he has been making an investigation concerning the activities of this woman. No information was furnished to Mr. EDGAR DOWNING.

LEADS:

MEMPHIS

Will conduct indices check concerning EDGAR DOWNING. It should be noted that referenced Bureau airtel instructs that no interview of SARTOR should be conducted until the Bureau advises to do so.

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

F B I

Date: 10-1-68

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN.

There are enclosed original and one copy each of newspaper clippings in captioned matter.

3 BUREAU (Enc. 10)
1 MEMPHIS

RGJ:BN
(4)

REC- 65

EX 106

Approved: R G Jensen
Special Agent in Charge

Sent _____ M Per _____

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OCT 3 11 41 AM 1968
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U. S. DEPT OF JUSTICE

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

Four Held in Contempt For Ray Case Reports

Sentencing Is Withheld

Criminal Court Judge W. Preston Battle today held in contempt of his court all four defendants involved in news reports of the James Earl Ray murder case, but withheld punishment pending their future actions.

Convicted after a hearing all-day last Friday and this morning were:

Arthur Hanes, Birmingham attorney for the man accused of murdering Dr. Martin Luther King Jr.

Roy Hamilton, reporter for The Memphis Press-Scimitar;

Charles Edmundson, reporter for The Commercial Appeal;

Renfro T. Hays, Memphis private investigator for Hanes.

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

Page 14/10

MEMPHIS PRESS-SCIMITAR

MEMPHIS, TENN.

Date: 9-30-68

Edition: Home

Author:

Editor: CHARLES H. SCHNEIDER

Title:

Character:

or

Classification: 44-1987

Submitting Office: Memphis

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

Stories written by Hamilton and Edmundson on Sept. 12 quoting the other two defendants were responsible for Judge Battle's order demanding they show cause why they should not be held in contempt of his previous orders barring extra-judicial statements concerning the Ray case set for trial Nov. 12.

STATEMENT

Battle read a long prepared statement in which he cited the news articles of the two reporters, criticized Hanes and his investigator for making extra-judicial statements, and added that he believed "Mr. Edmundson told the truth" as opposed to investigator Hays.

Battle cited Supreme Court cases, particularly Sheppard vs. Maxwell, backing up his order on extra-judicial news. He said, "these two newspaper reporters avoid responsibility by using the immunity of the First Amendment," but he maintained that they knew the regulations of the order because it was widely disseminated.

Battle summed up his findings by saying:

"Justice demands a fair trial by an impartial jury both for James Earl Ray and the State of Tennessee."

After the judge announced his decision, attorneys for the two newsmen requested a brief recess. The group came back into the courtroom a short time later and Ezra Bryan, Scripps-Howard Newspapers' attorney from Cleveland, presented two motions.

ASKS SENTENCE

Bryan asked Judge Battle to reconsider his decision and, in the event this motion was not granted, to impose sentence so that an appeal could be made.

Bryan argued that to withhold sentence would be to place the newspapers and their reporters "in limbo" as to what they could print about the Ray case.

"This is a matter with which conscientious reporters and responsible newspapers cannot possibly live," said Bryan.

DENIAL

Judge Battle denied both motions. He said that while he "could deeply sympathize" with the newspapers' desire to have an appellate court act, he was not ready to pass sentence at this time, as he had said in his earlier ruling.

Much of this morning's session was taken up with arguments concerning the truth of statements attributed to Hays by Edmundson in his Commercial Appeal story.

Armistead Clay, attorney for Memphis Publishing Co. representing both Hamilton and Edmundson, told the court in his arguments for dismissal that it was clear the U.S. Supreme Court "deliberately refrained" from authorizing such orders that could be used against the press.

'AIN'T TALKING

The other two defendants were reluctant to comment. Asked if he had a statement to make, the elder Hanes said with a laugh: "Yeah, I've got a statement to make —I ain't talking."

Hays, when asked if he would comment, said: "No, sir. I'm not even me."

Court recessed until this afternoon, when Judge Battle was to continue hearing the motion by defense attorney Hanes that the defendant, James Earl Ray, was subjected to cruel treatment by means of the lights and TV cameras trained on him in his cell.

SPECULATION

There was speculation that Ray would be brought down from jail for the hearing. The senior Hanes said he wouldn't call Ray, but the judge might want him, in connection with Hanes' motion that the TV camera and lights in the prisoner's cell are bothering him.

Giving rise to this speculation was that today, for the first time, Sheriff William Morris was sitting in the courtroom.

BATTLE

Much of the morning session consisted of a hot verbal battle between reporter Edmundson and Robert Livingston, attorney for Hays, over the Sept. 12 story which Edmundson wrote.

In Edmundson's 8-paragraph story Hays was quoted as saying security measures for Ray at the Shelby County Jail compared with "devices used by Communist police agents to destroy the health and balance of their victims."

Edmundson quoted Hays as saying Ray's health was threatned by bright lights left shining night and day in his cell, by constant monitoring of the prisoner by TV cameras and by uninterrupted lack of privacy.

The conditions are not the result of intentional persecution, Edmundson quoted Hays as saying.

Leo Bearman Jr. was prosecutor today for the bar association committee pushing the contempt action. He replaced Lucius Burch, who was prosecutor Friday and was out of the city today. Arthur Hanes Jr. defended his father.

ETHICS

Early in the session the question of press ethics featured a verbal battle between Edmundson and Livingston.

The clash was over a story Edmundson wrote about an interview with Hays. Last Friday Hays said he talked with Edmundson three times, including once at Hays' home.

Edmundson said Friday

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that the interview from which the story was written took place at The Commercial Appeal office.

Today Edmundson was first on the witness stand, being questioned at length by Livingston. Edmundson testified:

"He (Hays) said, 'I trust you. Use your judgment.'

"I protected Mr. Hays by writing just a minor part of what he said. You're not serving your own interests by pressing this point. He gave me a hand-written statement by a man reportedly present when this shooting occurred."

OBJECTION

Bearman objected to the questioning.

Livingston replied:

"Every time I ask him (Edmundson) a question for a 'yes' or 'no' he goes off on a big dissertation."

In the beginning of testimony, Livingston asked that charges against Hays be dismissed because of Edmundson's testimony at the end of last Friday's all-day session.

Referring to Edmundson, Livingston said:

"He acted against the advice of his own attorney (Armistead Clay). We had a material witness in the courtroom Friday who could have refuted the testimony. He left on a Greyhound bus Friday afternoon for the state of Kentucky, and Mr. Hays has not been able to reach him all weekend. I submit Hays' rights were prejudiced by this unusual procedure — after both attorneys presented their arguments, the court recessed and Mr. Edmundson went into a huddle with his attorney. Against the attorney's advice, he sought permission of the court to testify."

WITNESSES

Livingston said there were also many members of the bar present Friday who were to be presented as character witnesses. He said they could not be present today because of other commitments. Livingston also again urged that Burch be removed as chairman of bar committee because he was attorney for Martin Luther King.

Livingston added:

"In the event that Hays should be found in contempt of this court, his work as an investigator would be seriously hampered," and added that James Earl Ray "will be denied a fair trial before an impartial jury."

Livingston questioned Edmundson in great detail about his notes on the meetings with Hays. Edmundson said that after the session last Friday he had made a cursory search for his notebook, but had not been able to find it.

NOTES

Hays' attorney accused Edmundson of making mental rather than verbal notes. Edmundson pointed out that most reporters do both. Edmundson retorted:

"The material witness you are talking about had nothing to do with the story that was written. I wrote the story from the interview with Hays at my office. When I visited Hays' home the material witness was there, but the story in question had been published weeks before."

Edmundson said he would be glad to furnish a memo — a long one — that had been written by him to the metropolitan editor from the notes of the interview with Hays. Edmundson said, however, that he had asked Hays to talk to him and "tell me what the defense attitude was and what the defense was going to be. He did tell me, and what was printed was a minor part. The rest can be seen in the memo."

The junior Hanes rose at this point and said, "I object to plans of the defense (being admitted) . . . I deny we had anything to do with the defendant."

INADMISSIBLE

Battle ruled the unpublished material inadmissable because it might prejudice the case against Ray.

Livingston said "when this witness testified he said he did not put everything in that Mr. Hays said. This shows he put everything in he wanted to. Do I understand he (Hays) did not come unsolicited to your office?"

Edmondson: "I went by his office to ask him to come see me. He was not there and I left word for him to call."

Livingston: "You didn't know him before? You saw him on Sept. 6 in the courtroom."

Edmondson: "I didn't see him there in the sense of recognizing him."

Livingston: "How did you know where his office was?"

Edmondson: "That would involve giving away certain sources. I did not feel that I had to protect Mr. Hays any longer when he came here and told deliberate falsehoods. I no longer felt any responsibility to protect him as a source."

Livingston asked Edmondson if he made any attempt to find his notes after he learned that Hays had filed a sworn denial to anything that Edmondson had in his story.

FACTS

Edmondson said he thought it was a legal move and paid little attention to it. "I'm not so deeply interested in legal formalities as I am the facts," said Edmondson.

There was a skirmish between Edmondson and Livingston over what indirect and direct quotations meant in a reporter's vocabulary. Edmondson said heatedly "indirect quotations don't represent a word-for-word account. They are an accurate reflection of what he (Hays) told me."

Livingston questioned Edmondson about a phrase in his story saying Hays "said last night." Edmondson said "he came to my office fairly late in the afternoon — about 4:30—and it was about 6:15 when he left.'

Livingston said he still wanted to know what Edmondson meant by "night."

Edmondson said, "I consider night begins at 6 p.m."

STORY WRITING

Several times Livingston questioned Edmundson about why some statements in Edmundson's story were direct quotations and some indirect.

Edmundson told Livingston that he considered himself a better judge of how the story should be written than Livingston.

Edmundson turned to the judge and objected to some of the questions Livingston asked. Battle warned Livingston not to "rag the witness."

Livingston then asked if Edmundson had ever had other complaints about his reporting. Edmundson brought laughs from spectators when he said he had and that chief among them was Burch, chairman of the bar committee. Edmundson offered to describe the circumstances of the complaint, but Judge Battle ruled that it was not pertinent.

Edmundson repeated his statement that all of the information printed in his story was correct and that he, in fact, had left out many things Hays had told him concerning the case.

Hays, in rebuttal testimony said the interview between himself and Edmundson in the Hays home took place before the story in question was printed.

Hays said the interview in

2025 RELEASE UNDER E.O. 14176

ROY HAMILTON

RENFRO HAYS

ARTHUR HANES

CHARLES EDMUNDSON

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Court Puts Off Sentencing

By JOHN MEANS

Four men were ruled in contempt of court for violating court orders on pre-trial publicity in the James Earl Ray case yesterday, but Criminal Court Judge Preston Battle refused to impose sentence pending their "future actions."

The judge said he was "just not ready to decide" the fate of the defendants despite a plea by a Scripps-Howard Newspapers attorney that sentence be imposed promptly "so that an appeal might be taken."

Judge Battle's action was aimed at Charles Edmundson, a reporter for The Commercial Appeal, and Roy Hamilton, Memphis Press-Scimitar reporter, for articles appearing under their by-lines Sept. 12.

The Commercial Appeal vowed editorially today to fight the ruling to the United States Supreme Court, if necessary. It also promised to continue to report to its readers the developments in the Ray case.

Also cited in Judge Battle's lengthy decision was Arthur Hanes, Ray's attorney, and Renfro Hays, a private investigator working for Mr. Hanes. Mr. Hays was quoted in the article by Mr. Edmundson, and Mr. Hanes' contempt citation stemmed from remarks attributed to him by Mr. Hamilton.

Ezra Bryan of Cleveland, Ohio, attorney for Scripps-Howard, returned to the courtroom early yesterday afternoon after the judge had read his verdict and recessed for lunch, to plead with Judge Battle to reconsider his action in relation to Mr. Edmundson and Mr. Hamilton, or to impose a prompt sentence.

"Conscientious reporters and responsible newspapers cannot possibly live under the circumstances which would arise under the present posture of this case," Mr. Bryan said.

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

Page 1

THE COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 10-1-68
Edition: Final
Author:
Editor: Frank R. Ahlgren
Title:

Character:
or
Classification: 44-1987
Submitting Office: Memphis

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

"Three two men are in limbo, under threat of punishment by the court, rather than under a court order. The penalty must be imposed on the people who open the door, rather than the reporters who report them open."

He called the judge's ruling "censorship at its worst."

Judge Battle's ruling knocked down two basic contentions by Mr. Hanes and the reporters.

The newsmen's attorney, Armistead Clay, contended their rights under the First Amendment involving freedom of the press would be violated under such a citation. Mr. Hanes' lawyer, Arthur Hanes Jr., argued that his father said nothing to newsmen that had not already come out in open court, and therefore was not "extra-judicial" under the terms of the judge's order.

But Judge Battle said, "There is surely an obvious difference between making charges and claims in court . . . where the opposing side can challenge the truth of the charges and claim . . . and the giving of unsworn statements outside court . . .

(Such statements) are in violation of the orders of the court whether made before or after the same identical statements are made in open court or in a pleading filed in court.

"It is my present opinion that the respondents, each and all, have failed to show good cause why they should not be held in contempt for the violating of the orders of this court, of which they had notice.

"I am not yet ready to decide what final disposition should be made of the matter. It might well be that future action and conduct of all or some of these respondents might be considered as a mitigation or even as a purgation of the offense."

Judge Battle's verdict also made it clear he did not believe the testimony of Mr. Hays, who swore Friday and again yesterday that he did not make the statements attributed to him in Mr. Edmundson's news story. Mr. Edmundson testified that he did.

"The testimony is in direct conflict," Judge Battle said. It is the duty of the court to determine the credibility of the witnesses and determine the truth of the matter.

"The court believes Mr. Edmundson has told the truth."

Earlier in the day, Mr. Edmundson clashed with Robert Livingston, Mr. Hays' attorney, who asked the reporter why he had not brought his notes into court, knowing that Mr. Hays had filed an answer in court last week denying he was guilty of the contempt charges.

"I didn't take your formal denial as anything but a pro forma legal document," Mr. Edmundson answered. "I don't take my cues from you, or from any orders you file in court."

The attorney then read part of Mr. Edmundson's story.

Q—Did he (Mr. Hays) say that word for word verbatim?

A—Is that in quotation marks?

Q—I'm asking you, is that what he said?

A—And I'm asking you—

Q—Your honor, please instruct the witness—

Judge Battle: Well, let him see the document. You can't examine him without letting him see it.

Q—Your honor, he wrote it.

Judge Battle: Let him see it.

In response to a question as to why he did not use quotation marks, Mr. Edmundson said he felt himself a better judge of how to write a news story than the attorney. "I don't tell you how to practice law."

Q—Why didn't you put it in direct quotes?

A—I didn't want to. Judge, isn't he arguing here?

Judge Battle: I think you're beating a dead horse. Don't bullyrag the witness.

Judge Battle also overruled a motion to dismiss the case against Mr. Hays on the grounds that Lucius Burch, who served as prosecutor in Friday's hearing, was the attorney for Dr. Martin Luther King Jr., at the time Ray is accused of slaying him, and consequently is prejudiced against Mr. Hays.

Mr. Burch, the chairman of the seven-man group of attorneys who brought the contempt charges, was not in court yesterday. His place was taken by Leo Bearman Jr., another member of the "friend of the court" committee.

Other members of the committee, appointed by Judge Battle to advise him on publicity and pre-trial procedure, are Alan Hanover, Lee Hardison, James Causey, Cooper Turner Jr. and Don Owens. Mr. Owens is president of the Memphis and Shelby County Bar Association.

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Cell Scrutiny To Go On

James Earl Ray strode smartly into Criminal Court Judge Preston Battle's courtroom yesterday afternoon, sat quietly for two hours, then heard the judge deny a motion to turn off the lights, microphones and television cameras in his cell at the Shelby County Jail.

Accused in the slaying of Dr. Martin Luther King Jr., Ray goes on trial Nov. 12. Yesterday he did not take the stand and did not speak a word to anyone as he sat behind his attorneys, Arthur Hanes and Arthur Hanes Jr. Ray wore a blue, pin-striped suit, a light blue shirt and blue tie and a fresh haircut.

His appearance was delayed from last Friday by a hearing in which Mr. Hanes and three others were accused of contempt of court in connection with publicity in his case. Security measures planned for Friday were put into well-rehearsed operation yesterday afternoon.

Judge Battle ruled that the lights, cameras and microphone in Ray's jail cell constituted reasonable security measures. "If he's photo-sensitive, department stores sell these black masks like women and people who work at night wear," he told Mr. Hanes.

Sheriff William N. Morris testified that his officers have been ordered to inspect any notes that Ray passes to Mr. Hanes during their talks in his third-floor cell in the County Jail. He and Captain Billy J. Smith, who is in charge of the security detail that guards Ray day and night, both testified that this is to prevent Ray from getting a drawing or diagram of his cell out of the building.

"We are looking for maps, drawings, evidence of jail dia-

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

Page 1

THE COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 10-1-68
Edition: Final
Author:
Editor: Frank R. Ahlgren
Title:

Character:
or
Classification: 44-1987
Submitting Office: Memphis

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

grams," Captain Smith said. "We don't read the notes, we just inspect them."

This brought a request from Robert Dwyer, executive assistant attorney general, that Judge Battle order more stringent security measures, insisting that all Ray's notes should be read. Judge Battle overruled the request, before proceeding to overrule Mr. Hanes' motions to relax the electronic and double-guard vigil over his client.

Mr. Hanes began the hearing by announcing that Ray "has reaffirmed his faith in us . . . we have agreed to continue to represent the defendant." Mr. Hanes had suggested last Friday that differences between him and Ray in trial strategy might cause him to step out of the case.

The lights in the court building dimmed perceptibly at 3:45 p.m., startling deputies in the hallway. Inside the courtroom, Judge Battle looked up at the offending light fixtures, and smiled. Spectators smiled at each other, and the hearing continued.

Four blocks away in the Light, Gas and Water Building, technicians said they conducted a routine switching of power substations. "The flickering affected most of the city. But that's all it was . . . a flickering."

Ray appeared somewhat pale, though Captain Smith said he had gained some weight on his jail diet. The officer said he had been averaging about 8½ hours sleep a night, and Judge Battle commented in his ruling that "It has been testified Mr. Ray has been sleeping more than I have lately."

Lawyers, newsmen and other spectators were subjected to the same rigid security — searches, video tape recordings of voices and the issuance of identification badges — that marked Ray's only other appearance in court when he was arraigned in July. As before, he entered court between two officers. Three burly deputies sat behind him.

He sat quietly throughout the no-recess hearing, yawning occasionally, scratching his right ear now and then. He seemed calm.

Mr. Hanes' reference to "high-powered lights" was the subject of Captain Parker's testimony, when Mr. Dwyer asked him if he had determined the brightness of the 24-hour-a-day lights.

"I checked them with a light meter," Captain Parker said. "In the cell block, outside the cell, they measure nine foot candles. Inside the cell, the reading is six. It's five here in the courtroom, and on an overcast day outside, the reading is 65."

Captain Parker also said Ray "seems a little more relaxed than when he first came here, when he didn't know what was going to happen to him. And he appears to have gained a little weight." He said Ray spends about $20 a month at the jail commissary for "sandwiches, orange juice and milk" in addition to his regular prison fare.

Mr. Hanes dwelled at length on the closeness of the television cameras pointed at Ray's cell, as he questioned Sheriff Morris:

Q—You do have television cameras there?

A—That's correct.

Q—Are they ever turned off, or are they on continuously?

A—They are on continuously.

Q—How many are there?

A—Two.

Q—How far is that from where he sleeps?

A—Would say six or eight feet.

Q—And it would show him when he lay down on his bed or when he went to the bathroom?

A—You could see a movement, but you could not see the details.

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Hanes May Quit As Ray Attorney

By JOHN MEANS

Attorney Arthur J. Hanes Sr. punctuated the end of a day-long legal skirmish yesterday by telling Criminal Court Judge Preston Battle he may step out of the James Earl Ray case.

The Birmingham attorney, who has represented the accused slayer of Dr. Martin Luther King since his arrest in June, told Judge Battle and a courtroom full of lawyers, newsmen and officers that "serious differences have arisen between me and my client as to the best way to conduct his defense and it is possible I may withdraw from this case."

The announcement came at the end of yesterday's court battle on four contempt of court cases.

A committee of seven attorneys, appointed by Judge Battle to advise him on pre-trial publicity and procedures, recommended contempt proceedings against Mr. Hanes, a private investigator employed by him and two newspaper reporters.

One of the newsmen, Charles Edmundson, a reporter for The Commercial Appeal, took the witness stand against the advice of his own counsel yesterday afternoon, to refute earlier testimony by the private investigator, Renfro T. Hays. Mr. Hays had denied statements attributed to him by Mr. Edmundson, which were the basis for the contempt citations.

"I did not originally mean to take the witness stand," Mr. Edmundson testified. "But in view of the reflections cast on The Commercial Appeal by the allegations of Mr. Hays — and Mr. (Lucius) Burch's insistence that my refusal to take the stand constituted a reflection on The Commercial Appeal and on my reputation as a reporter — I could not let it go by without taking the stand and I did not."

The lawsuit is probably unique in the nation's courts. The four were ordered to show cause why they should not be held in contempt of court at the suggestion of the committee of lawyers, whose standing in court is that of "amicus curiae,"—friends of the court. With Mr. Burch as spokesman, the committee acted as the prosecutors, making it necessary for the accused men, or

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

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 9-28-68

Edition:

Author:

Editor: FRANK R. AHLGREN

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

"respondents," to defend themselves.

After Mr. Hays testified he did not make the statements attributed to him, Mr. Burch told Judge Battle the case against him was "a very weak case," since his testimony was not contradicted. It was then that Mr. Edmundson demanded that he be allowed to testify.

Roy Hamilton, reporter for the Memphis Press-Scimitar who also faces contempt charges, did not take the stand.

In his just-before-adjournment statement, Mr. Hanes attacked the lawyers' committee, saying, "I think prejudice is showing like a grandmother's petticoat under a granddaughter's miniskirt. I'm going to do everything I can to defend my client against whatever arises, including committees of lawyers. I do not know what their motives are, although I have my ideas."

Judge Battle commented from the bench that "Mr. Burch certainly does not need me to defend him but a charge of any prejudice against Mr. Burch or anyone on this committee, the court thinks is utterly ridiculous.

"We'll finish this matter Monday. Adjourn the court."

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Judge Battle's Decision

CRIMINAL COURT Judge Battle yesterday in an ancillary proceeding to the Ray case ruled that Charles Edmundson, a reporter for The Commercial Appeal, had violated an injunction prohibiting the lawyers and their investigators from making out-of-court statements on certain subjects. Hanes, Ray's counsel, and Hays, an investigator for him, were found guilty of making such statements which had been reported in this newspaper.

Unfortunately, Judge Battle did not enter a final, and so appealable, order by announcing the penalty. Thus, the sword of Damocles is hung over our head. It was suggested by the judge that the penalty might be reduced if henceforth we restricted our reporting of the Ray case to just what was said and done in open court.

Such handcuffing of the press and blindfolding of the citizens in a free country cannot be accepted by a responsible newspaper which must report all important happenings to the people.

History teaches us, most recently in Czechoslovakia, that freedom of speech and press are the cornerstone upon which rest our rights to open and fair trials; in fact, all of our basic liberties.

WITH ALL DUE respect for Judge Battle and the tremendous burden he carries, we must until this matter is finally determined by, if necessary, the United States Supreme Court, report the Ray case. This on the basis of our conviction forst, that the judge's injunction does not apply to this newspaper or its reporters, and second, if it did, it would be a nullity by being in conflict with the free press guarantee of the First Amendment to the United States Constitution.

In the meantime, our attorneys will be seeking all available routes to a final determination of this most important matter.

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

Page 8

THE COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 10-1-68
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Submitting Office: Memphis

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

2025 RELEASE UNDER E.O. 14176

October 1, 1968

GENERAL INVESTIGATIVE DIVISION

This is the case involving the murder of Martin Luther King, Jr.

We previously in a memorandum to the Department requested the Department to advise us what additional reports can be furnished to Mr. Phil M. Canale, State Attorney General, Shelby County, Memphis, Tennessee, in view of the scheduled state trial in Memphis on November 12, 1968.

The attached is in response to our memorandum and we are instructing our Memphis Office to provide the reports and memoranda immediately to Mr. Canale.

REL:jms

2025 RELEASE UNDER E.O. 14176

Form DJ-159
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: October 1, 1968

SJP:DRO:efw

FROM : Stephen J. Pollak
Assistant Attorney General
Civil Rights Division

D.J. 144-72-662
#41-157-147

SUBJECT: JAMES EARL RAY

Please furnish Phil Canale, the Attorney General of Shelby County, Tennessee copies of the following reports which you have furnished us in this case:

1. 5/10 - Harold R. Dobson - St. Louis
2. 5/10 - Rene J. Dumaine - Chicago
3. 5/17 - Stephen M. Callender - New Orleans
4. 5/17 - Theodore J. A'Hearn - Los Angeles
5. 5/17 - Quentin P. Stinson - Springfield, Ill.
6. 5/17 - David N. Jellison - Miami
7. 5/17 - James S. Weir - Houston
8. 5/17 - Alan G. Sentinella - Atlanta
9. 5/20 - Henry A. Snow - Birmingham
10. 5/23 - David N. Jellison - Miami
11. 5/23 - Ronald E. Sherk - Portland
12. 5/24 - William Roberts, III - Springfield
13. 5/31 - David J. Reid - El Paso
14. 5/29 - William J. Hart - Detroit
15. 5/24 - David J. Reid - El Paso
16. 6/6 - William Logan Curtis - Pittsburgh
17. 6/25 - Harold R. Dobson - St. Louis
18. 7/12 - Stephen M. Callender - New Orleans
19. 7/8 - Ramon W. Stratton - Chicago
20. 7/30 - Robert R. Perry - Atlanta
21. 8/22 - Joe Hester - This report contains the bulk of the information which you obtained from Mexico.
22. Your reports from Canada, which were submitted to us under cover memorandum of August 30, 1968.

REC-64

10

2025 RELEASE UNDER E.O. 14176

RECEIVED
FEDERAL INVESTIGATIVE

OCT 1 3 28 PM 1968

F. B. I.
U. S. DEPT. OF JUSTICE

OCT 1 6 16 PM '68

OCT 2 9 10 AM '68

2025 RELEASE UNDER E.O. 14176

23. The four letterhead memoranda concerning your investigation in Portugal, dated June 13, June 18, June 24 and July 1, 1968.

24. Your letterhead memorandum submitted to us on June 13, 1968 entitled James Earl Ray alias Bridgeman, Sneyd - April 8-6, 1968, which is a summary of information which you obtained from Canada.

Mr. Owen of this office and myself will be meeting with Mr. Canale on Wednesday, October 2. If possible, please furnish these reports to Mr. Canale's office today or tomorrow.

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

F B I

Date: 10/1/68

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: Director, FBI (44-38861)

FROM: Legat, Tokyo (173-1) (RUC) Attn: ADMINISTRATIVE DIVISION

MURKIN - COST DATA

ReBucab 7/2/68.

The Tokyo Office has no cumulative totals to reflect in instant case for the month of September, 1968.

In view of the fact that for the last few months there has not been any additional investigation in this area and none is anticipated, UACB the Tokyo Office will discontinue submitting cost data in this matter. Of course, if further investigation is warranted, Legat will submit the data as was done in the past.

3 - Bureau
(1 - Liaison Section)
1 - Tokyo

RVP:fo
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

530CT1 1968

2025 RELEASE UNDER E.O. 14176

RECEIVED
FEDERAL INVESTIGATIVE

OCT 3 3 10 PM 1968

F. B. I.
U. S. DEPT. OF JUSTICE

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F B I
OCT 4 10 00 AM '68

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

F B I

Date: 10-3-68

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN

Enclosed are original and one copy of newspaper clipping in captioned matter, indicating Memphis Press-Scimitar newspaper plans to appeal contempt ruling.

3 BUREAU (Enc. 2)(AM)
1 MEMPHIS

RGJ:BN
(4)

REC- 47

EX 109

OCT 4 1968

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

61 OCT 10 1968

2025 RELEASE UNDER E.O. 14176

RECEIVED
OCT 4 2 29 PM 1968
U.S. DEPT OF JUSTICE

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Press-Scimitar Plans to Appeal Contempt Ruling

Attorneys for The Memphis Press-Scimitar today planned legal action before the Tennessee Supreme Court in an effort to overturn a decision of Criminal Court Judge W. Preston Battle holding one of its reporters in contempt of court.

The newspaper vowed editorially to take the case to the U.S. Supreme Court, if necessary, for relief from the judge's orders against pre-trial out-of-court news concerning the James Earl Ray murder case.

The newspaper said it would continue to print the news despite the conviction of Roy B. Hamilton, its courthouse reporter, and three others also held guilty of contempt.

Also held in contempt were Charles Edmundson, reporter for the Commercial Appeal, which will take action along with The Press-Scimitar; Arthur Hanes, counsel for Ray, who is accused of murdering Dr. Martin Luther King Jr., and Renfro Hays, Memphis private investigator for Hanes.

NEWS STORIES

News stories in the two newspapers Sept. 12 involving the four men held in contempt were the basis for Judge Battle's contempt action.

The judge refused to sentence the two newspaper reporters, despite a request from attorneys, saying he would withhold punishment pending their actions in the future.

The newspapers' counsel contended this placed the reporters and their newspapers in an untenable position and relief would be sought from other courts, if necessary.

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

Page 1

Memphis Press-Scimitar

Memphis, Tenn.

Date: 10-1-68
Edition: Home
Author:
Editor: CHARLES H. SCHNEIDER
Title:

Character:
or
Classification: 44-1987-
Submitting Office: Memphis

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

Ezra Z. Bryan, of Cleveland, counsel for Scripps-Howard Newspapers, and Armistead Clay, attorney for Memphis Publishing Co., represented the reporters in court.

STATEMENT

Battle, before announcing his decision, read a long prepared statement citing the reporters' articles, criticizing Hanes and Hays for making extra-judicial statements and adding that he believed Edmundson's testimony but not Hays'.

"Justice demands a fair trial by an impartial jury both for James Earl Ray and the State of Tennessee," Battle emphasized.

Bryan contended that the withholding of sentence would put the reporters "in limbo" as to what they could print about the Ray case. Clay argued that it was clear the U.S. Supreme Court "deliberately refrained" from authorizing such orders that could be used against the press.

NEWS ACCOUNT

The newspaper account by Edmundson, who from the stand clashed hotly with Robert Livingston, Hays' lawyer, had quoted Hays as saying Ray's health was threatened by bright lights left shining day and night in his cell, by constant monitoring by TV cameras and by lack of privacy.

Edmundson's article also quoted Hays as comparing security measures for Ray with "devices used by Communist police agents to destroy the health and balance of the victims."

Hays from the stand denied making any such statements.

2025 RELEASE UNDER E.O. 14176

Mr. Stephen J. Pollak
Assistant Attorney General

October 4, 1968

1 - Mr. Long

Director, FBI

ASSASSINATION OF MARTIN LUTHER KING, JR.

Reference is made to my memorandum of September 10, 1968, advising you that Mr. William Bradford Huie was interviewed at his home at Hartselle, Alabama, at his request. We provided you with the results of his interview and requested permission to furnish the information to Mr. Phil M. Canale, Jr., State Attorney General, Shelby County, Tennessee.

In your memorandum of September 17, 1968, responding to the above memorandum, you stated that you would desire postponement of any action on this matter pending your resolution of several questions.

You are requested to advise this Bureau of your determination in this matter, as it appears this should be promptly resolved.

REL:bcp
(4)

NOTE:

We previously advised the Department that Mr. William Bradford Huie, author whose books include, "Three Lives for Mississippi" dealing with the murder of the three civil rights workers in June of 1964, was interviewed at his home at Hartselle, Alabama, at his request and wanted to "bargain" with us. (He would furnish us information as provided to him by Ray in exchange for current nonpublicized photographs of Ray.) We advised our Birmingham Office not to "bargain" with Mr. Huie under any circumstances. We also advised the Department that Huie has obtained notes from Ray, and Mr. Huie is preparing an article in "Look" magazine based on these notes. The obtaining of these notes was discussed with the Department and they advised they are considering the question of obtaining a search warrant or subpoena duces tecum for Huie's notesand/or calling Huie before a grand jury.

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAILED 27
OCT 4 - 1968
BHAM - FBI

REC-42

NOTE CONTINUED PAGE TWO...

20 OCT 4 1968

MAIL ROOM ☐ TELETYPE UNIT ☐

2025 RELEASE UNDER E.O. 14176

OCT 4 10 21 AM '68
REC'D-READING ROOM
F B I

RECEIVED DIRECTOR OCT 3 3 07 PM '68
F B I
U. S. DEPT. OF JUSTICE

OCT 4 10 44 AM '68

OCT 3 [illegible]
RE [illegible]

S-16-78
HUMMEL
S-19-78 BY
Tws:sks

2025 RELEASE UNDER E.O. 14176

NOTE CONTINUED:

The Department by memorandum of 9/17/68, advised us that they would appreciate postponing any action in this matter until they resolved certain questions. This memorandum is to ascertain if the Department has reached a decision.

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
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Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

2025 RELEASE UNDER E.O. 14176

10/4/68

AIRTEL

TO: DIRECTOR, FBI (44-38861)
ATTN: ADMINISTRATIVE DIVISION

FROM: LEGAT, MEXICO CITY (173-1)(P)

MURKIN
COST DATA

Re Mexico City airtel 9/6/68.

Cost data set forth below represents the best figures available, based partially on estimates, from 9/1-30/68.

I. Total Man Hours

	Regular	Overtime	Total
Special Agent	4	2	6
Clerical	1	0	1

II. Total Mileage: None

III. Unusual Costs: None

IV. Peak Number of Special Agents Working on Case During Period: 2

4 - Bureau
(1 - Liaison Section)
1 - Mexico City

JJF:kzh
(5)

NOTHING FILED
11 OCT 10 1968

51 OCT 14 1968

2025 RELEASE UNDER E.O. 14176

OCT

REC'D - CIV RIGHTS
FBI

OCT 11 4 34 PM '66

REC'D - CIV RIGHTS
FBI

OCT 11 1 49 PM '66

2025 RELEASE UNDER E.O. 14176

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
OCT 1 1968

TELETYPE

FBI BIRMGHAM

343 PM URGENT 10-1-68 JGA

TO DIRECTOR 44-38861 AND MEMPHIS 44-1987

FROM BIRMINGHAM 44-1740

MURKIN. OO: MEMPHIS.

REBUAIRTEL SEPTEMBER ELEVEN, SIXTYEIGHT.

ON INSTANT DATE, WILLIAM BRADFORD HUIE, AUTHOR, HARTSELLE, ALABAMA, TELEPHONICALLY CONTACTED SA WILLIAM H. LEE, DECATUR, ALABAMA RA, AND ADVISED SUBJECT RAY HAD PLASTIC SURGERY MAY FIVE LAS AT LOS ANGELES, CALIFORNIA, AND HE HAS XEROX COPIES OF DOCTOR'S RECORDS WHICH HE WILL FURNISH IF WANTED. HUIE STATED HE FEELS ALEX BORMAN OR BORMANN, FORMER INMATE MISSOURI STATE PRISON WITH SUBJECT RAY, IS CONNECTED INSTANT CRIME AS INFORMATION RECEIVED BORMAN AND RAY WERE IN CHICAGO, ILL., AREA TOGETHER FOR PERIOD OF SEVERAL WEEKS. HUIE STATED ABOVE INFORMATION HAS BEEN FURNISHED FBI LOS ANGELES AND CHICAGO. HUIE EXPRESSED DESIRE OF BACKGROUND INFORMATION ON ALEX BORMAN, STATING HE PLANS TO CALL BUREAU OCTOBER TWO NEXT FOR THIS INFORMATION.

REC-139

EX-101

NO PROMISES OR SUGGESTIVE ENCOURAGEMENT INDICATED ~~TO HUIE.~~

AIRMAIL COPIES TO CHICAGO AND LOS ANGELES.

END

CAB

FBI WASH DC

2025 RELEASE UNDER E.O. 14176

OCT 1 4 49 PM 1968
F B I.

2025 RELEASE UNDER E.O. 14176

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

WASHDC---1---

713PM DEFERRED 10-1-68 RJM

TO DIRECTOR (44-38861) BIRMINGHAM MEMPHIS (44-1987) (PLAINTEXT)

FROM LOS ANGELES (44-1574)

MURKIN

REBUTELCALL TEN ONE INSTANT.

BENNET OLAN, ATTORNEY FOR DR. RUSSELL C. HADLEY, PLASTIC SURGEON, LA, ADVISED HADLEY PERFORMED SURGERY ON NOSE OF JAMES EARL RAY IN LA APPROXIMATELY THREE WEEKS BEFORE ASSASSINATION OF MARTIN LUTHER KING. SURGERY DID NOT EFFECT APPEARANCE TO ANY DEGREE BUT REMOVED A PROJECTION. OLAN REQUESTED IF HADLEY INTERVIEWED HE BE PRESENT. UACB, LA WILL ARRANGE INTERVIEW WITH DR. HADLEY.

WILLIAM BRADFORD HUIE HAS NOT CONTACTED THE LA OFFICE TO DATE.

END

WLM FBI WASH DC

REC-139

OCT 4 1968

EX-101

2025 RELEASE UNDER E.O. 14176

OCT 1 11 08 PM '68

U.S. DEPT. OF JUSTICE

RECEIVED
F B I
DIRECTOR

OCT 2 1 38 PM '68

COPY UNIT

OCT 1 10 29 AM '68

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: October 2, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Bishop

FROM : A. Rosen

SUBJECT: MURKIN

This is the case involving the murder of Martin Luther King, Jr.

Mr. William Bradford Huie, author, whose books include, "Three Lives for Mississippi" dealing with the murder of the three Civil Rights workers in June of 1964, previously advised us that he entered into a contract with James Earl Ray to write the true account of Ray's activities and background concerning the assassination of King.

Huie again contacted our Birmingham office and wanted to exchange information with us. We previously advised our Birmingham office not to "bargain" with him. He did advise that Ray had plastic surgery performed at Los Angeles in May of 1968 (subsequent to assassination), and he had copies of the Doctor's records. Huie also advised that Ray and one Alex Borman were allegedly in Chicago for several weeks and Borman is connected with the assassination. Huie stated this information furnished to FBI in Los Angeles and Chicago, and he plans to call the Bureau on October 2, 1968 for background on Borman.

REC-139 44-38861

Our Chicago and Los Angeles offices have not been contacted by Huie, however on October 1, 1968, Mr. Bennet Olan, Attorney for Dr. Russell C. Hadley, plastic surgeon in Los Angeles advised that Dr. Hadley performed surgery on nose of Ray approximately three weeks before assassination of King. Olan requested if Dr. Hadley is interviewed that he be present.

George Ben Edmundson, former Top Ten Fugitive, who was apprehended in Canada in June 1967, used the name of Alexander Peter Bormann, and during extensive interview of Edmundson he denied having any dealings with Ray inside or outside pententiary. It is noted that Edmundson was incarcerated in Missouri State Pententiary during pertinent period.

RECOMMENDATION: In view of fact Dr. Hadley is not subject, it is recommended we interview him in presence of his attorney. Pertinent offices have been advised not to "bargain" with Huie.

REL:rl
(6)

2025 RELEASE UNDER E.O. 14176

BY

OCT 2 12 53 PM '68

RECEIVED DIRECTOR
F B I

OCT 2 1 38 PM '68

NOTE:
2-2-78 JTA
re: Anne
1-20-78

5-16-78

5-17-78 HUGHES

This: sys

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

FBI

Date: 9-24-68

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN

Enclosed are original and one copy each of two newspaper clippings in captioned matter.

3 BUREAU (Enc. 4)
MEMPHIS

RGJ:BN
(4)

REC-7

ENCLOSURE

25 SEP 25 1968

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

61 OCT 10 1968

2025 RELEASE UNDER E.O. 14176

SEP 26 '68

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Detective Is First To File Denial Of Court Contempt

Private detective Renfro T. Hays yesterday "emphatically denied" he is in contempt of court orders to limit pre-trial publicity in the Dr. Martin Luther King Jr. murder case.

Mr. Hays yesterday became the first of the four persons ordered to show cause why they are not in contempt to file a response to the citation issued Tuesday by Criminal Court Judge W. Preston Battle.

Mr. Hays' response was filed by attorney Robert I. Livingston. The hearing on the citation against Mr. Hays and the others is to be heard by Judge Battle Friday morning.

Arthur J. Hanes of Birmingham, Mr. Hays' employer and chief counsel for James Earl Ray, charged with Dr. King's murder, said he would file his response Thursday. Mr. Hanes said he would represent himself at Friday's hearing.

Armistead Clay, attorney for the Memphis Publishing Co. and for a reporter of The Commercial Appeal and one for the Press-Scimitar, said he will file responses by Thursday.

All the responses, it was learned, will be denials.

Under study is a set of guidelines adopted by the Federal Judicial Conference last week governing statements by attorneys and courthouse personnel on pending criminal cases.

The report written by a committee headed by Judge Irving R. Kaufman of the Second Circuit, United States Court of Appeals, has been sent to the 323 judges of the 93 United States judicial districts with the recommendation it be placed in effect.

The rules are less strict in many details than those urged by the American Bar Association in its "Reardon Report."

The Kaufman report, like the Reardon report, would bar attorneys and courthouse personnel from disclosing an accused person's prior criminal record or his confession. Disclosure of expected testimony also would be forbidden.

The Kaufman report rejects as "unwise . . . any direct curb or restraint on publication by the press of potentially prejudicial material."

Judge Battle's order on publicity does not directly impose any restraint or curb on the press.

Meanwhile, police would not say whether a white Mustang had been returned safely to Memphis from Atlanta this wekend, as planned.

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

Date:
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office:

☐ Being Investigated

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

White Mustang Sits In Pretrial Spotlight

By CHARLES EDMUNDSON

What is probably the most publicized white Mustang automobile in the world is due to be driven to Memphis today from Atlanta and placed under guard in a garage selected by the Memphis Police Department.

It is the 1966 white Mustang the state is expected to say was used by James Earl Ray to escape from Memphis April 4, minutes after Dr. Martin Luther King Jr. was shot and killed on the balcony of the Lorraine Motel.

The car was found on an Atlanta side street April 11 after a housewife, learning from a friend the FBI was searching for a white Mustang, exclaimed, "Why, I saw a man leave a car like that in front of my apartment the morning after Dr. King was shot. It's still there!"

The Atlanta police were notified. An inch-by-inch inspection of the car revealed some of the evidence which started the FBI on the way to having Scotland Yard arrest Ray in London June 8.

The Mustang was the subject of a mysterious broadcast from a police squad car of a running gun fight between its occupants and a "blue Pontiac." The broadcast, now believed to have had no basis in fact, was picked up by a ham radio operator who fed the information to a policeman in a squad car.

Arthur J. Hanes Sr., Ray's chief counsel, said in Birmingham last night he will fly to Memphis Wednesday to meet Exec. Asst. Atty. Gen. Robert K. Dwyer to listen to tapes of that broadcast.

The defense may contend the broadcast was inspired by Ray's co-conspirators, of whose murder plans they would say Ray had no knowledge.

The police search in Atlanta found in the Mustang green threads like those on a bedspread wrapped around a deer rifle left on South Main near the rooming house from which police say Dr. King was shot.

In a rooming house near where the Mustang was abandoned the FBI found letters addressed to Eric S. Galt, which they were soon to believe was an alias for Ray. FBI agents also found a road map yielding the best fingerprint of Ray they had been able to find.

This permitted Eric S. Galt to be identified as Missouri fugitive convict James Earl Ray, police say.

The Mustang is one of more than 20 items of evidence Arthur Hanes is authorized by Criminal Court Judge W. Preston Battle to inspect. It is understood the car is being returned here at this time so Mr. Hanes can look it over next week.

An officer of the Memphis police homicide squad received an advance of $150 to fly on Eastern Airlines to Atlanta last night and drive the Mustang back.

In a separate action, Sheriff William N. Morris Jr. yesterday ordered barriers blocking Washington Street between Second and Poplar removed in a general lessening of the tight security that has prevailed around the Shelby County Criminal Courts Building since Ray was returned from London almost two months ago.

At the same time, he ordered a corridor connecting that building with the Shelby County Office Building reopened.

The street barriers were removed after workmen completed placing heavy protective screens on all the windows of the Criminal Courts Building, which includes the Shelby County Jail where Ray is awaiting his Nov. 12 trial date.

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

Page 10

The Commercial Appeal

Memphis, Tenn.

Date: 9-21-68

Edition: Final

Author:

Editor: Frank T. Ahlgren

Title:

Character:

or

Classification:

Submitting Office: Memphis

☐ Being Investigated

44-3[illegible]-5

ENCLOSURE

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO: Mr. DeLoach

DATE: October 1, 1968

FROM: A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long

SUBJECT: MURKIN

SYNOPSIS:

This is the case involving the murder of Martin Luther King, Jr. With reference to the dissemination of investigative reports in this case to Mr. Phil M. Canale, Jr., State Attorney General, Shelby County, Tennessee, there has been absolutely no delay in furnishing pertinent reports to him on our part. With Departmental approval we furnished a copy of our prosecutive summary report, as well as ten additional investigative reports to Mr. Canale. These reports contain the information of evidentiary value to the prosecution of the state violation involved.

Since the Department did not authorize us to furnish the results of our fugitive investigation to locate Ray, such reports were not furnished to Mr. Canale at that time. Although these reports did not pertain directly to the prosecution of the state violation it appeared to us they might be of value to Mr. Canale since they clearly established his fugitive status and his use of various aliases to avoid apprehension. Consequently by memorandum dated 9/18/68, we raised the question with the Department as to whether such fugitive reports should be forwarded to Mr. Canale. To date we have received no reply from the Department, although on 9/30/68, D. Robert Owen of the Civil Rights Division advised he intends to proceed to Memphis on 10/1/68, to discuss the case with Mr. Canale and prior to his departure will advise us what additional reports should be furnished Mr. Canale.

REC 49

Mr. Canale has advised our Memphis Office that the purpose of his letter was to "needle" the Department into taking action. He stated the cooperation between his office and the FBI has been extraordinary and he realizes the delay in furnishing pertinent reports is attributable solely to the Department and not to the FBI.

ACTION:

Upon receipt of authorization from the Department, we will disseminate the designated reports to Mr. Canale.

REL:jms/cs (6)

54 OCT 10 1968

SEE DETAILS PAGE TWO...

2025 RELEASE UNDER E.O. 14176

OCT 1 1 45 PM '68

RECEIVED
GENERAL INVESTIGATIVE DIVISION

OCT 9 3 12 PM '68

OCT 2

U.S. DEPT OF JUSTICE

OCT 1 4 03 PM '68

RECEIVED
U.S. DEPT OF JUSTICE

OCT 1 4 29 PM '68

OCT 1 4 03 PM '68

OCT 1 5 37 PM '68

FOR
FBI

OCT 1 4 03 PM '68

S-16-78

S-17-78

Mulcahy

Tbs:sps

2025 RELEASE UNDER E.O. 14176

DETAILS:

This is the case involving the murder of Martin Luther King, Jr.

With reference to the dissemination of investigative reports in this case to Mr. Phil M. Canale, Jr., State Attorney General, Shelby County, Tennessee, there has been absolutely no delay in furnishing pertinent reports to him on our part.

Immediately upon completion of our investigation with Departmental approval, we furnished Mr. Canale a copy of our prosecutive summary report.

By memorandum dated July 24, 1968, we advised the Department that Mr. Canale had contacted our SAC in Memphis and stated that in a conversation with Assistant Attorney General Fred M. Vinson of the Criminal Division, Vinson had informed Canale that he, Canale, might desire, for information purposes, to obtain additional investigative reports prepared by us in this matter. In this same memorandum we requested the Department to advise us which specific reports it desired be furnished to Mr. Canale.

In accordance with authority set forth in Department memorandum August 6, 1968, we furnished Mr. Canale ten additional investigative reports, as well as original documents provided to us by the Department relating to the extradition proceedings of Ray.

These reports, as well as the prosecutive summary reports contained the information of evidentiary value to the prosecution of the state violation involved.

Since the Department did not authorize us to furnish to Canale the results of our extensive fugitive investigation to locate and apprehend Ray, such reports were not furnished Canale.

Although these reports did not pertain directly to the prosecution of the state violation; it appeared to us they might be of possible value to Mr. Canale since they clearly established Ray's fugitive status and his use of various aliases to avoid apprehension. Consequently, by memorandum dated September 18, 1968, we raised the question with the Department as to whether such fugitive type reports should be disseminated to Mr. Canale.

2025 RELEASE UNDER E.O. 14176

To date we have received no reply from the Department although on 9/30/68, D. Robert Owen of the Civil Rights Division of the Department advised that he intends to proceed to Memphis on 10/1/68, to discuss the case in detail with Mr. Canale. Owen stated that prior to his departure he would furnish us a memorandum advising which additional reports should be furnished to Mr. Canale at this time.

Mr. Canale has informed us that he has experienced no delay by the FBI in furnishing him pertinent reports, in fact he has stated that the cooperation between his office and the FBI has been extraordinary. Mr. Canale stated he is well satisfied with the reports presently in his possession, as they contain the facts and evidence pertinent to the prosecution of the case in state court. He stated he is, however, desirous of obtaining reports relating to the fugitive aspects since they clearly establish Ray's fugitive status and his use of various aliases to avoid apprehension. He further advised that the only purpose of his letter was to "needle" the Department into taking action, and he realized the delay in furnishing pertinent reports is attributable solely to the Department and not the FBI.

2025 RELEASE UNDER E.O. 14176

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

2025 RELEASE UNDER E.O. 14176

ROBERT K. DWYER
EXECUTIVE ASSISTANT

LLOYD A. RHODES
ADMINISTRATIVE ASSISTANT

JOHN L. CARLISLE
H. J. BEACH
E. L. HUTCHINSON, JR.
GEORGE A. BECKER
CRIMINAL INVESTIGATORS

EARL E. FITZPATRICK
NON-SUPPORT DIVISION

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL
FIFTEENTH JUDICIAL CIRCUIT OF TENNESSEE
COUNTY OF SHELBY

SHELBY COUNTY OFFICE BUILDING
157 POPLAR AVENUE
MEMPHIS, TENN. 38103

WILLIAM D. HAYNES
JAMES C. BEASLEY
EWELL C. RICHARDSON
JEWETT H. MILLER
J. CLYDE MASON
SAM J. CATANZARO
LEONARD T. LAFFERTY
CLAY N. SAUNDERS
ARTHUR T. BENNETT
PHILLIP E. KUHN
T. E. CRAWFORD
DON D. STROTHER
DON A. DINO
JAMES P. CROSS
JOSEPH L. PATTERSON
BILLY F. GRAY

September 27, 1968

Hon. Stephen J. Pollak
Assistant Attorney General
Civil Rights Division
Dept. of Justice
Washington, D. C. 20530

Dear Mr. Pollak: In Re: State of Tennessee vs. James Earl Ray

As you probably know, we have been doing extensive pre-trial work getting ready for the trial in the above styled matter on November 12, 1968. Prior to this time, we have received a number of investigative reports from the Federal Bureau of Investigation, but there are some reports which we desperately need in preparing for this case which have not yet been tendered to us. In some instances, we have received laboratory reports pertaining to certain physical evidence, but have not received the field reports which would indicate to us who recovered the evidence that was examined in the laboratory, and how and by whom same was transmitted to the laboratory for examination. Of course, we have to keep intact the chain of evidence in presenting this material at the trial.

It is urgently requested that, as soon as possible, this office be furnished with any and all available investigative reports originating and emanating from the following localities, whether such reports have been submitted by the Federal Bureau of Investigation, local law enforcement, or agencies outside the continental United States.

I make specific reference to the need for reports from the following localities:

Chicago, Illinois
New York City
Canada
London, England (We do have the Scotland Yard report.)

EXP. PROC.
33 SEP 30 1968
REC 49
EX-116
54 OCT 10 1968
16 SEP 30 1968

2025 RELEASE UNDER E.O. 14176

16

SEP 30 1 38 PM '68

RECEIVED DIVISION
F B I

RECEIVED DIRECTOR
F B I

SEP 30 11 55 AM '68

SEP 30 1 08 PM '68

2025 RELEASE UNDER E.O. 14176

Mexico
Lisbon, Portugal.

Also, since the last report submitted to this office from field offices of the Federal Bureau of Investigation dated May 17, we have received no reports since that date, and we would like to have the results of any supplemental investigations. I refer specifically to the possible supplemental investigations from Atlanta, Georgia, Los Angeles, California, Birmingham, Alabama, New Orleans, Louisiana, Kansas City, Missouri, and Newark, New Jersey.

Thanking you for your assistance in this matter, I am

Sincerely yours,

PHIL M. CANALE, JR.
District Attorney General

PMC:mm
CC: Hon. Ramsey Clark
Attorney General of the U.S.
Dept. of Justice
Washington, D. C.

CC: Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
506 Old P. O. Bldg.
Washington, D. C. 20535

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Laboratory Transmittal Form
7-72

1 - Mr. Rosen
1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Mortimer
1 - LAB FILE

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Memphis (44-1987)

Date: October 4, 1968

Re: MURKIN
CR
OO: Memphis

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 44-38861
Lab. No. D-680928070 JK

Examination requested by: Memphis

Reference: Airtel 9/26/68

Examination requested: Document

Remarks: ///// Specimen received 9/28/68

K489 Two envelopes, one postmarked "MEMPHIS TENN. AUG 12 '68" and the other postmarked "MEMPHIS TENN. SEPT 13 '68" and accompanying letters bearing known handwriting and hand printing of JAMES EARL RAY

~~ALSO~~ SUBMITTED: Envelope postmarked "ST. LOUIS MO. 6 AUG 1968" and accompanying letter beginning "Dear Jimmy Just a few lines..." and signed "Jerry Ray"

MAILED 6
OCT 4 1968
COMM-FBI

Remarks:

Inasmuch as K489 does not sufficiently augment other known handwriting of JAMES EARL RAY to permit further identifications in this matter, K489 is returned herewith to Memphis with the "ALSO SUBMITTED" material.

REC-52

No Laboratory report is being submitted.

Photographs of K489 have been made.

29 OCT 7 1968

Enclosures (2) (K489, ALSO SUBMITTED)

JHM:AW:NOB (9)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

54 OCT 14 1968

MAIL ROOM ☑ TELETYPE UNIT ☐

ADMINISTRATIVE PAGE

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RECEIVED
OCT 7 9 06 AM 1968
F. B. I.
U. S. DEPT. OF JUSTICE

RECEIVED - BUREAU
OCT 3 3 16 PM '68
LAB DIVISION

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