a citizen of the State of Tennessee under "operation of law" in the subject matter; defendant, Mark H. Luttrell (here-in-after, Luttrell) is a citizen of the State of Tennessee; defendant, James H. Rose (here-in-after, Rose) is a citizen of the State of Tennessee; defendant, Robert V. Morford (here-in-after, Morford) is a citizen of the State of Tennessee; defendant, David M. Pack (here-in-after, Pack) is a citizen of the State of Tennessee; defendant, W. Henry Haile (here-in-after, Haile) is a citizen of the State of Tennessee.

The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded in the existence of a federal question and the amount in controversy:

The action arises under the sixth, eighth, and fourteenth, Amendments to the United States constitution, U.S.C. Title 28 § 1331 (a) as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existence of a question arising under particular statutes:

The action arises under Act 42 U.S.C.A. § 1983; U.S.C. Title 28 § 1343 (4) and 2201. As hereinafter more fully appears.

Plaintiff, JAMES E. RAY, Sues

Defendants, MARK H. LUTTRELL; JAMES H. MOSS; ROBERT V. WESTFORD; DAVID T. PACK; W. HENRY HAILE, and alleges:

2. That on or about July 19th 1967 Plaintiff after being extradited from, London, England to the United States Pursuant to ex. indictment no. 16643 was lodged in the Shelby county jail in, Memphis, Tennessee wherein said indictment was issues fro..

3. That said jail section (A-Block) Plaintiff was confined in has been described among other ways as a "vault" by reasons of the windows were covered with steel plates, lights were burned twenty-four (24) hrs. a day; also various other torturous operations were put into effect therein by the State.

4. That although plaintiff was a prisoner of the State of Tennessee two (2) employees fro. the Federal Government were responsible for the formation of plaintiff's living quarters in said jail, and the combination of rules governing operations of said jail section and his habitents therein, Plaintiff and two (2) security guards.

5. That during the period plaintiff was confined in said jail, between July 19th 1968 & March 10th 1969, he was beset with (.as the logs maintained by his jailers will confirm) chronic head-aches & nose bleeds due to the vexalating system therein; and under the guise of security medical attention was delayed when required.

6. That amongst the security officers stationed in said cell-block section with plaintiff for surveillance their was above average absenteeism due to illnesses due to the aforementioned construction of plaintiff's quarters: at least one(1) officer therein was hospitalized with pneumonia.

7. That the aforementioned confinement conditions were devised and put into operation by the government to enervate the prisoner therein and (sic) impare his ability to defend himself under said cr. indictment and, or, induce a guilty plea therein.

8. That it is public knowledge that the aforementioned confinement practices by governments[1] are, when the situation requires, put into operation against recalcitrant defendants in cr. prosecutions (before & after trials) when the prosecution has the support of dominant governmental & private institutions. (See Exhibit- A).

9. That it was public knowledge that those representing the State, the prosecution, and evidently in this instance the court[2], and those they represent, the corporate business community, were solicitious of a guilty plea by the defendant in the aforementioned cr. indictment.

---

1 A book published by McGraw-Hill in 1969 and authored by Prof. William J. Chambliss titled "Crime and the legal process" examines in detail, among other legal processes, institutionalized practices employed by the State in the confinement area to influence a cr. defendant's decision, particularly to avoid jury trials.

2 In an interview with A.P. reporter, [illegible] published in newspapers on March 17th 1969 the trial Judge in said cr. indictment [illegible].

Preston Pettie) allegedly told reporter, Dreyer, in effect that he waived a guilty plea from the defendant therein because he (the Judge) was concerned that said defendant might have got a hung jury or, have been acquitted in a jury trial.

---

10. That on or about November 12th 1968 Attorney Percy Foreman of the Houston, Texas, bar became counsel of record for the defendant (herein plaintiff) in the aforementioned cr. indictment by usurping that title by means of fraudulent representations to defendant & Court from the legitimate counsel of record, Attorney Arthur J. Hanes sr. of the Birmingham, Alabama, bar.

11. That said Percy Foreman aided & abated the prosecution in the aforementioned confinement conditions of his client(Ray) through negligence in that he (Foreman) made no legal moves to alleviate said confinement conditions although requested to so act by said client.

12. That said Percy Foreman, who has a history of defrauding clients, exploited the aforementioned confinement conditions his client was subjecting under for his own (Foreman's) finicial enrichment, and to the illegal ends sought by the prosecution therein (a guilty plea) through a series of, among other transgressions, finicial frauds perpetrated against said client & Court documented as follows:

(a) On November 12th 1968 Att. Foreman presented to his client (Ray) a typed written document to sign for his (Foreman's) retainer fee. (See Exhibit- B)

on December 13th 1968 Att. Foreman represented to the trial court while inducing said client to falsely swear to a pauper's oath that no money was available for investigative purposes or attorney fees. (Transcript, pp.1-2-27. See Exhibit-C)

(b) On November 27th 1968 Att. Foreman met publishing figure, William

Watford Hale, of Portcullis Alabama, in Fort Worth, Texas, wherein they unknown to said client entered into parol agreements to finance Foreman's fee, to plead said client guilty, through publishing ventures. (See Exhibit- D)

on February 3rd 1969 Att. Foreman and said client entered into literary contract pursuant to the aforementioned Foreman-Hale parol agreement providing that Att. Foreman receive the entire proceeds therein to defend said client at "trial or trials" in Shelby county, Tennessee...said contract was later amended on March 9th 1969 to provide Att. Foreman with $165.000 on condition said client plead guilty as charged to said cr. indictment. (See Exhibit-E)

on February 4th & 5, 1969, Att. Foreman misrepresented to the trial court through two (2) written motions that <u>while he (Foreman) had received no fee and didn't expect to receive a fee</u> the defend was without funds to prosecute the trial under said indictment and thereby he (Foreman) was petitioning the court for permission to take and sell pictures of his client and, for the State to finance the resulting trial tr. (Transcript p.1-2. See Exhibit-F)

on February 7th 1969 Att. Foreman in support of the aforementioned motions orally misrepresented to the trial court that he intended to receive none of the proceeds from the sale of said client's pictures. (transcript p.20-21. See Exhibit- G)

15. That the prosecution & trial court were to a considerable extent conversant with said Percy Foreman's heretofore described financial manipulations under said cr. indictment as witnessed by the tr. therein. (February 14th 1969 transcript p.34. See Exhibit- H)

14. That in testimony given under oath in November 1969 before the U.S. Dis. Ct. for the W.D. of Tenn., Memphis division (case no. 69-199), said Percy Foreman in effect admitted he defrauded the trial court and his client (herein plaintiff) in the aforementioned cr. indictment through the motions he (Foreman) filed, cited in count 12 herein above, by testifying in said Dis. Ct. that he & client (Ray) had verbally agreed in January 1969 to enter a guilty plea to said cr. indictment. (See Ex- J).

15. That plaintiff as defendant in said cr. indictment furnished said Percy Foreman with various items of information pursuant to a jury trial therein, including one phone number in the, Baton Rouge, Louisiana, area which he (Foreman) either 1) Negelected to investagate)2 investagated and suppressed the results thereof 3) furnished said information to the prosecution & his legal associate, the late John J. Hooker sr. of the Nashville bar or, 4) availed said information to his (Foreman's) literary confidents, William Bratford Huie & Gerold Frank.

16.That subsequent to plaintiff's plea to the aforementioned cr. indictment (on March 10th 1969) he (plaintiff) indirectly furnished in the form of two (2) phone numbers in the, Baton Rouge & New Orleans, area of, Louisiana, information- including that furnished said, Percy Foreman- to the late Z.T. Osborn jr. of the, Nashville, bar to have investagated. "Mr. Osborn reported the resident listed under the, Baton Rouge, phone number was a parish official under the influence of a Teamster Union official in the Baton Rouge area; that the resident listed under the, New Orleans, area was- among other things - an agent of a Mideast organization distressed because of Dr. Martin Luther King's reported forthcoming, before his death, public support of the Palestine Arab cause.

17. That plaintiff would produce exhibit to indicate State agencies, including the Tenn. Attorney General's office, were conversant of the material furnished said, Percy Foreman, cited in counts 15 & 16 herein above.

18. That subsequent to the arch 10th 1969 plea by defendant (herein plaintiff) to the aforementioned cr. indictment plaintiff was, on arch 11th. 1969, transferred to the State penitentiary in, Nashville, and forthwith placed in the punitive-administrative segregation building.

19. That plaintiff was shortly thereafter informed by then Correction's Commissioner for the State of Tennessee, Mr. Harry Avery, that if he (plaintiff) would among other things cease efforts to over-turn the aforementioned guilty plea he (plaintiff) would be released from segregation and treated like any other prisoner, Commissioner Avery said he was speaking for the 'higest authority!

20. That thereafter plaintiff did not cease efforts to have said plea reversed in the courts and subsequently said, Harry Avery, announced at a news conference that plaintiff would never be released from segregation as long as he (Avery) was Tennessee's correction's commissioner.

21. That upon entering said prison plaintiff had recurring severe nose bleeds, which were first manifested in the Shelby county, Tenn., jail, and which on two(2) occasions required medicial treatment in the segregation building for relief such as coagulative injections, cet.cet...a prison physician attributed this condition to the type confinement plaintiff was incarcerated under in said Shelby county jail, a lack of natural air.

22. That plaintiff during said period, described in count 21, also experienced attacks of coagulating spasms and on one (1) occasion required hospital treatment wherein medication named Bonatal was prescribed...a prison physician attributed this condition to the type confinement plaintiff was subjected under both in said Shelby county, Tenn., jail and later the [illegible], which the doctor diagnosed as hypertension.

23. That medical attention for plaintiff's ailments, described in counts 21 & 22 herein-above, was frequently delayed under the guise of security by defendant, Rose, then a deputy warden.

24. That thereafter plaintiff petitioned the U.S. Dis.ct. for the E.D. of Tenn. (Hon. William E. Miller, presiding) for confinement relief; the court granted a hearing (Civil action no. 3590, Jan. 30th 1970) and therein former State Correction's commissioner, Harry Avery, who had been dismissed from that position prior to said hearing, testified that he and, Mr. William D. Barry, administrative assistant to the Gov. of Tenn. had met before plaintiff had pleaded guilty under the aforementioned cr. indictment and decided he (plaintiff) would upon entering the State of Tenn. prison system be confined in punitive-administrative segregation... Mr. Avery offered a written document to support said testimony to justify his actions in the matter but the court ruled said document inadmissable.

25. That Tenn. Correction's commissioner, Mr. Lake Russell, who succeed Mr. Avery, testified in effect at said Dis.ct. hearing that he (Russell) intended segregating plaintiff until his litigation was terminated.

26. That Judge Miller granted plaintiff limited relief in said hearing under a "Consent Decree" but shortly thereafter under the guise of security the defendants suspended portions of the relief ordered; and thereafter due to trivial harrassment plaintiff was compeled to discontinue the relief order in toto.

27. That in April 1970 plaintiff was transferred to the Tennessee State penitentiary in Petros, Tennessee.

28. That in the, Petros, institution plaintiff was confined in Cell-block A, therein worked in quarters housing the more violent prone prisoners, as well as having yards rights with, among others, said violent prone pris-

29. That in the first quarter of 1971 Mr. Robert F. Moore was appointed Warden of said, Petros, institution and he (Moore) shortly thereafter faced out all forms of segregation by Block in the prison.

30. That in May 1971 plaintiff was transfered to A-Block and thereafter was under absolutely no forms of segregation in said institution, protective or security, until the prison was closed in July, 1972.

31. That on or about July 22nd 1972 plaintiff was transfered back to the State Penitentiary in, Nashville, and forthwith placed in Unit-6, the segregation building.

32. That on or about July 28th 1972 plaintiff appeared before the prison classification board composed of former, Petros, Warden (Mr. Robert F. Moore) and defendant(Robert Norford) of the, Nashville, prison and therein said board released plaintiff, with approval of the Warden (Defendant Rose),into the general prison population after plaintiff followed prison policy of signing a document requesting and taking responsibility for release into the general prison population.

33. That on or about August 1st 1972 plaintiff was called off the main prison yard to the operations office and given a document by defendant, Norford, reading that plaintiff was being resegregated because of previous escape attempts. (See Exhibit- L).

34. That plaintiff then requested from defendant, Norford, to speak with the Warden,defendant Rose, about the confinement matter and thereupon defendant, Rose, verbally gave an assortment of reasons for the resegregation of plaintiff, which others in effect as follows:

(a) the newspapers might find reasons to critize the administration if plaintiff was released into the prison population and some incident took place.

(b) that Rose told plaintiff in the aforementioned cr. indict ut he was incarcerated under were agitated because of him(Ray's) attempts to obtain a jury trial therein, and that plaintiff might be released from segregation if he terminated his litigation.

(c) that he (Rose) was ordered by 'higher authority' to resegregate plaintiff.

35. That defendant, Rose, then assured plaintiff he would be released from segregation after approximately two (2) months if the, Petros, institution was not reopened within that period; and that while plaintiff was confined in the segregation building he would be granted the relief specified in the aforementioned order issued by Dis. Judge, William E. Miller.

36. That thereafter plaintiff was confined and did work in the segregation building and on request was permitted to go to a small enclosure (yard) behind said building for exercise and therein single with other prisoners serving rule violation sentences.

37. That the plaintiff is no more subject to assault from inmates than any other prisoner in the institution; if the plaintiff was subject to assault it would be from the State which has access to him twenty-four hours per day regardless of his confinement quarters.

38. That in September or October of 1972 plaintiff was advised by Mr. Colin Hayes (a prison employee) and Bob Sneed #70613 (a convict counselor) that the warden's office had informed them that the Governor of Tennessee (Hon. Winfield Dunn) had personally ordered plaintiff into segregation.

39. That thereafter during an inspection of the segregation building by defendant, Russell, plaintiff was informed upon inquiry that he (Russell) intended for the courts to decide when plaintiff was released from segrega-

40. That in response to a letter from plaintiff dated January 2nd. 1973 the office of the Governor of, Tennessee, denied knowledge of plaintiff's confinement circumstances in the prison. (See Exhibit-K).

41. That on May 1st. 1973 during a news conference Tennessee's Governor, Hon. Winfield Dunn, endorsed the herein alleged confinement conditions being practiced by State correction officials against plaintiff.

42. That after serving approximately four (4) months, until Dec. 1972, in the segregation building and not being released into the general prison population, and the program promised by defendant (Rose) under Judge Keller's aforementioned order being gradually subverted by prison-officials pleading security consideration, plaintiff returned to lock-up status.

43. That it is a tactic of State correction officials to arbitrarily confine a prisoner in segregation until he commits an overt act then justify prior & continued segregation by reason of said act.

44. That in January 1973 plaintiff protested, along with others prisoners in segregation under questionable circumstances, by refusing all meals and throwing said meals back on-to the walk.

45. That thereafter, approximately four (4) days after plaintiff had begun removing meals defendant, Morford, entered plaintiff's cell and ordered him out to be taken to the 'hole', when plaintiff turned to retrive his shirt and, Morford, punched plaintiff in the back of the head and called a guard concealed nearby and plaintiff was then transported to the 'hole'.

46. That several days thereafter on being transfered back to the segregation building from the 'hole' plaintiff, who had had a tooth broken off earlier, was required to wait approximately three (3) weeks before receiving dental treatment on order's of defendant, Morford.

47. That on or about February 22nd. 1973 plaintiff was transferred to another more restrictive segregation building (unit-1) and in the process numerous items of personal property was confiscated or destroyed, allegedly to comply with unit-1 rules, as follows: legal books; fan; shaving equipment, ect.ect.

48. That prisoners in the present segregation building (unit-1) are subjected to a multitude of petty & serious inequities in comparison with the regular prison population as follows:

(a) dietary restrictions.

(b) hygienic restrictions.

(c) denial of recreation actives; rehabilitation programs; law library; commissary purchases, ect.ect.

49. That plaintiff is now existing under solitary confinement conditions under precise interpretation of that phrase in that in concert with being transfered to unit-1, in Feb.1973, orders were put into effect by the Warden's office denying plaintiff association with other prisoners, even on the segregation building yard. (See Exhibit-M).

50. That the plaintiff has now been incarcerated in the Tennessee prison system in excess of five (5) yrs. and except for the interlude in the Petros institution, where the wardens were more independent, confinement conditions have become progressively more onerous, and plaintiff cannot receive equity from the prison disciplinary board, which is supposed to safe guard prisoners due process, since the Warden's office can and frequently has overruled said board when the board rules favorably for inmates.

51. That on or about June 12th 1973 counsel representing plaintiff, Mr. Bernard Oosterwald, argued before the U.S.Dis.Ct. for the M.D. of Tenn. for relief from said confinement (See civil action no. 7006) under an order to show cause issued by said court; therein Asst/ Att. Gen. W. Henry Haile representing the Tenn. correction commissioner's office made various

misrepresentations of material facts to the court, subject to proof, as follows:

Haile- (1) the plaintiff has attempted to escape seven times from the Missouri penitentiary (p.14) & and twiced attempted to escape from the Brushy Mountain (Petros) institution. (p.29)

Fact- "both of these representations are numerically false".

Haile- (2) the plaintiff was not in the general prison population at the Brushy Mountain institution. (pp. 15 & 42)

Fact- "the plaintiff was in the general population at the Brushy Mountain institution beginning May,1971; also, apparently the court has been misled respecting this matter in the Crafton case. (p.15)

Haile- (3) the plaintiff would have the run of the entire segregation building (unit-1) and a chance to meet more prisoners. (p.17)

Fact- "prisoner working in unit-1, all of whom have asked for protection, are released from their cells for approximately one(1) hour three times per day at meal time to help feed the other prisoners & clean the Block; they are restricted during said one (1) hour periods, except when working on walks with officers, to an area approximately 20x60 feet; further, under the special rules of unit-1, workers therein could be placed in the 'hole' and dismissed from their job if caught either talking to non-working prisoners or roaming around the unit.

Haile- (4) the plaintiff was resegregated-after being released two(2) days into the general prison population-because there had been no change in his classification. (p.22)

Fact- "the plaintiff was released into the general population for four (4) days by a classification board consisting of former warden Brushy Mountain Warden, Robert F. Moon; and Deputy Warden, Robert Morford, of the Nashville prison.

22. That the defendants are guilty of the violations as follows:

(a) defendants, Luttrell, Rose and Morford of the following violations:

(1) of making fraudulent representations to the Dis. Ct. through the Tenn. Att. Gen'l's. office in the aforementioned civil suit (no.7006) in order to prolong plaintiff's lock-up in solitary confinement.

(2) of arbitarily with malicious intent withholding timely medicial treatment from plaintiff.

(3) of attempting to impair plaintiff health with the approval by of the present Governor of the State of Tennessee.

(4) of arbitrarily denying plaintiff accest to prison Law library.

(b) defendants, Pack, and Neile of the following violations:

(1) of making negligent misrepresentations to the Dis. ct. in the afore mentioned civil suit (no.7-06).

(2) of being conversant with, including material cited in count 16 herein above, exculatory evidence respecting plaintiff to the defendant in the aforementioned cr. indictment through their client, the Att. Gen. for the fifteenth judicial Dis. of Tenn., and (sic) they owing to their vested interests are advocating and maintaining oppressive confinement conditions against plaintiff so as to obstruct & discourage plaintiff from exercising his const. ri ht to appellant review under said cr. indictment.

(c) defendants acting collectively of the violations as follows:

(1) of acting in collusion to deprive plaintiff of his const. ri ht (civil & natural) by arbitrarily constituting, with an expressed malice direct toward plaintiff, oppressive confinement conditions in order to influence & subvert plaintiff's decisions in the aforementioned cr. indictment he is incarcerated under and (sic) obstruct justice.

(2) of acting in collusion to subvert the agreements in the aforementioned civil suit (no.55.).

53. That the plaintiff is entitled to exemplary damages because defendants should be taught that their hereinabove described operation is repugnant and violative if public policy as evidenced among other ways by National politicial figures & Media editorialists not infrequently pointing self-rightous fingers at what they allege to be inequities in other countries corrections & Legal systems; furthermore, that it is legally reprehensible for the State to resort to the same legal tactics when arbitrarily holding a prisoner under oppressive confinement conditions as they do in controversial cr. suits, i.e., procrastinate for years before a final adjudication, a tactic which C.J. Warren Burger in a public address on Sept. 20th 1973 refered to as "...forcing them (cr. defendants) to wait endlessly while memories grow dim and witnesses move or die.

54. Taht as a proximate result of the defendants tactics and their predecessors plaintiff has not only been falsely imprisoned for a crime he didn't commit, as interpreted under the Anglo-American Extradition Treaty, and therein subjected to unnecessarily oppressive confinement conditions but several of thoes allegedly representing him, particularly said Percy Foreman, have also exploited this confinement situtation for personal & prosectorial interests.

WHEREFORE, plaintiff demands a judgment from the defendants for punitive damages of five hundred thousand dollars; and prays the honorable court overlook any technical deficientcies in this complaint until Counsel can prefect same since plaintiff is denied accest to the prison Law Library, and (sic) cannot research remedial Law.

James C. Ray James C. Ray #64477
Station-A
Nashville, Tenn. 37203.

9-11-13-Tiananmen

Stalin-Era Confessions Revived

By THEODORE SHABAD
The New York Times News Service

MOSCOW — The public recantation by two Soviet dissidents has renewed the issue of political confessions that was dramatized by Arthur Koestler in his 1940 novel "Darkness at Noon."

The basic question is, what set of circumstances can possibly induce presumably strongwilled dissenters — political opposition in the Soviet Union is not for the weak — to avow such a total change of mind and heart as Viktor A. Krasin and Pyotr Yakir did at a widely publicized news conference Wednesday.

Yakir, a 50-year-old historian, and Krasin, a 44-year-old economist, reiterated testimony given at their trial the previous week that they had damaged the interests of the state by publishing an underground typewritten newsletter, the well-known Chronicle of Current Events, and by maintaining links with anti-Soviet organizations abroad.

"I would like to emphasize," said Yakir, the son of a prominent general purged under Stalin, "that it was not fear of punishment that led me to acknowledge my guilt and to recant, but realization of the harmfulness of my acts, a realization that did not come overnight, but after long soul-searching."

Krasin, speaking in the same even tone, as if reciting

Behind the News

a rehearsed text, in the glare of klieg lights before more than 200 Soviet and foreign newsmen, said:

"I want the Soviet and foreign public to know that our behavior in the investigation and at the trial was the result of a rethinking of our past errors that led us to these crimes, and that any suggestion of the use of pressure, threats or illegal methods against us is devoid of all foundation."

There is obviously no immediate way of establishing whether the metamorphosis of the two men is genuine or a carefully disguised sham designed to earn a reduced sentence for their dissident activities. They were given a term of three years' confinement to be followed by another three years' endorsed residence in a remote part of the country, instead of the maximum combined sentence of 12 years.

Although the sincerity of their repudiations necessarily remains an open question, enough is known from the Stalin purges to suggest that day-in, day-out cajoling and intimidation can gradually wear down the psychological resistance of a prisoner, as Koestler has shown in his book.

Similar methods were used in the controversial "explanation" sessions at the end of the Korean war in late 1953, when Chinese and North Koreans sought to persuade Communist prisoners of war to choose repatriation.

The method appears to have been particularly effective when used by skilled interrogators operating within a well defined ideological framework and appealing to the sense of patriotism, the feeling of loyalty to one's country, and moral obligation to fellow citizens.

The impact produced by a carefully focused ideological persuasion might be further enhanced by playing on any personal weaknesses of the accused. Yakir, for example, was known to be a heavy drinker, and some dissidents have suggested that he gave information to interrogators only after having been hospitalized twice for deprivation of alcohol.

Reported interrogations of members of Yakir's family, including his daughter, Ikrina, may also have played a role in persuading Yakir to cooperate with the authorities.

Although there appears to be some superficial similarity between the Yakir-Krasin recantations and the public confessions of the great Stalin purge trials, there are also significant differences.

The defendants in the trials of the 1930's confessed to fancied acts of conspiracy after they had been confronted with charges that were later officially declared to have been without foundation.

Yakir and Krasin, on the other hand, were well known as political oppositionists, and at least some of the activities they now declare to have been illegal, such as meetings with foreigners, can be corroborated by any of the western newsmen who received dissident news items from them.

But the tantalizing question of what makes such men recant still leaves unanswered the broader issue of why the Soviet Union feels compelled to root out its tiny dissident group.

The apparently overwhelming preoccupation with even the slightest political opposition seems to reflect an inner insecurity and a fear that disaffection may spread and ultimately undermine the structure of the Soviet system, as now conceived by its leaders.

EXHIBIT A

revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarassing circumstances take place in the court room, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of $165,000.00. These funds over and above the first $165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of $14,000.00, and I think these expenses should be paid in addition to a $150,000.00 fee. I am sure the expenses will exceed $15,000.00 but I am willing to rest on that figure.

Yours truly,

/s/ Percy Foreman

/s/ James Earl Ray

PF-4

Exhibit 4

(11/22/69)

Shelby County Jail
Memphis, Tennessee

November 12, 1968

Hon. Phil Canale, Jr.
District Attorney General
Shelby County Court House
Memphis, Tennessee

Sheriff William Morris
Shelby County Court House
Memphis, Tennessee

Judge W. Preston Battle
Circuit Judge
Shelby County Court House
Memphis, Tennessee

Gentlemen:

You are holding as evidence in the case of The State of Tennessee v. James Earl Ray a 1967 White Mustang automobile and a Remington rifle. I have this day assigned and by this letter do here now assign them to Percy Foreman, my attorney, of Houston, Texas, as his property absolutely. At the conclusion of my trial, he will request delivery of these items to him or his order. This is your authorization and my request that you give them to him.

Respectfully yours,

/s/ James Earl Ray

EXHIBIT - B

December 18, 1968

JAMES EARL RAY

THE COURT: Alright, Mr. Foreman, I believe about a month ago I asked you to give me a report on your progress in the matter about this time.

MR. FOREMAN: Yes, your Honor. May it please the Court, when I came into this case on the 10th of November, the afternoon, I had no intention or plans or expectations of being, I was committed to many Courts, however, it came to me as my duty both to my profession and to my man, to accept the case. I have spent most of the time, more than three fourths of the time since I was committed to this to arrange my docket so that I would have time for this case. All of the Courts in Texas both Federal and State have deferred to my responsibilities in this case. However, the first two weeks of the effort from the 12th of November, maybe a few days longer than that, were dedicated to attempting to get the results of the investigation of the counsel in the case ahead of myself. I eventually received a transmittal of what reported to be an investigation accompanied with a letter stating that, of course most of the investigation is in the

EXHIBIT-C

mind of the lawyer and the, regardless of what may have been stated or may have been printed about the case being ready for trial, your Honor, in my experience and my judgment, the case was not and is not and will be a miracle if it is ready for trial on March 3rd. I was furnished a list of some 360 witnesses by the prosecution. I was told that 90 to 95 would probably be all that would be used but I was not given the names of those 90 to 95 so that I am relegated to attempting to contact and I have made arrangements to that end to the best of my ability, your Honor. May it please the Court, there is no money whatever available in this case for either investigating expenses or attorney fees as of now. There have been numerous offers by publications, magazines and writers to underwrite the fees of this defendant but most of them have a hook in them. I am not willing at this late period of my life to prostitute principles that I hold dear in defense of a thorough case to a pandering press and it may be that there will be an arrangement under which these can be available but they did not induce me to come into this case and

EXHIBIT-C

that have to be answered under oath so raise your right hand, "Do you solemnly swear that you will truthfully answer the questions asked you about your indigency at this time?"

DEFENDANT: Yes, Sir.

THE COURT: Alright, you can put down your hand. Do you have any money or property available to make available for the investigation of your case and for the expenses of so investigating?

DEFENDANT: No, Sir.

THE COURT: Alright, you can be seated.

MR. DWYER: Your Honor, do we have the right to ask him any questions about his indigency?

THE COURT: No, Sir, I can handle that myself.

MR. DWYER: Thank you, your Honor.

THE COURT: Mr. Foreman, I think the requirements of this case are peculiar in that as I observed once before we have some 360 potential witnesses. They are scattered over North America and Europe. You as I understand it practice alone.

MR. FOREMAN: Yes, your Honor.

THE COURT: I think that we have here one of the finest Public Defender's Offices as I know anything about. They have the necessary expertise and the necessary policy of any I know of. They don't merely put up a token defense.

EXHIBIT-C

the psychiatrists in Missouri who had examined Ray told me: "From what we know of him it's hard for us to believe he was capable of the initiative required to commit such a crime. We have to believe that he was directed."

So in what I wrote in September I supported conspiracy. My articles were useful in that I presented Ray as a human being, and I revealed places he had been and things he had done which the FBI didn't know about. The FBI didn't even know that he had plastic surgery until I told them. But all that doesn't justify my mistake of plugging conspiracy. Sure there may have been conspiracy in the strictly legal sense that one or two other men may have had prior knowledge. But not in the sense that so many people want to believe, or that I implied.

Now I wish that I had never gone into this case at all. A lot of nonsense is being talked about the value of my rights to "the story." The story is of relatively little value because it's only the story of another Oswald, another Sirhan, another twisted nut who kills a famous man to get on television. That's all there is to it. I'm going to complete a book for what it's worth, and try to present a true picture of a twisted nut and all the damage he can do. But far from making any money, I don't expect to get back what I will have spent.

And speaking of mistakes, I believe you've made one. This is not your sort of case. You let them get you to Memphis where the old fire horse couldn't resist another race to the fire. But a week after you begin trying to work with Ray you'll know that there is no defense, and you'll be as sick of the case as Hanes was. You did Art a favor by replacing him; you just haven't realized it yet.

Mr. Foreman liked my three-way contract with Ray. All he wanted was for Mr. Hanes to get out so he could have what Mr. Hanes had had. "I like the idea of owning 60 percent of one of your books," he said, "while you own only 40 percent. So you get Hanes out and let me in, then, goddam it, get to work and write us a good book and make us a good movie and make us some money."

"I don't mind you having the money," I said. "But your client hasn't met his obligations. I want to know how, why and when he decided to kill Dr. King."

"He may be incapable of telling anybody that," Mr. Foreman

EXHIBIT-D

Ex #6

LAW OFFICES OF
PERCY FOREMAN
604 SOUTH COAST BUILDING
HOUSTON, TEXAS 77002

MAIN AT RUSK

CA 4-9321

March 9th, '69

Mr. James Earl Ray,
Shelby County Jail,
Memphis, Tennessee.

Dear James Earl:

You have heretofore assigned to me all of your royaltics from magazine articles, book, motion picture or other revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarassing circumstances take place in the court room, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of $165,000.00. These funds over and above the first $165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of $14,000.00, and I think these expenses should be paid in addition to a $150,000.00 fee. I am sure the expenses will exceed $15,000.00 but I am willing to rest on that figure.

Yours truly,

Percy Foreman

PF-4 James Earl Ray

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FILED Feb 4, 1965
J. A. BLACKWELL, CLERK
BY B. C. Cohen D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

Division III

STATE OF TENNESSEE
Vs. No. 16645 and No. 16819
JAMES EARL RAY,
Defendant

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes presently pending on the docket of this Court and files this Motion to Permit a photographer of his selection to take photographs of said defendant for the purpose of obtaining funds with which to prepare for the trial of his case or cases; and, in support of said motion, would respectfully show said Honorable Court:

I.

Defendant is advised that there is a commercial value to a series of pictures if they can be made available as exclusive to a picture magazine and that this value is respectively either $3,000.00 or $5,000.00.

II.

That there is insufficient money available to bring necessary witnesses from other States and other Countries, unless this request be granted. That, if granted, all such monies derived from the sale of said pictures, will be expended in the actual preparation for trial and the trial of said case or cases. That Defendant is without funds or monetary resources with which to prepare his case properly for trial, unless these funds be made available.

III.

Defendant says that the taking of a great number of photographs will be necessary in order to obtain the two or three dozen that would comprise the selection for publication, and this would require a considerable period of time for the photographer to pro-

EXHIBIT D P. 1

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

FILED 2-5-69
J. A. BLACKWELL, CLERK
BY J. A. Blackwell D. C.

STATE OF TENNESSEE

Vs. NOS. 16645 and 16819

JAMES EARL RAY

MOTION TO DESIGNATE COURT REPORTERS AND PROVIDE FOR THEIR COMPENSATION BY THE STATE OF TENNESSEE

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes and files this Motion to Designate Court Reporters and to enter an order that will provide for the payment of their fees by the State of Tennessee; and, in support of said motion would respectfully show the Court as follows, to-wit:

I.

Said Defendant has heretofore testified in open court to the fact that he is an indigent person and has been so adjudicated by this Court; and, pursuant to said finding this Court has appointed the Public Defender of Shelby County to act as counsel for said Defendant. Co-counsel, Percy Foreman, admitted for the purpose of appearing in the above cases has received no fee and does not contemplate that he will receive any such fee for his appearance herein.

II.

This motion is filed pursuant to the provisions of the Tennessee Code of Criminal Procedure, Articles 40-2029 through 40-2043, inclusive, the same being Chapter 221 of the Sesions Laws of the Legislature of the State of Tennessee, Acts of 1965, which give the Court the power and authority to grant all of the relief herein prayed for, and, in the opinion of the att orneys for this Defendant, make the granting of such relief mandatory.

III.

Defendant says that Shelby County, Tennessee is a principal metropolitan area of the State of Tennessee, having a population

Exhibit-D
1 P. 2

description of this defendant at all and would be very material evidence if I were on the jury and I think the Trial Judges and trial lawyers would know that such material testimony would be material and we think we are entitled to produce it the only way that we can. I will get to the $5,000 in a minute, your Honor.

THE COURT: I imagine we will get to a number of things in a few minutes.

MR. FOREMAN: At any rate, I will dispose of that at this time. Your Honor, that $5,000 is on deposit in a bank in another, in a trust fund and the expense of this case if it were to come within, from the defense standpoint, if it were to come within the $5,000, it would be some merit to the argument of Mr. Dwyer but the expense, actual out of pocket expense for the trial of this case, if we are relegated to bringing witnesses here for the defense alone, will run $50,000 or $100,000, your Honor, and we intend to report to the Court and to give the Court cancelled checks for every item of expense in this case if the Court will receive and review them because I want it said at the conclusion of this trial that

EXHIBIT G

I did not receive anything for my part of this case and it is true that this $5,000 that he speaks of was paid. It was due under a previous contract between the previous attorney, the defendant and Mr. Huie and Mr. Huie asked permission to pay it but that's all that has been paid, your Honor, and as of today I have no reason to believe that anything else will be paid. It was already accumulated. It was due under this contract to have been paid December the 12th and it was paid as soon as we would permit Mr. Huie to do it. Now, that's the $5,000. It will not go anywhere near the compensation. Actually, we already have accumulated alleged bills more than twice what the $5,000 would amount to. Now, going on to the other witnesses here, we don't, we at least hope this Court does not picking our cue from the argument of the prosecuting attorney, believe that anybody can prove any fact either from the Missouri State Penitentiary or elsewhere that we are relegated to what the prosecution believes will be a favorable witness to prove that fact. We are, we

Feb. 7th.

EXHIBIT-G

to make daily reports turned over to his counsel. I think the State of Tennessee is alot nearer bankruptcy than anybody realizes, because that will break anybody. I think Court reporters and this is no reflection on anybody, but I think that the reason that we've got machines now, is because they priced themselves out of the market and the available money for reporting cases for indigents, the only way it could be done was by use of these machines. So, I think that we are going to have to clarify and solve the status of Mrs. Otwell. Mrs. Otwell was hired while Mr. Hanes was in the case and while money was freely flowing from Hule to Ray to Hanes. Now, Mr. -- since that time, well, Mr. Ray has gotten up in Court and sworn that he was indigent and he had no money to provide for his defense. Since which time it has further been complicated by a payment of $5,000.00 to you, Mr. Foreman, as I understand it, by -- (INTERRUPTED)

MR. FOREMAN: To my control, your Honor, but not to me, to Mr. Ray. I wouldn't accept it.

THE COURT: I see. Well, that's that and it's further

EXHIBIT H
P. 34

those dates are.

Q. Your conversation with Judge Battle where you told him what you wanted to do, was that in his chambers there in Memphis?

A. Yes, sir, I met with Judge Battle many ti six or eight times.

Q. Now, when did you first receive money fro Mr. Huie through Mr. Ray?

A. I didn't receive money from Mr. Huie thro Mr. Ray. I received a check payable to Mr. Ray, I think the 29th of January. Wait, I have a copy of my receipt.

Q. Was that the first check?

A. There were two checks. I think the firs was January 29th and the other in February. If you will wa a minute I will give you the dates. I think I saw them in here, copies of the receipts. Here is one of them. I rece the first $5,000 check, Mr. William Bradford Huie's check N 1540 on January 29, 1969; I received the second check, No. 1544, on the 18th of February. Both of them were drawn on Citizen's Bank of Hartselle, Alabama.

Q. On what date did James Earl Ray enter hi plea of guilty?

A. I think it was March 10, 1969.

Q. On what date did Mr. Ray agree to that plea?

EXHIBIT B

EXHIBIT-J.

A. He agreed to it verbally between the 25th, 23rd, 24th, 25th or 26th of January. He agreed to it in writing, let me see, I have got -- I mean, sometime between then and the 18th, - February 13, I wrote him a letter February 18th he wrote me a letter asking me to or confirming what we had already agreed on verbally.

Q. Did Mr. James Earl Ray ever send you a letter saying you could withdraw from the case if you wanted to because of any political or financial reasons?

A. No, nothing was ever said about my withdrawing from the case except after it had got here to Nashvil from having pleaded guilty and his being transferred to the Tennessee State Penitentiary. I received some kind of communication from him; I believe, asking me to take no further action as his attorney. I don't know whether it was a telegram or a letter.

Q. Do you know former Justice Tom Clark?

A. Very well.

Q. And you know former Attorney General Ramse Clark?

A. I know him. Not quite as well as I do Tom I used to room with Tom.

Q. Have you ever discussed the James Earl Ray case with either one of them?

A. No -- let me see. I don't know if I did

EXHIBIT C

EXHIBIT J

DEPARTMENT OF CORRECTION

Tennessee State Penitentiary

STATION A • NASHVILLE, TENNESSEE 37203

August 1, 1972

MEMORANDUM:

TO: Mr. James Earl Ray
#65477

FROM: J. H. Rose, Warden
Tennessee State Prison

Robert Moore, Warden
Brushy Mountain Prison

After reevaluating the decision to release you to the general population, this is to notify you that you will be placed back into protective custody in Unit #6 because of the following reasons:

(1) You have an attempted escape from Missouri State Penitentiary.

(2) Attempted escape on two (2) occasions from Brushy Mountain Penitentiary.

When Brushy Mountain is reopened and you are transferred back to that facility, your status will be reevaluated by that institution in regard to letting you into population.

JHR/RM/bjm

cc: Commissioner Luttrell
Assistant Commissioner Bass

EXHIBIT-L

Winfield Dunn
Governor

State of Tennessee

W. Dale Young
Executive Assistant
to the Governor

January 9, 1973

Mr. James Earl Ray
#65477
Confinement
Tennessee State Prison
Nashville, Tennessee

Dear Mr. Ray:

Governor Dunn has asked me to acknowledge the receipt of your letter of January 2, 1973 relevant to your treatment while confined in the State prison system.

Please be advised that the Governor has never personally directed any of the alleged mistreatment you complain of.

The Governor has the utmost faith and confidence in the ability and integrity of his Commissioner of Corrections, the Honorable Mark Luttrell; and he has taken the liberty to forward a copy of your letter to Commissioner Luttrell for his complete and thorough investigation.

With every good wish, I am

Sincerely,

W. Dale Young

ml

EXHIBIT- M

DEPARTMENT OF CORRECTION

Tennessee State Penitentiary

STATION A • NASHVILLE, TENNESSEE 37203

June 27, 1973

MEMORANDUM

TO: James Earl Ray 65477
Unit 1

FROM: Robert V. Morford, Deputy Warden RVM

SUBJECT: Exercise Privileges

Your memorandum of June 24 concerning your recreational privileges has been forwarded to my attention. There are several residents beside yourself who are offered exercise in the smaller enclosure rather than the larger yard, and it is not factual that a different set of rules applies to you specifically. In regards to your statement that "about once every three days" you are offered the opportunity of going to the smaller yard, the facts do not support your statement.

A log is maintained on each resident in Unit 1 to indicate when they exercise or when they are offered the opportunity of exercising. This log book, in regards to your situation, reveals the following:

1) On June 1, 2, 4, 5, 7, 8, 20, 21, and 22 you were not offered the opportunity to exercise.

2) On June 3, 6, 9, 10, and 11 you did exercise in the smaller yard.

3) On June 13, 15, 16, 17, 18, 19, 23, 24, 25, and 26

EXHIBIT-N

you were offered the opportunity to exercise and refused to do so.

The fact that you have been restricted to your cell in regards to exercise privileges has been your choice and not the Administration's.

RVM/md

cc: Mr. Robert Childress