(5)
FBI:ssp
3 - New Orleans
3 - Memphis
2 - Bureau

21-102

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, NEW ORLEANS (157-1083) (RUC)

MURKIN

On New Orleans airtel and LHM dated 5/8/68 and
June August letter, 6/13/68.

Enclosed herein for reference is a photocopy of a letter from Mrs. Ruby Mitchell, Louisiana State Police, Department of Criminal Justice, Baton Rouge, La. Mrs. Mitchell is a personal friend of Mrs. Coretta King, wife of Martin Luther King, Jr. Mrs. Mitchell is interested in the activities of Martin Luther King, Jr. and has been advised by Mrs. King that he is planning on further action, SCLC, New Orleans is checking on further action.

2-18-69

AIRTEL

1 - Mr. Long

To: Legat Bonn

From: Director, FBI (44-38861)

MURKIN

Re Bureau airtel to Legat Bonn 1-9-69.

By return communication advise status of your efforts to discreetly determine if the publication authored by Joachim Joesten concerning James Earl Ray and the assassination of Martin Luther King, Jr., is available on a no cost basis.

1 - Memphis (44-1987) (for info)

1 - Foreign Liaison (Cleared through SA Graham Day)

REL:jms
(6)

NOTE: The Department by memorandum requested that we obtain a copy of publication by Joachim Joesten for their investigative file. We instructed Legat Bonn to determine if copy of publication available on a no cost basis, and if so transmit same to Bureau. This communication is to instruct Legat Bonn to advise us of the status of this matter.

MAILED 9
FEB 19 1969
COMM-FBI

REC-34 44-38861-5572

19 FEB 19 1969

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
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Tele. Room
Holmes
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56 FEB 26 1969

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FBI

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

2-18-69

Airtel

To: SAC, Memphis (44-1987)

From: Director, FBI (44-38861)

MURKIN

Information has been received that the trial of James Earl Ray has been postponed until April 7, 1969, to enable the defense attorneys to more fully prepare their case.

In view of the new trial date, you are requested to determine and advise the Bureau, attention Identification Division, of status of hearing involving Fingerprint Examiner George J. Bonebrake set for April 11, 1969.

GJB:rk
(7)

44-38861-5573

REC-9 19 FEB 19 1969

Tolson
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MAILED 20
FEB 18 1969
COMM-FBI

FEB 27 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

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

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
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Felt
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Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: February 18, 1969

FROM : A. Rosen

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

SUBJECT: MURKIN

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

Attorneys for James Earl Ray argued motions in the court of Judge W. Preston Battle, Memphis, Tennessee, on February 14, 1969. The motions and the results thereof are as follows:

1. Motion to require the return of state's subpoena to the Clerk of the Criminal Court: It is noted that subpoenas for witnesses who had been requested to testify in the state trial previously scheduled for November 12, 1968, were not returned to the clerk of the court, but were being held in the State Attorney General's Office. Judge Battle ruled that the executed subpoenas must be returned to the clerk as they are not to be made matter of public record and only attorneys for the defense are to be made aware of the prosecution witnesses.

2. Motion to delete from the indictment the aliases Eric Starvo Galt, John Willard and Harvey Lohmeyer: Judge Battle denied this motion, stating that the defendant Ray was responsible for the use of these aliases and the prosecution had indicated they would present evidence to prove such use.

REC-30 44 30161-5574

3. Motion to designate court reporters and provide for compensation by the State of Tennessee: Judge Battle denied this motion but agreed to allow Percy Foreman (Ray's Attorney) to have a live reporter in the courtroom provided this reporter is compensated by the defense.

4. Motion to require District Attorney General to furnish and present to the court proposed stipulations as to the undisputed testimony of witnesses: Judge Battle denied this, stating that he does not desire to coerce the prosecution into agreeing to the stipulation of testimony.

ACTION: For information. You will be kept advised of pertinent developments.

REL:jmv
(8)

375

61 MAR 3 1969

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RECEIVED TOLSON
F B I

FEB 18 8 53 AM '69
F. B. I.
U. S. DEPT. OF JUSTICE

FEB 18 10 01 AM '69
REC'D DEL LOACH
F B I

FEB 18 11 14 AM '69

FEB 18 1 32 PM '69
REC'D BISHOP

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, [redacted] (44-[redacted])

Two copies each of three motions having to do with a continuance; with the designation of court reporters; and with stipulations as to the undisputed testimony of witnesses.

REF: ME airtel to Bureau, 2/14/69.

[redacted]

122

44-38861-5575

ENCLOSURE

FD 36 (Rev. 5-22-64)

FBI

Date: 2/14/69

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

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

SUBJECT: MURKIN

Enclosed for the Bureau are two copies each of three motions having to do with a continuance; with the designation of court reporters; and with stipulations as to the undisputed testimony of witnesses.

On 2/14/69, motions made by the defense were argued before Judge W. PRESTON BATTLE, Memphis, Tenn. The results are as follows:

1. MOTION TO REQUIRE THE RETURN OF A STATE'S SUBPOENA TO THE CLERK OF THE CRIMINAL COURT

This motion relates to defense attorneys' desire to know the identity of the individuals already subpoenaed by the prosecution for the trial of JAMES EARL RAY. The prosecution has thus far avoided having the executed subpoenas returned to the Clerk of the Court, and the prosecution contends that they do not desire the news media to learn the identity of witnesses under subpoena. Judge BATTLE has now ruled that the executed subpoenas must be returned to the Clerk, however, they are not to be made a matter of public record and only attorneys for the defense are to be made aware of the prosecution's witnesses. After defense attorneys have examined the subpoenas, they are to be given to Judge BATTLE for safekeeping. Copies of this motion have previously been furnished the Bureau.

44-38861-5575

ENCLOSURE ATTACHED

ENCLOSURE REC-30

3 - Bureau (Encs. 6)
2 - Memphis

JCH:jap
(5)

Approved: _____ Special Agent in Charge

58 MAR 1 1969

Sent _____ M Per _____

Date: 2/14/69

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

SUBJECT: MURKIN

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ENCLOSURE ATTACHED

REC- 30 FEB 17 11 17 AM '69

3 - Bureau (Enc. 6)
2 - Memphis

REC'D - CIV RIGHTS
FBI

JCH:jap FEB 17 11 11 AM '969
(5)

68 MAR 1 1969

2. MOTION TO DELETE FROM THE INDICTMENT THE ALIASES ERIC STARVO GALT, JOHN WILLARD, AND HARVEY LOHMEYER.

On 2/14/69, Judge BATTLE denied this motion, stating that the defendant RAY was responsible for the use of these aliases and that the prosecution had indicated they would present evidence to prove such use. It had been the contention of the defense that the reading of the indictment with these aliases to the jury would be prejudicial and inflammatory. Copies of this motion have previously been furnished the Bureau.

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

It is customary in Tennessee courts to have testimony taken by a mechanical recording rather than by a live court reporter. Such is the practice in Judge BATTLE's court. The defense has argued that such taking of testimony is not reliable and has requested the court to designate and to provide compensation for a live reporter. On 2/14/69, Judge BATTLE denied this motion but agreed to allow FOREMAN to have a live reporter in the courtroom provided this reporter is compensated by the defense.

4. MOTION TO REQUIRE DISTRICT ATTORNEY GENERAL TO PREPARE AND PRESENT TO THE COURT PROPOSED STIPULATIONS AS TO THE UNDISPUTED TESTIMONY OF WITNESSES

The defense has argued that the prosecution is in possession of written FBI reports and is aware of the testimony that will be given by various witnesses who have been subpoenaed both from out of state and from outside this country. The defense desires that these be made available to them and states that in many instances the defense will agree to stipulation of testimony by certain witnesses, thus making it unnecessary to have them brought at State expense to Memphis. The prosecution contends that this is merely an attempt by the defense to discover in advance the testimony to be given by prosecution witnesses.

Judge BATTLE denied this, stating that he does not desire to coerce the prosecution into agreeing to the stipulation of testimony.

5-6-67
9-4/5-
ff A

FILED
MAY 5 1967
BESSIE BUFFALOE, Clerk

ROBERT L. KERNES	)	
	:	
	)	
	:	
	)	
	:	SHELBY CRIMINAL
V.	)	
	:	Hon. W. Preston Battle, Judge.
	)	
	:	
	)	
	:	
STATE OF TENNESSEE	)	

For Plaintiff in Error:

Harry U. Scruggs, Jr.
J. E. Madden
M. A.Hinds
Memphis, Tennessee

For the State:

Edgar P. Calhoun
Assistant Attorney General
Phil M. Canale, Jr.
District Attorney General

O P I N I O N

Kernes was convicted of carrying a pistol and fined $50.00 and sentenced to eleven (11) months and twenty-nine (29) days in the Shelby County Workhouse in one case, and sentenced to serve two years in the State penitentiary in another case for the possession of burglary tools. From these two convictions he has seasonably appealed, briefs have been filed, arguments heard, and, after reading this record and considering the matter, we think the record is in such a garbled condition that it is impossible to tell heads or tails about the situation so that it would be fair to either the defendant or the State to render a decision thereon. For this reason the judgments below are reversed and the cause is remanded for a new trial.

Briefly, these two cases were tried together, the defendant, Kernes, being indicted in Case No. 4724 for carrying a pistol, and Kernes and a man named James W. Tutor were jointly indicted in Case No. 4725 for possessing burglary tools. In the record there is also a copy of another indictment which charges a man named Thelma Roy Tutor with possessing burglary tools. This indictment is No. 4836. The minutes of the court indicate that cases 4724 and 4725 were tried jointly in the present proceedings. The bill of exceptions shows that Kernes entered pleas to both 4724 and 4725. The bill of exceptions does not show that the co-defendant entered a plea to the indictment in 4725, but the technical record does show that both defendants were on trial.

This statement is relevant because the entire record shows that Thelma Roy Tutor was on trial in Case No. 4725, when as a matter of fact James W.Tutor was named in the indictment. After the State had presented its case both Thelma Roy Tutor and James W. Tutor testified for the defense. A clerk of the court testified that it was James W. Tutor who was actually named in the indictment. Upon motion of the defendant for a directed verdict as toThelma Roy Tutor, the trial judge granted a mistrial as to Thelma Roy Tutor but did not direct a verdict.

The bill of exceptions is styled a "narrative bill of exceptions" on the cover page, although as a matter of fact it is

in question and answer form. There are places in the record where it appears that the court reporter experienced difficulty with his recording equipment. This information is stated because, as we have said before, the record is in such a garbled condition one reading it can't tell anything about it.

For these reasons we do not deem it advisable or necessary to comment on the various assignments made in this record. In looking at it in one way, clearly, there was no justification for a search wherein a pistol was found, nor is there any evidence to show that this defendant was guilty of possessing these burglary tools, but the record might be looked at from a different standpoint and there might be other evidence which is left out which caused the trial judge to rule as he did. It is shown that the jury was out when most of the evidence along different lines was given. There is nothing in this record to show any incidents when the jury was in whether there was sufficient evidence to convict this man. It is for this reason that the case is reversed and remanded for a new trial.

Hamilton S. Burnett, Chief Justice.

44-38861-5575

IN TTHE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

STATE OF TENNESSEE

VS. NO. 16645

JAMES EARL RAY,

Defendant.

MOTION FOR CONTINUANCE

Comes now James Earl Ray, the LDefendant, and moves the Court for an additional continuance in support of which he would respectfully representt and show the court:

(1) On November 12, 1968, this Court continued this cause until March 3, 1969, having estimated that 101 days should be sufficient time for preparation. That on December 23, 1968, and until January 20, 1969, Chief Counsel for the Defendant, Percy Foreman, was continuously confined to bed with pneumonia, except for a two-day period. That he had a relapse after two days and spent an additional twelve days confined to bed. Thus losing more than 27 days of the original 101 days allowed by the Court for preparation. On January 20th and continuously thereafter, until the date of this report and the filing of this motion, said Counsel for the Defendant has spent from Sunday evening through Friday night in Memphis, Tennessee, working exclusively on preparation for the trial of this case. He proposes so doing until the case is ready for trial.

(2) Likewise, Defendant has applied for permission to take depositions of material witnesses in other states and he anticipates taking of such depositions will be permitted in some instances. The mechanics of taking said depositions, if so permitted, will consume at least 30 days from the entry of the order of their being taken, which, alone, would extend beyond the date of March 3, 1969.

(3) In addition, although Counsel for this Defendant has assidiously pursued an effort to obtain depositions, affidavits, exhibits, and statements, made the basis for the extradition of Defendant, from London, England, to Memphis, Tennessee, he has not been successful.

On November 12, 1968, this Honorable Court directed Arthur J. Hanes, Esquire, former attorney for the defendant, to deliver his files and investigative reports to Percy FForeman, his successor as defense counsel, and, although said Percy FForeman called on the said Arthur Hanes at his office in Birmingham, Alabama, the following Monday to receive such files, the same were not forthcoming. The said Percy Foreman requested said files and investigative reports of the said Arthur J. Hanes, Sr., in the Courtroom on November 12, 1968, immediately upon the Court staiing from the Bench his mandate that such files and reports be surrendered to the successor attorney. The said Arthur J. Hanes, Sr., had therefore been paid $30,000 by and at the request of the Defendant, and said files and investigative reports had been accumulated through the expenditure of this money derived from this Defendant.

The only writing, report or exhibit of any kind obtained by Percy Foreman from Arthur J. Hanes on his visit to Mr. Hanes' office in Birmingham about the 18th of November, 1968, were pencilled notes reproduced by photocopy of an alleged recording of a police broadcast made in Memphis about 6:00 p.m. on April 4, 1968.

Upon reporting this fact to this Honorable Court, a written order was entered by the Court and served on Arthur J. Hanes, Sr., whereupon, the said Percy Foreman received photocopy of approximately 19 pages, more or less, of interviews with witnesses, most of which interviews consisted solely of impeaching testimony.

Approximately seven to ten days ago, through the intervention and offices of William Bradford Huie, a writer, and friend of Arthfur J. Hanes, Sr., the said Percy Foreman was able to obtain an additional 150 pages, more or less of investigatory effort, which, for the first time, was furnished information upon which to base an investigation.

(4) However, no part of the material mentioned in the first paragraph (3) hereinabove were included in any portions of the files turned over to said Percy Foreman, either directly or through William Bradford Huie.

There is attached hereto a photocopy of a letter dated February 10, 1969, from Michael D. Eugene, 25 Rowsley Avenue, Hendon, N.W. 4, London, England, the attorney who represented James Earl Ray at his extradition hearing in July of 1968, which states categorically that on November 1, 1968, all of this material matter was sent Mr. Hanes from London, England, to Birmingham, Alabama, to-with

> "It is obvious from your letter that your main concern relates to the first bundle of documents, referred to above, and also the greater part of the depositions. Copies of these documents were forwarded by me to Mr. Hanes on or about the 1st November last. I did not send a covering letter as it was quite apparent from Mr. Hanes urgent request, that he required these documents with the utmost expedition and I merely sent him a complimentary slip. I therefore regret that I cannot be more specific as far as the date is concerned but I am satisfied that it was around the aforesaid period. This is an extremely bulky collection of documents and in all, they number over two hundred pages."

There is also attached hereto a photocopy the first page of a letter written by present counsel for Defendant to Michael D. Eugene.

A proper preparation of this case, requires that the London depositions, affidavits, exhibits, and testimony be available tof Counsel for Defendant in order that he may brief the law of extradition and the Treaties

between the United States and Great Britain, so as to file any preliminary motions revealed as necessary by such testimony from depositions and affidavits as may be included in the 200 pages referred to in Michael D. Eugene's letter of February 10, 1969.

For each and all of the foregoing reasons and because investigators of the Public Defender's Office, Shelby County, have not completed and will not be able to complete an adequate investigation and interview of witnesses, so as to be prepared for trial on March 3rd, this Defendant respectfully prays the Court to grant an additional continuance for such length of time as the Court may deem proper,

_____

JAMES EARL RAY

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned Notary Public, in and for Shelby County, Tennessee, on this day personally appeared James Early Ray, through, being by me first duly sworn, on oath, says:

The foregoing allegations in the aforesaid motion for a continuance are true.

_____

JAMES EARL RAY

Subscribed and sworn to at Memphis, Tennessee, this 14th day of February, 1969.

_____

Notary Public

My Commission Expires:

_____

01-203 0707

25, ROWSLEY AVENUE,
HENDON, N.W.4

10th February, 1969

Dear Mr. Foreman,

The reason for my not having replied to your letter of the 31st January is due to my having been away from the office for the past few days and having just returned.

I am therefore replying to you immediately as, obviously, there is some urgency in your request.

The times of your telephone calls to my office and the substance of the conversations between us are confirmed by me.

In order to clarify any confusion that may have arisen with regard to the character of the documents relating to the trial proceedings in London, I would inform you of the following.

These documents may, for the sake of convenience, be divided into three parts.

Firstly, there is the bundle of documents which comprises the Affidavits of approximately twenty Prosecution witnesses (including Bonebrake's), various exhibits attached thereto and also other documents such as the requisition from the United States Ambassador to London, the Certificate of Detention, the autopsy report on Martin Luther King and his death certificate, and also other documents too numerous to detail. These documents form the basis of the Prosecution case in the London Extradition Proceedings and were served on my firm prior to the Hearing.

The second category of documents are those which comprise the oral evidence taken at the aforesaid hearings and which we term "depositions". Included in these would be the oral statements of Ray, to which you refer in your letter. In English proceedings, only the answers of the witness or defendant are noted in the depositions and no note is ever taken of the questions asked.

/continued .....

01-204 8787

25, ROWSLEY AVENUE,
HENDON, N.W.4

The third category of documents is simply the transcription of the London hearing which I obtained from the Press Associations Special Service and to which, again, you refer in your letter as being in your possession.

It is obvious from your letter that your main concern relates to the first bundle of documents, referred to above, and also the greater part of the depositions. Copies of these documents were forwarded by me to Mr. Hanes on or about the 1st November last. I did not send a covering letter as it was quite apparent from Mr. Hanes urgent request, that he required these documents with the utmost expedition and I merely sent him a complimentary slip. I therefore regret that I cannot be more specific as far as the date is concerned but I am satisfied that it was around the aforesaid period. This is an extremely bulky collection of documents in all, they number over two hundred pages.

I acknowledge receipt of your cheque in the sum of £14.5s. but unfortunately there appears to have been some sort of clerical error. The equivalent English remuneration for 285 dollars is £118.15s. The balance that I would therefore be obliged to receive is £104.10s. Upon receipt of this sum I shall despatch the required documents by Express Airmail.

I would additionally inform you that there are several letters in my possession relating to this case, the contents of which you may find interesting. Unfortunately, as these were addressed to my firm, I cannot relinquish them but I confirm that I shall bring them with me to show you.

Yours sincerely,

Michael D. Eugene.

Percy Foreman Esquire,
C/O Room 1125,
Sheraton Peabody Hotel,
Memphis, Tennessee,
U.S.A.

LAW OFFICES OF
PERCY FOREMAN
804 SOUTH COAST BUILDING
HOUSTON, TEXAS 77002
MAIN AT RUSK
CA 4-9321

Sheraton - P eabody
Memphis, Tennessee
Room 1125
February 14, 1969

Michael D. Eugene, Esq.,
Attorney, Counselor and
Barrister,
25 Rowsley, A venue.

Dear Mr. Eugene:

Your letter of the 10th reached me this (Friday) morning.

The mistake in the amount of remittance was that of the banker at the Union Planters National Bank. I have this day written him an additional check $250.00 (the first one was $34.05). A cashier's check for L104.1os is enclosed herewith. I am s ure the documents, testimony and deposi - tions will come forward without delay.

You are correct in that we need:

(1) The aff idavits of the 20 prosecuting witnesses furnished you in advance of the hearing. These include that of Mr. Bonebrake. Also, 19 others. Also exhibits attached thereto, requisition from the United States Ambassador to London, the Certificate of detention, autoposy of Martin Luther King, his death certificate and others too numerous to mention.

(2) A transcription of the oral evidence taken at the extradition hearing in London, when James Earl Ray was ordered into the custody of the United States authorities.

All the above you state you sent Mr. Arthur J. Hanes Sr., on November 1st, without a covering letter. Mr. Hanes has never furnished us a single sheet of any of the above. Nor did he give us the Press Association Special Service account of the hearing. But we did receive a copy of this latter from a writer, William Bradford Huie, about 10 days ago. He stated that he obtained it from Arthur J. Hanes Sr., the preceding Saturday afternoon, upon agreeing to pay him an additional $5,000.00.

41-3PP61-5575

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE	)	
	)	
VS	)	
	)	No. _____
JAMES EARL RAY, ETC.,	)	
	)	
Defendant.	)	

AFFIDAVIT OF VERNON N. SHORT

STATE OF TENNESSEE)
) ss
COUNTY OF SHELBY)

Vernon N. Short, being duly sworn, deposes and says:

That he is a Notary Public at Large for the State of Tennessee and is currently practicing his skill of shorthand (court) reporting in the free-lance field in Memphis and Shelby County, Tennessee, and has been actively engaged in that locale since May 1957.

That he is a member in good standing of the national, state, and local shorthand reporting associations and is currently vice-president of the Memphis & Shelby County Shorthand Reporters Association.

That as of this date, February 5, 1969, there are a minimum of fifteen (15) shorthand reporters actively engaged in the free-lance field of court and general

---

reporting in Memphis, Shelby County, Tennessee, who are available for employment in court reporting.

FURTHER AFFIANT SAITH NOT.

VERNON N. SHORT

STATE OF TENNESSEE)
)
COUNTY OF SHELBY)

Sworn to and subscribed before me on this fifth day of February, 1969.

BOBBY J. DODSON
Notary Public at Large
State of Tennessee

My commission expires February 4, 1970.

IN THE CRIMINAL COURT OF SHELBY COUNTY , TENNESSEE

DIVISION III

STATE OF TENNESSEE	]	
Vs.	]	Nos. 16,645 and 16,819
JAMES EARL RAY	]	

MOTION TO REQUIRE DISTRICT ATTORNEY GENERAL TO PREPARE AND PRESENT TO THE COURT PROPOSED STIPULATIONS AS TO THE UNDISPUTED TESTIMONY OF WITNESSES

TO SAID HONORABLE COURT:

COMES now, J ames Earl Ray, Defendant, acting herein by and through his attorneys of record, and files this his motion to require the prosecuting attorneys in this case to prepare and present to the Court and to said attorneys for the defense a proposed stipulation of the testimony of all witnesses residing outside Shelby County, Tenn essee, whose names have been furnished said attorneys for the defense as possible witnesses for the prosecution, in support of which motion said Defendant would respectfully show the Court:

I.

The office of the District Attorney General has heretofore, pursuant to and order of the Court so to do, furnished defense counsel with the names of some 360 or more witnesses as possible witnesses to be called and offered as witnesses for the prosecution at the trial of the above case or cases.

A very large number of these witnesses reside abroad or in other States than Tennessee. The expense of bringing said witnesses and their maintenance during this trial could conceivably cost the taxpayers of Shelby County and the State of Tennessee as much as a half million ($500,000.00) dollars, that could be better spent for other needful purposes.

Because, Defendant says, from magazine and newspaper articles available to him and his attorneys, purporting to reflect his travels, contacts and activities in distant states and foreign countries, most, if not all such reports will not be de-

nied and this Defendant and his attorneys are willing to stipulate either to the fact or the testimony of such absent witnesses, so as to save the expense of their transportation and maintenance as witnesses throughout the trial of this case. Defendant says that if the prosecution insists on the bringing of said witnesses in person, that his attorneys can not, in good conscience, agree to their release and return to their distant homes until the conclu - sion of the trial, and therefore their maintenance may cover a period of three to six months, more or less. Intimidate

II.

Defendant further says the presentation of said witnesses in person, rather than by stipulation as prayed for herein, will unduly delay, impede and waste the time of this Honorable Court, needlessly and wastefully. That there is not physical possibility of this case terminating in less than four months, if the prosecution persists in the personal presentation of said witnesses. Furthermore, such an extended trial is calculated to so confuse a lay jury as to prevent the proper consideration by the jury of the pertinent and essential facts and testimony to the issues raised by the pleadings. Confuse

III.

Defendant says that it is not meet nor proper that the time of jurors who might be selected in this case be consumed for weeks on end by undisputed and immaterial testimony that can be made available and received into evidence by stipulation. Nor is it fair to the treasury of Shelby County that the processes of justice be strained and penalized, when such can be avoided by stipulation. Equate offenses with justice

IV.

Defendant says that such witnesses whose testimony can be stipulated come from: England, Canada, Portugal, California Alabama, Washington, Georgia and elsewhere and the law requires the advance to them of ten cents ($.10¢) per mile each way plus living expenses while in attendance on the Court.

V.

Defendant says that this motion is filed herein approximately one month before any of said witnesses will have left their homes and thereby obligated Shelby County, Tennessee, for the payment of their travel and living expenses, and in ample time for the preparation, presentation and consideration of the proposal to stipulate and for the entering into said stipulation.

Furthermore, that the prosecution has in its possession a detailed report of the interviews of such witnesses by the agents of the Federal Bureau of Investigation and by its own investigators and is well aware of what their testimony will be and the preparation of such proposed stipulations will not unduly inconvenience the prosecution, and that for every penny of expense incident to the preparation of such stipulation, approximately $1,000.00 can be saved the taxpayers of Shelby County, Tennessee.

V.

This Defendant and his attorneys verily believe that every word of testimony that could be available from 99.99% of said witnesses, in person, can be stipulated and made a part of the record thereby.

WHEREFORE, premises considered, Defendant prays that an order enter directing the District Attorney General and his assistants attorney general to prepare and present to this Court within five days of the presentation of this motion a proposed stipulation as to the testimony of each and every witness it has furnished Defense Counsel, who reside beyond the limits of Shelby County, ~~Texas~~ Tennessee, to the end that such proposed stipulations or as much thereof as may be undisputed be entered into in advance by the Defendant and his attorneys, before the financial expense and drain on Shelby County's treasury shall occur, as Defendant, in duty bound, will ever pray. Subb: discovery

James Earl Ray
JAMES EARL RAY.

Hugh Stanton
Hugh M. Stanton Jr.
PUBLIC DEFENDERS.

Of counsel
Percy Foreman
Percy Foreman

Constitutional right Conviction Short circuit charge

ORDER

On this the ____ day of February, A.D., 1969, the fore - going Motion to Require the District Attorney General and prosecuting attorneys to prepare and present proposed stipulations as to the testimony of witnesses residing beyond Shelby County, Tennessee, was presented to and considered by the Court, and the Court having considered the same, and believing the administration of justice would be facilitated and the trial expedited by such stipulations, as proposed by the Defendant and his counsel, it is, accordingly:

GRANTED as more particularly appears by an order to that effect this day entered herein

OVERRULED and REFUSED, to which action of the Court in overruling and refusing to grant said motion the Defendant then and there in open court excepted, and said motion, together with this order thereon and Defendants exception to the action of the Court in overruling and refusing said motion are here-now ordered filed as a part of the record of this case.

W. PRESTON BATTLE, Judge

44-38861-5575

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

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. Pictures + 5000

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 princip

of approximately 1,000,000 or more inhabitants and having within its territorial area at lease several dozen eminently qualified Court Reporters, including but not limited to more than two dozen such who are available for appointment by this Court as Reporter and Auxiliary Reporter to act as such in the above styled cases and as herein prayed for.

Therefore, Shelby County, Tennessee does not come within the provisions of Article 40-2042 of the Tennessee Code of Criminal procedure which article authorizes the use of 'recording equipment' in lieu of a qualified Court Reporter in remote counties where no qualified Court Reporter is available to record the proceedings. Shelby County has an abundance of such qualified reporters, and due proc ess of law provided by the Constitutions of the State of Tennessee and of the United States of America justify and require the appointment of such qualified reporter to record the proceedings in the above styled cases against this Defendant.

IV.

However, the general practice prevailing for the recording of proceedings in the trials of felony criminal cases in Shelby County, Tennessee, and which will prevail in this case in the event of the overruling of this motion, is to have such proceedings 'recorded' on a mechanical dictating machine by a deputy clerk of the Court, which the Statutes of the State of Tennessee authorizes only in Counties in which a judge can truthfully certify 'that no qualified court reporter is available to record the proc eedings'.

Defendant says that the purported recording of the proceedings by such mechanical device is inadequate, inaccurate, haphazard, and completely unreliable. That Defendant is charged in one of the above cases with m urder with malice aforethaught for which one of the alternate punishments is Death. That he has the Constitutional right of appeal in the event of conviction, which carries with it the right to have a truly accurate record of the proceedings below for the guidance of the appellate tribunal in reviewing his trial below, and, as above pleaded, any derogation or infringement of

that right by failing to provide a qualified court reporter would be and is a deprivation of the right of the Defendant to 'effective representation of counsel' as well as of due process of law, guaranteed under the Constitutions aforesaid of the United States of America and of the State of Tennessee. Not in Constitution

V.

Defendant says that daily copy of the proceedings will be needed for his effective representation by counsel and that such will require alternate court reporters working in relays to prepare such copy. That it is a physical impossibility for one reporter to carry the load of taking a day's testimony and then transcribing it before the succeeding day. That this Court has the authority under 40-2032, T.C.C.P to appoint such auxiliary reporters as the exigencies of the case may require and that at least one and perhaps two such auxiliary reporters should be appointed, and their compensation as well as that of the first such reporter should be provided for and should be paid by the State of Tennessee. Paid for by State

VI.

This Defendant is informed and believes and upon such information alleges as a fact that various news agencies, reproducing equipment companies and other commercial enterprises, either for commercial profit of for the advertising value to be derived therefrom, have contracted and agreed to furnish numerous office personnel, agents, representatives, operators and others to duplicate, disseminate, merchandise and sell the proceedings on a daily basis to news media, writers, wire services and other curious and or interested persons, firms and corporations, as such proceedings of the trial of this case may be or become available from the mechanical recording devices that would be used should this motion be denied. 40-2043 2034

Defendant says that money changers in the temple of justice are not contemplated by the spirit or letter of the law of Tennessee. That such a course of commercializing the dissemination of the proceedings of this Honorable Court would

subject this Court to the impossible task of supervision such legally unauthorized employees of the various letter services, duplicating machine people, transcribers, recorders, out of the presence of the Court and beyond the Court's control, all in violation of the spirit and the letter of the law as laid down in articles 40-2029 through 40-2043, aforesaid, and especially of article 40-2038 which provides:

> "The reporters shall be subject to the supervision of the appointing judge in the performance of their duties, INCLUDING DEALINGS WITH THE PARTIES REQUESTING TRANSCRIPTS ********" (emphasis added).

And, in this connection, Defendant is informed and believes that the expressed demand for copies of said daily transcript is so widely based that a proper control by the Court and the limitation of the right to produce and sell such daily copy to the court appointed court reporter and auxiliary reporters can make daily copy available at little or not additional expense to the State of Tennessee. At least, that such can be available as daily copy within the cost of what would be the normal cost of such daily proceedings if produced in due time and not at daily copy rates.

Comment

VII.

This Defendant says that he is without funds with which to engage, employ and compensate such duly appointed reporter and such auxiliary reporters hereinabove requested.

WHEREFORE, premises considered, Defendant prays the Court to nominate and appoint a qualified Court Reporter and such auxiliary court reporters as may to the Court seem necessary and to enter an order providing for their compensation by the State of Tennessee, as provided by law,and, also, that the Court enter an order providing that such duly appointed court reporters and auxiliary court reporters, as a unit, and they only shall have the right to sell and or offer for sale transcripts of the daily proceedings, and that no copies of such proceedings shall be duplicated and circulated by any original purchaser of such a copy of a transcript of any daily proceedings by any person , firm or corporation or agent thereof, except such appointed court

reporters, without permission to duplicate said original transcript of daily proceedings having been applied for in writing to this Court and without a hearing having been had on such application to duplicate and without an order first having been entered of record by the Court so permitting such duplication, and for such other and further orders with reference to the reporting, duplicating and dissemination of such prodeedings as the court my deem firt, suitable and proper, as said Defendant, in duty bound, will ever pray.

James Earl Ray
JAMES EARL RAY, Defendant

STATE OF TENNESSEE |
COUNTY OF SHELBY |

SUBSCRIBED AND swworn to before me the undersigned Notary Public in and for Shelby County, Tennessee, by JAMES EARL RAY, known to me, this _____ day of February, A. D., 1969.

Notary Public in and for
Shelby County, Tennessee.

SEAL

Hugh Stanton Sr
Hugh Stanton, Sr.,
Hugh W. Stanton Jr
Hugh Stanton, Jr.,

PUBLIC DEFENDER'S OFFICE
SHELBY CO., TENNESSEE.

Percy Foreman
Percy Foreman, Attorney at Law
Of counsel.

O R D E R

On this the _____ day of February, A.D., 1969, was duly presented the foregoing Defendant's Motion to nominate and appoint qualified reporters and auxiliary court reporters and to fix their compensation and provide their payment by the State of Tenneessee and to enter an order controlling the sale, dissemination, cirulation and reproducing of daily copy of the Court proceedings and forbidding same by any one other than the duly appointed Court Reporters and duly appointed auxiliary reporters, as a unit, and said motion was duly considered by the Court, and the Court being of the opinion that same should be granted, it is, accordingly:

GRANTED in all things as more particularly appears by an order this day entered herein.

OVERRULED and DENIED, to which action of the Court in overruling said motion the Defendant then and there in open Court excepted, and said motion, together with this ruling thereon and Defendant's exception thereto is here now ordered filed as a part of the record of this case.

W. PRESTON BATTLE, Judge

OPCA-4 (12-3-96)

REQUESTER/CIVIL LITIGATION _____ Computer # _____

File # 44-38861

Analyst Darlene Dunning

Section # 76

T-Symbol	Symbol Number	True Name	Code Name	Status	Remarks
5510	NY 3810			U	
	NY 694-S			D	
	NY 1190-S			D	
5516	ME 338			U	
5531 5522	PH 897-R			U	
5528	WF 1928-PRI			U	
				See	78
5672		~~Leonard~~			
		Leonard E Doyle		U	
5697	MEX-34			D	Consider Cat 6
		Ramon Del Rio Carbajal			
	MEX-24			D	Consider Cat 6
5749 5738	SV 524-R			U	

FBI/DOJ

OPCA-4 (12-3-96)

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	MEX-24			D	Consider Cat 6
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File 44-38861 Section (cont.)

Serial	Description
enclosure 5566	J

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(except following serials not in file on this date:

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WORK SHEET - XEROX REQUEST

SUBJECT - MARTIN LUTHER KING JR
FILE # - MURKIN

ANALYST -
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TEAM # -

260 PAGES
74 DOCUMENTS

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b1; b2; b7(C)(D) SECTION 76

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	# OF ACT.	PAGES REL.	b1	2	5	7C	D	OTHER	k1	2	5	6	OTHER	REMARKS
44-38861	5506	AIRTEL FM ME 11-12-68		31	31												
	5507	TELETYPE FM PHILADELPHIA 1-21-69		2	2		✓			✓							RELEASE
	5508	AIRTEL FM DIR 1-21-69		1	1												
	5509	TELETYPE FM ME 1-17-69		2	2												
	5510	TELETYPE FM NY 1-21-69		6	3	✓	✓		✓	✓							EXCISE
	UNRECORDED	AIRTEL FM DIR 1-22-69		11	11												
	5511	INTERNAL MEMO 1-19-69		2	2				✓								RELEASE
	5512	AIRTEL FM K.C. 1-22-69		2	2				✓	✓							RELEASE
	5513	INTERNAL MEMO 1-22-69		2	2	✓			✓	✓							RELEASE-FRI[illegible]
	UNRECORDED	AIRTEL TO DIR 1-22-69		4	—				✓	✓	b6						EXCISE
	5514	TELETYPE FM NY 1-21-69		1	1				✓								RELEASE
	5515	TELETYPE FM PHILADELPHIA 1-19-69		2	2												
	5516	TELETYPE FM ME 1-24-69		2	2				✓	✓							[illegible]
	5517	CABLE TO DIR 2-3-69		2	2				✓								RELEASE
	5518	TELETYPE FM DETROIT 1-25-69		3	3				✓								RELEASE
	5519	AIRTEL FM L.A. 1-27-69		1	1				✓								RELEASE
	5520	AIRTEL FM DIR 1-28-69		1	1				✓								RELEASE

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44-38861	5521	AIRTEL FM K.C. 1-22-69		7	7				✓	✓							RELEASE
	5522	LETTER TO IAAG 1-23-69		2	1	✓											RELEASE - FBI declassified 1/8/01
	5523	INTERNAL MEMO 1-29-69		6	6				✓								RELEASE
	5524	CITIZEN LETTER		1	1				✓								RELEASE
	5525	TELETYPE FM DIR 1-29-69		2	2												
	5526	AIRTEL FM PHILADELPHIA 1-23-69		7	7	✓	✓		✓	✓							RELEASE - FBI declassified 9/29/84
	5527	TELETYPE FM ATLANTA 1-30-69		3	3				✓								RELEASE
	UNRECORDED	PHILADELPHIA REPORT 1-31-69		8	8				✓	✓							RELEASE
	5528	AIRTEL FM PHILADELPHIA 1-21-69		7	7					✓							RELEASE
	5529	AIRTEL FM ME 1-23-69		3	3				✓								RELEASE
	5530	TELETYPE FM PHILADELPHIA 1-21-69		4	3	✓	✓		✓	✓							RELEASE - FBI declassified 1/7/01
	5531	AIRTEL FM ATLANTA 1-31-69		3	3				✓								RELEASE
	5532	MEMO FM PHILADELPHIA 2-5-69		1	1												
	5533	AIRTEL FM ME 1-31-69		3	3				✓								RELEASE
	5534	AIRTEL FM ME 1-30-69		3	3												
	5535	INTERNAL MEMO 1-29-69		2	2				✓								RELEASE
	5536	AIRTEL FM ME 1-31-69		3	3				✓								RELEASE

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44-38861	5537	MEMO FM ST LOUIS 2-4-69		1	1				✓	✓							RELEASE
	5538	LEGAT OTTAWA		1	1				✓								MISSING
	5539	TELETYPE FM NEW ORLEANS 2-6-69		4	4				✓	✓							RELEASE
	5540	TELETYPE FM L.A. 2-5-69		3	3												
	5541	AIRTEL FM DIR 2-6-69		1	1				✓								RELEASE
	5542	TELETYPE FM L.A. 2-7-69		2	2												
	5543	TELETYPE FM L.A. 2-6-69		2	2				✓								RELEASE
	5544	AIRTEL FM DIR 2-10-69		2	2				✓								RELEASE
	5545	MEMO FM SAN DIEGO 2-10-69		2	2				✓								[illegible]
	5546	AIRTEL FM ME 2-5-69		6	6				✓								RELEASE
	5547	TELETYPE FM ME 2-7-69		2	2												
	5548	AIRTEL FM ME 2-10-69		1	1												
	5549	AIRTEL FM NEW ORLEANS 2-7-69		1	1												
	5550	AIRTEL FM NEW ORLEANS 2-10-69		2	2												
	5551	MEMO FM AAG LEONARD 2-11-69		3	3												
	5552	AIRTEL FM ME 2-13-69		11	8				✓	✓							3 ITEMS NOT RELEASABLE 8 ITEMS EXCISED
	UNRECORDED	UPI RELEASE		1	1												

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44-38861	UNRECORDED	INTERNAL MEMO 1-6-69		6	6												
	5553	TELETYPE FM L.A. 2-12-69		2	2				✓	✓							RELEASE
	5554	AIRTEL FM DIR 2-14-69		1	1												
	5555	AIRTEL FM ME 2-8-69		4	4												
	5556	AIRTEL FM DIR 2-14-69		4	4												
	5557	AIRTEL FM ME 2-11-69		3	3				✓	✓							RELEASE
	5558	TELETYPE FM L.A. 2-13-69		3	3												
	5559	AIRTEL FM DIR 2-14-69		1	1				✓								RELEASE
	5560	AIRTEL FM DIR 2-14-69		1	1				✓								RELEASE
	5561	AIRTEL FM OTTAWA 2-12-69		1	1												
	5562	AIRTEL FM ME 2-13-69		6	6				✓								RELEASE
	5563	TELETYPE FM ME 2-15-69		1	1												
	5564	TELETYPE FM ME 2-14-69		2	2												
	5565	AIRTEL FM NEW ORLEANS 2-8-69		5	5				✓								RELEASE
	5566	AIRTEL FM DIR 2-14-69		8	8				✓		b6						EXCISE
	5567	AIRTEL FM LONDON 2-11-69		3	3												
	5568	LETTER FM JEH 2-18-69		2	2				✓								RELEASE

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44-38861	5569	AIRTEL FM DIR 2-18-69		5	5				✓								RELEASE
	5570	AIRTEL FM WFO 2-18-69		2	2				✓								RELEASE
	5571	AIRTEL FM NEW ORLEANS 2-17-69		1	1												
	5572	AIRTEL FM DIR 2-18-69		1	1												
	5573	AIRTEL FM DIR 2-18-69		1	1												
	5574	INTERNAL MEMO 2-18-69		1	1												
	5575	AIRTEL FM ME 2-14-69		24	24												

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