

REC'D - CIV RIGHTS  
FBI  
FEB 13 3 10 PM '70

<input checked="" type="checkbox"/> INITIAL REPORT <input type="checkbox"/> SUPPLEMENTARY		<input type="checkbox"/> ARRESTED <input type="checkbox"/> CHIEF		DIST. BUR. DET. REPORTING MISSION		ASSIGNED TO: <u>GEN. WORK</u>	
TYPE OF REPORT <b>GRAND THEFT-GUN AND SUSPICIOUS OCCURRENCE</b>				KEY TO: <u>724753</u>			
ADDRESS/LOCATION (THIS REPORT) <b>1693 Market St. &amp; 74 Germania</b>				DAY, DATE & TIME (THIS REPORTED INCIDENT) <b>Fri., 1-16-70 @ 7:20PM</b>			
REPORTER (LAST NAME FIRST) <b>EVANS, Beverly Jean</b>		RACE, SEX, D.O.B. <b>WF, [REDACTED]</b>		ADDRESS <b>1693 Market St., Rm. 215, SF</b>		RES. PHONE <b>None</b>	
VICTIM (PERSON/FIRM) <b>SAID MRS. BOB EVANS</b>		RACE, SEX, D.O.B.		ADDRESS <b>SAN FRANCISCO, CALIF</b>		BUS. PHONE	
TYPE OF PREMISES OR LOCATION OF VICTIM <b>Residence</b>				POINT OF ENTRY OR HOW ATTACKED <b>NA</b>		OBJECT OF ATTACK <b>NA</b>	
METHOD, TOOL OR WEAPON USED <b>NA</b>				TRADEMARK <b>Gun taken from residence; receives threatening</b>			
VEHICLE INVOLVED		LICENSE NO.		STATE		V.I.N. notes through U.S. Mail	
BODY TYPE	COLOR	WAIVER SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO		VEHICLE <input type="checkbox"/> LOCKED <input type="checkbox"/> UNLOCKED <input type="checkbox"/> KEY IN IGNITION <input type="checkbox"/> IGNITION UNLOCKED <input type="checkbox"/> OTHER		IMPOUNDED HOLD FOR	
VEHICLES CONDITION WHEN RECOVERED <b>(A)</b>				VEHICLE PLATES MISSING <input type="checkbox"/> ONE <input type="checkbox"/> BOTH <input type="checkbox"/> NONE		HOW INCIDENT CLEARED (USE CODE) <b>(B)</b>	
VEHICLE OR PROPERTY RECOVERED BY <b>(C)</b>				NOTIFICATION MADE <input type="checkbox"/> PARENT <input type="checkbox"/> COMPLAINANT		DATE & TIME NOTIFIED	
SERVICE NO.	UNIT SENT <b>S/P</b>	RADIO CODE <b>909X-Form</b>	SENT TO: (ADDRESS) <b>Letter</b>		DATE & TIME DISPATCH		

- Mrs. EVANS reported the theft of below listed property, a rifle, from her residence when she resided at 74 Germania St.  
Also that she has been receiving threatening letters through the U.S. mails. She believes these may be from an ex husband described in para. #2 as possible suspect. She feels he may also have stolen the rifle.
- Possible suspect: Bob EVANS, Bus: Address: #16 - First St., 4th Floor, SF.  
Residence: 44 Willetts St., Daly City, Calif.
- Loss: One rifle, British type, X 303, bolt action. Deep scratches on gun, sight is slightly off. Registered to Beverly Jean Evans.

O/V-\$65.00

Four threatening letters sent to General Works Detail.

4. - 6. - NA

COPIES FOR BUREAU		(NAME)	STAR	DATE & TIME (DICTATED) <b>1-16-70 @ 7:30PM</b>	COPIES FOR
COPIES		DETAIL	FILE	FILED BY (NAME) <b>C. Bilbray - 128</b>	<b>GENERAL WORKS DETAIL</b>
RECEIVED BY <b>DANIEL J. O'HARA</b>				RANK <b>SGT</b>	STAR <b>1795</b>

INCIDENT REPORT FORM

SAN FRANCISCO POLICE DEPARTMENT

F B I

Date: 2-6-70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AM  
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

MURKIN

ReBuAirtel 2/3/70.

Submitted herewith is LHM suitable for dissemination.

In addition to previous information received and  
furnished the Bureau we are incorporating recent information  
received from Clerk PARKER.

Enc.  
b

ENCLOSURE

2 BUREAU (Enc. 4) (AM)  
1 CINCINNATI (Enc. 1) (AM)  
1 MEMPHIS

RGJ:BN  
(4)

REC 45 EX-117

44-38861-5860

15 FEB 12 1970

Approved: 59 MAR 2 1970

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

FEB 13 1970

*[Handwritten signature]*

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION

FEB 12 9 54 AM 1970

FEB 12 11 27 AM '70

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

ONE TO THREE

(S)  
TO: SAC

FROM: DIRECTOR (100-1) (RM)  
SUBJECT: (100-1) (RM)

RE: [Illegible text]

[Illegible text]

NOTE:

TO: SAC, MEMPHIS (100-1) (RM)  
FROM: DIRECTOR, FBI (100-1) (RM)

END

2-2-10





UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Memphis, Tennessee  
February 6, 1970

RE: ASSASSINATION OF MARTIN LUTHER KING, JR.

By letter dated January 28, 1970, John A. Parker,  
Clerk of the Supreme Court, State of Tennessee, furnished a  
copy of a letter which had been forwarded by him to Mr. Robert C.  
Cole, Veterans Administration Hospital, Chillicothe, Ohio.  
This letter is set forth as follows:

"January 28, 1970

"Mr. Robert C. Cole  
Veterans Hospital  
Chillicothe, Ohio 45601

Re: STATE OF TENNESSEE  
vs.  
JAMES EARL RAY  
Shelby County - Murder

"Dear Sir:

"I have received your letter addressed to the Supreme  
Court of Tennessee dated January 27, 1970, but postmarked  
January 26, 1970, at Chillicothe, Ohio.

"Inasmuch as you claim to have been with James Earl  
Ray before he was supposed to have shot Martin Luther  
King, I am relaying copies of your letter of January 27th  
to appropriate investigative and prosecutive agencies who  
have a possible interest in this matter.

"Yours truly,

/s/ John A. Parker  
Clerk of the Court

cc: Hon. David M. Pack  
Attorney General of Tennessee  
Supreme Court Bldg.  
Nashville, Tenn. 37219 (Encl.)

44-38861-5860  
ENCLOSURE

Re: Assassination of Martin Luther King, Jr.

-2-

"cc: Hon. Phil M. Canale, Jr.  
District Attorney General  
Shelby County Court House  
Memphis, Tenn. 38101 (Encl.)

"cc: Hon. Ross W. Dyer, Chief Justice  
Supreme Court of Tennessee  
Halls, Tenn. 38040 (Encl.)(Info)

"cc: Mr. Harry J. Morgan, SAC  
Federal Bureau of Investigation  
415 U. S. Post Office & Court House Bldg.  
Cincinnati, Ohio 45202 (Encl.)

"cc: Mr. Robert G. Jensen, SAC  
F. B. I.  
841 Federal Office Bldg.  
Memphis, Tenn. 38103 (Encl.)

"cc: Gov. Buford Ellington  
State Capitol  
Nashville, Tenn. 37219 (Encl.)"

As an enclosure to the above-quoted letter, Mr. PARKER furnished a Xerox of a letter which he had received from Robert C. Cole dated January 27, 1970. This letter is set forth hereafter:

"January 27, 1970

"Dear Sir:

"I was very sad and disappointed, when you denied James Earl Ray a new trial. I can see now, very clearly that you and the people of the State of Tennessee and the Federal Government are afraid of the truth. You are afraid of trouble from negroes, if the truth is told. I was with James Earl Ray, before

-2-

Re: Assassination of Martin Luther King, Jr.

-3-

"he was suppose to have shot Martin Luther King. Under circumstances, that will prove a giant conspiracy, by many people to kill Martin King. I told the Cincinnati, Ohio FBI Office about Ray the first part of May 1968. Governor Ellington of Tennessee also knows my story. I told Judge William Preston Battle my story about 2 weeks before Ray's trial and everything went wrong for him. Because you people are afraid of the truth to be told. I believe that Ray deserves a new trial with me as a witness. I hope to hear from you soon, if you are not too cowardly to answer.

"Yours truly,

/s/ Robert C. Cole"

On December 4, 1968, PHIL M. CANALE, JR., District Attorney, Shelby County, Tennessee, advised the Memphis Office of the FBI that Judge W. PRESTON BATTLE (who was Presiding Judge in this matter) reported the following information to him:

At approximately 1 a.m. on December 4, 1968, Judge BATTLE received a telephone call at his residence from a person who identified himself as ROBERT CLAYTON COLE of 1037 North Second Street, Hamilton, Ohio, Telephone 1-513-895-9878. COLE reportedly told Judge BATTLE that on January 5, 1968, he was with RAY in Winchester, Virginia, traveling in a truck. A red Volkswagen with red license plates was following the truck. According to COLE, RAY had killed a Negro who was a known communist and whom Mr. J. EDGAR HOOVER had called a liar. COLE stated he was interested in seeing that RAY gets a fair trial.

Mr. CANALE further advised that Judge BATTLE stated in his opinion COLE at the time he talked to Judge BATTLE on the telephone was under the influence of alcohol or something else, or could possibly have been a mental case.

-3-

Re: Assassination of Martin Luther King, Jr.

-4-

On June 24, 1968, ROBERT CLAYTON COLE was interviewed by representatives of the Cincinnati Office of the FBI. COLE at that time was located at an address of 137 North Second Street, Hamilton, Ohio. During the course of the interview, ROBERT CLAYTON COLE advised he was a chronic alcoholic who received a \$79.00 per month pension check from the U. S. Government from a non-service-connected injury. He also stated he has received this money since about 1956, after having been discharged from the service due to extreme nervousness. He claimed no employment on a regular basis since about 1956 and also claimed he had received 100% disability payment from the Social Security Administration since he is unable to work due to nervousness. He stated he had been in the Veterans Hospital at Cincinnati, Ohio, on two occasions for nervousness and his alcoholic problem. He also said that he had been committed on one occasion to the Longview Mental Hospital at Cincinnati, Ohio. In addition, COLE advised he had been confined at the Veterans Hospital at Chillicothe, Ohio, approximately thirty times for the same reason.

After furnishing this background information he furnished this story:

Around 12/25/67, he began to drink heavily, and around 1/2/68, after being drunk for approximately 6 days, he went to Cincinnati, Ohio, and obtained a room at the Fort Washington Hotel. He had received his \$79 check from the Government on 1/2/68, and after arriving at Cincinnati, he continued to drink heavily at the Bayhouse Tavern. On approximately 1/3/68, he was still drunk and had spent all of his money and spent that night in the Newport, Kentucky Jail in protective custody. He was released on 1/4/68, and again returned to the Bayhorse Tavern where he "bummed" more drinks. He met an FNU MURPHY, whom he had known at the VA Hospital at Chillicothe, and MURPHY invited him to go to Richmond, Virginia, where he knew a woman that would reportedly take care of them.

They left Cincinnati, Ohio, on 1/4/68, in an old white Ford which belonged to MURPHY. It was cold and snowing heavily, and the car's heater was inoperative. When they reached the vicinity of Winchester, Virginia, COLE got out of the vehicle because he was cold. MURPHY continued on towards Richmond in the automobile.

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Re: Assassination of Martin Luther King, Jr.

-5-

COLE attempted to "bum" whiskey at Winchester, Virginia, but was unsuccessful, and began to hitchhike at the outskirts of town. He was picked up by a white male driving a semi tractor and trailer, which was freshly painted a dark green. This truck had lettering on the cab doors, but he could recall no further details about the vehicle.

On 1/5/68, he was riding in this vehicle toward Richmond, Virginia, and was asleep. He felt the driver shaking him, and when he was fully awake, he realized that the driver was very upset and was saying "hand me the gun" as he pointed toward a small green overnight bag on the seat of the cab. COLE handed him a nickel plated .45 automatic with black handles and the driver, who was very upset, stated he had just seen a car load of Negroes pass the truck and he was going to "get him some nigger bait." The driver calmed down shortly thereafter, and they stopped at a truck stop where COLE attempted to call, on a collect basis, his sister at Hamilton, Ohio, to obtain funds. His sister would not accept the call. The driver of the vehicle stated he was from California and was going to Jacksonville, Florida.

COLE got out of the truck at the outskirts of Richmond, Virginia, and took a bus to his brother's residence at Highland Springs, Virginia, and there obtained his Social Security check, which was being mailed to him in care of his brother. The following night he was jailed on drunk charges at Richmond, Virginia, and on approximately 1/7/68, returned to the Cincinnati, Ohio, area by train.

In April, 1968, he was confined to the VA Hospital at Chillicothe, Ohio, and while there observed photographs of JAMES EARL RAY, which appeared in the Newsweek Magazine. He immediately recognized RAY as the driver of the green truck, with whom he had ridden on approximately 1/5/68.

He obtained his release from the hospital without mentioning this to any officials.

On 6/21/68 or 6/22/68, exact date not recalled by COLE,

-5-

Re: Assassination of Martin Luther King, Jr.

-6-

he placed a telephone call to CBS in New York, New York, and told them that he had seen RAY at Winchester, Virginia. He received a telephone call later in the day from CBS, but can recall no further details concerning either of these telephone calls.

Other information available discloses that in June, 1964, COLE appeared at the Cincinnati Office of the FBI in a drunken condition, seeking employment. He again appeared on July 25, 1966, at the Cincinnati FBI Office in a drunken condition, requesting that unless he was locked up for a 30-day period he would commit suicide. He was taken into custody at this time by the Cincinnati Police Department. On May 13, 1968, COLE again appeared at the Cincinnati Office and gave every indication of having been drinking prior to his arrival there. He requested a soundproof room for interview purposes, furnished non-specific information, became belligerent, and thereafter left the Cincinnati Office.

ROBERT CLAYTON ~~COLE~~ is described as follows: *Robert C. Cole*

Race	Caucasian
Sex	Male
DOB	<input type="text"/> at Hamilton, Ohio
Height	5'9½"
Weight	154 <i>1037 North Second St,</i>
Hair	Brown <i>Hamilton Ohio</i>
Eyes	Blue <i>Un</i>
Tattoos	Left forearm, "Bob" and "Joy" inscribed over a heart and cross; right leg, outline of a naked woman
Mother	MOLLY ETHEL COLE, 137 North Second, Hamilton, Ohio
Father	LEE COLE, deceased
Brother	LEE BAKER COLE, #7 North Fern Avenue, Highland Springs, Virginia
Sister	Mrs. NANCY LOPRIORE, 114 South "G" Street, Hamilton, Ohio
FBI #	830 115 B

-6-

Re: Assassination of Martin Luther King, Jr.  
-7-

By letter dated February 5, 1970, JOHN A. PARKER, Clerk of the Supreme Court, State of Tennessee, furnished a copy of a letter which he had forwarded to the Agent in Charge, FBI Office, Cincinnati, Ohio. This letter is set forth hereafter:

"Dear Sir:

"Under date of January 28, 1970, I disseminated copies of a letter from Robert C. Cole, Veterans Hospital, Chillicothe, Ohio, wherein Cole claimed to have information concerning James Earl Ray, the convicted slayer of Martin Luther King.

"On February 4, 1970, I received another letter from Robert C. Cole dated January 30, 1970, copies of which I am enclosing for your information.

"Very truly yours,

/s/ John A. Parker  
John A. Parker  
Clerk of the Court

"JAP:br  
Enclosure

"cc: Honorable David M. Pack  
Attorney General of Tennessee  
Supreme Court Bldg.  
Nashville, Tenn. 37219 (Encl.)

"cc: Hon. Phil M. Canale, Jr.  
District Attorney General  
Shelby County Court House  
Memphis, Tenn. 38101 (Encl.)

"cc: Hon. Ross W. Dyer, C. J.  
Supreme Court of Tennessee  
Halls, Tenn. 38040 (Enc.1)(Info)

-7-

Re: Assassination of Martin Luther King, Jr.

-8-

"cc: Mr. Robert G. Jensen, SAC  
F.B.I.  
841 Federal Office Bldg.  
Memphis, Tenn. 38103 (Enc.1)

"cc: Gov. Buford Ellington  
State Capitol  
Nashville, Tenn. 37219 (Encl.)

As an enclosure to the letter from Mr. PARKER, there was a letter dated January 30, 1970, which had been prepared by ROBERT C. COLE, Veterans Hosital, Chillicothe, Ohio. This letter is set out hereafter:

"Jan. 30, 1970

"Dear Mr. Parker:

" I was very glad to receive your letter you wrote to me January 28. I got it today. I see that you are a very dedicated person. At least you were concerned enough to take notice of my letter and information. Only Attorney J. B. Stoner has written to me in this case. I talked to Robert W. Hill, Jr. over the phone, who is Mr. Ray's other lawyer. We agreed with each other. He said his mail was being tampered with, since he took this case. My mail also has been tampered with. Since, I told the FBI in Cincinnati, Ohio the first part of May 1968. Now, I also wrote to the Shelby County Legal Aid Society and the Prosecutor's Office in Memphis. And Governor Buford Ellington of the State of Tennessee. I was very furious from their reactions. Exceptionally the FBI's reaction and the rest of them except Mr. Ray's lawyers. The FBI told me to go to Church and pray. And the rest of them hid themselves and wouldn't write or answer me. If I can be of anymore assistance to you let me know right away. I only want Mr. Ray to have a honest to goodness fair chance and the truth to come out. If Mr. Ray deserves a new trial then I want to know for sure that he gets one. And not a bunch of wishy washy run around. You are free to write to me at anytime. I will close for now. Lots of good luck to you.

-8-



Re: Assassination of Martin Luther King, Jr.

-9-

"Yours truly,

/s/ Robert C. Cole  
Veterans Hospital  
Chillicothe, Ohio"

This document contains neither recommendations  
nor conclusions of the FBI. It is the property  
of the FBI and is loaned to your agency; it and  
its contents are not to be distributed outside  
your agency.

- 9\* -

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (44-38861) DATE: 2/17/70

FROM : SAC, SAN FRANCISCO (173-65)(RUC)

SUBJECT: MURKIN

WILLIAM FORDEN, Associate Superintendent, State Prison, Soledad, California, furnished SA THOMAS P. DOWD with a copy of a page of a letter written to B. DENINNO, FBI Number 821464-D, Soledad Number B-12713, by his common-in-law wife, MARIE MARTIN DENINNO, 11075 Oxnard Street, Hollywood, California.

FORDEN advised DENINNO is receiving a great deal of mail from his common-in-law wife and it appears she is contemplating writing a book relative to her association with RAY.

Enclosed for the Bureau, Los Angeles, and Memphis is one copy each of the page of the letter furnished by FORDEN.

San Francisco is furnishing this for information purposes.

Memphis is requested to advise Los Angeles, if warranted, of the action to be taken regarding this letter.

One Copy of this document delivered to the House Select Committee on Assassinations. (See Bufile 62-117290) NOTE: Form in which delivery was made may be different from that represented by this document in the event of additions or deletions may have been made, and/or alterations in pages of this document prepared for delivery.

Date 3/21/78 Date of HSCA request 3/28/78

EX-103

REC-21

44-38861-5861

3 FEB 18 1970

- 2 - Bureau (Enc. 1) (RM)
- 2 - Los Angeles (Enc. 1) (RM)
- 2 - Memphis (44-1987) (Enc. 1) (RM)
- 1 - San Francisco
- MTG/sms #11
- (7)



55 FEB 27 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum  
UNITED STATES DEPARTMENT OF JUSTICE

2/10/70

SAC, SAN FRANCISCO (173-65) (RUC)

FROM

SUBJECT

WILLIAM BORDEN, Associate Superintendent, State Prison, Soladad, California, furnished SA THOMAS P. BORD with a copy of a page of a letter written to R. DENING, FBI Number 82144-D, Soladad Number B-12713, by his common-law wife, MARIE MARTIN DENING, 11075 Oxford Street, Hollywood, California.

BORDEN advised DENING is receiving a great deal of mail from his common-law wife and it appears she is contemplating writing a book relative to her association with RAY.

Enclosed for the Bureau, Los Angeles, and Memphis is one copy each of the page of the letter furnished by BORDEN.

San Francisco is furnishing this for information purposes.

Memphis is requested to advise Los Angeles, if warranted, of the action to be taken regarding this letter.

One copy of this document delivered to the House Select Committee on Assassinations (to be distributed to the public by this Bureau) by this Bureau on 2/10/70. This document prepared for the Bureau. Date of Request 2/10/70

EX-103

- 1 - Bureau (Enc. 1) (RM)
- 2 - Los Angeles (Enc. 1) (RM)
- 2 - Memphis (44-1987) (Enc. 1) (RM)
- 1 - San Francisco
- MTG:ams:11
- (7)

25 FEB 27 1970

REC'D - CIV RIGHTS  
FBI  
FEB 25 3 55 PM '70



Hi Sweetheart,

seem kile a long time since I have written baby but believe me I have thought about you all the time, Ho key with this job seems like I have no time, It is almost driving me completely nuts.

Ronnie I just loved your card about the belated birthday it really was too much cause there is nothing more that I would love to give you is a whole lot of peace. Smile. Now to ans. your questions. But first do you know how much I love you. Well I do.

So you are going to be transferred to Chino, Baby thats great. I mean Real Great.

Baby dont worry about the frames,, I still have that one and really that one is enough. When you come home we dont want anything to remind us of these last 2 horrible years, I do t know how you think about it but I feel like I am just half here, I try and have fun Honey but nothing I do can take you off my mind. My soul id with you Ronnie, You will have to come home to make me feel complete, thats what I meant when I said about sex, Sweetheart I Honestly am just half here. My soul is dead, thats what I meant., not my love for you, that is all that is keeping me going. The thought of you being home.

Honey have you ever felt half there. All I want to do is work and come home. Everything that is happening is not ha happening like movies and groovy places to go, I want to wait and see it with you. I am still waiting to see 2001. That movie. We will do all that when you are here to share it with me. Baby believe me, nothing is nowhere when you are n not here and I wont let it be.

Christmas was just another day; sure did miss you. Now Honey about my condition, Only time will tell when I will be fine again, the new doctors have it down to a slipped disc, which is temporary, wiyh the right treatments taking care of myself and my monthly visits. I should be fine within a year.

Of course those pictures were taken before the accident, the were taken for the book that was going to come out on Earl Ray. In fact those were the weights that he asked me to hold til he came back, I was keeping them for you but when all that commotion came up I gave them to the FBI, Babe it was off of those weights that they got his fingerprints, also off of the tv knobs, So babe if he gets a new trial we will make mucho bread.

Honey let me tell you what happened to me today, at first the car wouldn't start. I was getting late for work so I called Joel up to take me to work, well in the meantime I tried to start it again and it started so I left, I got on the freeway and the accelerator stuck me going 70 mph

Page of letter from C. L. wife Thane  
to inmate 12/26/64 44-3861-

ENCLOSURE

ref



UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (44-38861)

FROM : SAC, SAN FRANCISCO (173-65) (RUC)

SUBJECT: MURKIN

DATE: 2/17/70

Re Bureau airtel, dated 2/11/70; San Francisco letter, dated 2/11/70; and Memphis airtel to the Bureau, dated 1/20/70.

Memphis airtel, dated January 20, 1970, reflected RAY in prison at the time he was alleged to be in Dallas, Texas.

San Francisco investigation, limited to record checks, disclosed no pertinent information. San Francisco believes nothing of value would be obtained by interviewing BEVERLY JEAN EVANS. No interview recommended.

2 - Bureau (RM)  
2 - Memphis (44-1987) (RM)  
1 - San Francisco  
MTG/sms #11  
(5)

REC-21

44-38861-5862  
3 FEB 18 1970

EX-103



74  
FEB 26 1970

5010-108-02

U.S. Savings Bonds Regularly on the Payroll Savings Plan

02 JAN 1965 1400Z  
HONOLULU 5201 MAY  
02 JAN 1965 1400Z

UNITED STATES GOVERNMENT

members of the M

TO : DIRECTOR, FBI (44-38861)  
FROM : SAC, SAN FRANCISCO (172-65) (RUC)  
SUBJECT: MURKIN  
DATE: 2/17/70

BEVERLY JEAN EVANS. No interview recommended.  
believes nothing of value would be obtained by interviewing  
checks, disclosed no pertinent information. San Francisco  
San Francisco investigation, limited to record  
Texas.  
RAY in prison at the time he was alleged to be in Dallas,  
Memphis airtel, dated January 20, 1970, reflected  
dated 1/20/70.  
letter, dated 2/11/70; and Memphis airtel to the Bureau,  
Re Bureau airtel, dated 2/11/70; San Francisco

REC'D - CIV RIGHTS  
(2) FBI  
MTCXams #11  
1 San Francisco  
2 Memphis (44-1987) (RM)  
3 Bureau (RM)  
REC-21

1000 2. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Director  
Federal Bureau of Investigation

DATE: Feb. 9, 1970

FROM : *JP* Jerris Leonard  
Assistant Attorney General  
Civil Rights Division

SUBJECT: Your Memorandum, January 21, 1970  
Assassination of Martin Luther King, Jr.

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

*ELP*

Please excuse my tardiness in not sooner responding to the above memorandum. Unfortunately it did not come to my attention until just a few days ago. My initial reaction to the request is an affirmative one, however I believe this Division needs to give careful consideration to the possible ramifications of such action.

*JP*

I shall ask some of my associates to consider the matter and after discussion here we will advise you, hopefully no later than February 16th.

EXP. PROC.  
FEB 10 1970  
33

REC 85

44-38861-5863

10 FEB 24 1970

*ble*  
55 MAR 3 1970

*9005-138*  
RACIAL INT. SECT.  
*CLK-80*

F B I

Date: 2/20/70

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

ReMEairtel to Bureau 1/23/70.

On 2/20/70 at the request of RICHARD RYAN, Attorney for JAMES EARL RAY, the Honorable ARTHUR C. FAQUIN, Shelby County Criminal Court Judge, Division VII, Memphis, Tenn., postponed the hearing scheduled in this matter for 2/20/70 to 3/20/70. During the discussion surrounding the postponement of the hearing scheduled for 2/20/70, Judge FAQUIN advised RYAN that he did not feel as though the Shelby County Criminal Court had any further jurisdiction in this matter and that RAY should seek redress through other courts in order to compel PERCY FORMAN to turn over to RYAN certain documents in his possession which RAY seeks. He stated, however, he would make a final decision on his court's jurisdiction on 3/20/70.

Memphis Division will follow this matter and advise the Bureau of any final action taken in connection with the filing of the petition enclosed to the Bureau with referenced airtel.

REC-89 44-38861-5864

FEB 23 1970

② - Bureau  
 2 - Memphis  
 RFB:LF  
 (4)

F412

*Sam C. [unclear]*  
*[Signature]*

Approved: Robert G. Jensen

Special Agent in Charge

M

Per

54 MAR 2 1970



**FEB 24 1970**

000000

3 - 207.59 0

GENERAL INVESTIGATIVE  
DIVISION

FEB 24 7 01 AM '73

1992

Industries of the State  
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REF ID: A66510

SECRET

REF: FBI MEMPHIS (44-1987) (P)

TO: DIRECTOR, FBI (44-38861)

2000

2/20/60

F B I

Date: 2/21/70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL

Via \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (44-38861)  
 FROM: SAC, MEMPHIS (44-1987) (P)  
 SUBJECT: MURKIN

ResFlet to Bureau 2/17/70, regarding a portion of a letter that MARIE MARTIN DENINNO, 11075 Oxnard St., Hollywood, Calif., directed to R. DENINNO, FBI # 821 464 D, Soledad # B12713, State Prison, Soledad, Calif.

A review of the Memphis files concerning this matter revealed that MARIE MARTIN, aka Marie Deninno, was interviewed on numerous occasions by Agents of the Los Angeles Division in connection with her association with JAMES EARL RAY during the period RAY resided at the St. Francis Hotel in Los Angeles and during the period that RAY made a trip to New Orleans, La., in December 1967 accompanied by MARTIN's cousin, CHARLES STEIN.

During these interviews, it was determined that RAY traded a console television set to MARIE MARTIN in exchange for a portable television set. It was also ascertained that RAY did leave a set of barbells for safekeeping with MARTIN, and these barbells are currently in possession of the Los Angeles FBI Office.

A review of Memphis sub file in this matter concerning evidence submitted to the Bureau failed to reveal any information to indicate that the console television set formerly owned by RAY and the barbells in possession of the

2 - Bureau  
 1 - Los Angeles (44-1574) (Info)  
 1 - San Francisco (173-65) (Info)  
 2 - Memphis  
 RFB:LF  
 (6)

REC 67

44-38861-5865

2 FEB 24 1970

56 MAR 3

Approved: *[Signature]*

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

1675212 P

FEB 25 1970  
FEB 26 1970

(C)

MEMO:

1 - MEMPHIS

1 - SAN FRANCISCO (157-104) (2-11-70)

1 - LOS ANGELES (44-1246) (INFO)

1 - BUREAU

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FBI  
FEB 24 1970 12 35 PM '70

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FEB 24 1970 12 35 PM '70

ME 44-1987

Los Angeles FBI Office were ever forwarded to the FBI Identification Division for fingerprint examination, nor were any latent fingerprints obtained from these items by the Los Angeles Division and forwarded to the FBI Identification Division. Therefore, MARTIN's story regarding fingerprints obtained from these weights and TV set is a complete fabrication.

UAC by the Bureau, the Los Angeles Division is not being requested to reinterview MARTIN concerning any book that MARTIN contemplates writing concerning her association with JAMES EARL RAY.

Information copies of this airtel have been designated for Los Angeles and San Francisco in order that these divisions may be aware of the Memphis Division's evaluation of MARTIN's letter to DENINNO.

F B I

Date: 3-20-70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AM  
(Priority)TO: DIRECTOR, FBI (44-38861)  
FROM: SAC, MEMPHIS (44-1987-SUB-O) PMURKIN

Re Memphis Airtel to Bureau 1-23-70 and 2-20-70.

On 3-20-70, the Honorable ARTHUR C. FAQUIN, Shelby County Criminal Court, Division II, Memphis, Tennessee, advised RICHARD RYAN, Attorney for JAMES EARL RAY, that he was denying RAY's petition to compel PERCY FOREMAN, RAY's former attorney, to turn over certain letters and other documents in the possession of FOREMAN to either the Court or to RYAN, due to the fact that Shelby County Criminal Court had no further jurisdiction in the matter.

Memphis Division will follow and advise Bureau of any further pertinent developments in this case.

2 BUREAU (AM)  
1 MEMPHIS  
RFB:BN  
(3)

REC 9

44-38861-5866

10 MAR 23 1970

F213  
57 MAR 27 1970

Approved: K. Jensen Sent 4:47 PM M Per \_\_\_\_\_  
Special Agent in Charge

2 3 MAY 1970

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION

MAR 23 10 58 AM 1970

REC'D - CIV RIGHTS  
MAR 23 1970

F. B. I.

REC U.S. DEPT. OF JUSTICE

MAR 23 11 02 AM '70

(3)  
MEM:BN  
I MEMPHIS  
S BUREAU (AM)

Further development developments in this case.  
Memphis Division will follow and advise Bureau of any

matter.  
Special County Attorney Court had no further jurisdiction in the  
of KONTAK to either the Court or to ELM, due to the fact that  
to then over certain letters and other documents in the possession  
KAL's position to combat BENNY ROSENMAN, KAL's former attorney,  
RICHARD KAL, attorney for JAMES EARL RAY, that he was denying  
County Attorney Court, Division II, Memphis, Tennessee, advised  
on 3-30-70, the Honorable WILLIAM C. EVANS, Special

to Memphis advise to Bureau 1-23-70 and 3-30-70.

MURKIN

FROM: SAC, MEMPHIS (44-1981-208-0) P

TO: DIRECTOR, FBI (44-38861)

VLEDE

AM

3-30-70



F B I

Date: 3/16/70

Transmit the following in **CONFIDENTIAL** (Type in plaintext or code)Via **AIRTEL**

(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, DENVER (157-203) (RUC)

SECOND ANNIVERSARY OF THE  
DEATH OF MARTIN LUTHER KING, JR.

4/4/70

RACIAL MATTERS

BUDED: 3/18/70

CLASSIFIED BY SP1 CLK/02  
DECLASSIFY ON: 25X  
18-22-01

ReBuairtel to Albany, 3/4/70.

DN 414-R, DN 442-R and DN 447-S advised they have no information regarding any planned activities for violence potential that may occur on this date.

To date the Denver Division has received no information indicating whether the motion picture about KING's civil rights work and his death is scheduled for a Denver theater.

In the event the Denver Division determines through their racial and security informants that such activity is planned, the Bureau will be advised immediately.

Denver requests the Bureau, if they have knowledge of the film company distributing the motion picture mentioned in reairtel, to advise Denver.

2-Bureau (RM) (AM)  
1-Denver  
FMV:vs1:hg  
(3)

REC 16

44-38861-5867  
10 MAR 19 1970

A-110

144  
56 APR 7 1970Approved: *W. J. R.*

Special Agent in Charge

Sent

M

Per

CONFIDENTIAL

CONFIDENTIAL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, DENVER (157-203) (RM)

SECOND ANNIVERSARY OF THE  
DEATH OF MARTIN LUTHER KING, JR.

44-110  
RACIAL MATTERS  
INDEXED: 3/18/70

Rebaptized to Albany, 3/18/70.

On 3/18-R, Dr. H-2-R and Dr. H-2-R advised they have  
no information regarding any planned activities for violence  
potential that may occur on this date.

To date the Denver Division has received no infor-  
mation indicating whether the motion picture about KING's  
civil rights work and his death is scheduled for a Denver  
theater.

In the event the Denver Division determines through  
their racial and security informants that such activity  
is planned, the Bureau will be advised immediately.

Denver requests the Bureau, if they have knowledge  
of the film company distributing the motion picture, be  
cloned in receipt, to advise Denver.

3-Sub (RM) (AM)  
1-Denver  
1-MV:val:pe  
(3)

MAR 20 2 11 PM '70

MAR 20 1970

REC'D - CIV RIGHTS  
FBI

MAR 25 1970

CONFIDENTIAL

F B I

Date: 3-25-70

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 for information of the Bureau is newspaper clipping reflecting transfer of JAMES EARL RAY from Tennessee State Penitentiary to the Brushy Mountain Prison at Petros, Tennessee. Petros, Tennessee, is in the Knoxville Division.

2 BUREAU (Enc. 2) ENCLOSURE  
1 KNOXVILLE (Enc. 1) (INFO)  
1 MEMPHIS

RGJ:BN  
(4)

REC-64

44-38861-5868

MAR 27 1970

51 APR 6 1970  
Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

21 APR 8 1970

MAR 27 1970

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GENERAL INVESTIGATIVE  
DIVISION

MAR 27 10 40 AM 1970

F.B.I. MAR 27 11 05 AM '70  
U.S. DEPT. OF JUSTICE

(4)  
KCL:BN

1. MEMPHIS  
1. KNOXVILLE (ENC. 1) (INFO)  
3. BUREAU (ENC. 3)

JENNINGS. Berlon, Jennings, is in the Knoxville Division.  
State Departmentally to the Federal Mountain Prison at Berlon,  
attending reflection transfer of JAMES EARL RAY from Jennings  
indicated for information of the Bureau is member.

WORKIN

FROM: SAC, MEMPHIS (44-1981) 5  
TO: DIRECTOR, FBI (44-38861)

VILET

WM

3-32-10

(Mount Clipping in Space Below)

# Ray Moves To Brushy Prison

PETROS, Tenn.— (UPI) — James Earl Ray, after an embattled year at the state penitentiary at Nashville, moved today to the state's maximum security facility at Brushy Mountain here.

"He arrived by car about 6:30 a.m. (EST)" said Wallace Flood, assistant correction commissioner for adult programs.

"He will be housed in a single cell in one of the cell blocs," Flood said. "He will get exactly the same treatment as any other prisoner here. And we plan to work out a work program for him, but we don't know yet just what that will involve.

"Actually he will be better off here than in Nashville," Flood added. "He'll have more opportunity for recreation and exercise, because of the smaller number of prisoners here. There's a big difference between three thousand inmates and 325."

In Memphis, Richard J. Ryan, one of Ray's attorneys, said:

"If it will accord James Earl Ray more freedom of movement within the prison population, my reaction is one of approval. I have already discussed with James Earl Ray the possibility of a transfer to Brushy Mountain and this is his reaction also.

"Certainly at all times James Earl Ray will abide by the prison rules and regulations pertaining to custodial care of the inmates."

Ray is serving 99 years for the slaying of Dr. Martin Luther King Jr., at Memphis, two years ago.

State Correction Department officials in Nashville said that the transfer was made in a department transfer vehicle and that no unusual security precautions were made.

He was housed at Nashville for about one year, during which time he complained of his close confinement, the lack of a work and recreation program, and launched a number of attempts at getting a new trial.

He won a federal court order giving him work to do in prison, but later complained to state officials that this work was not satisfactorily carried out.

He was generally kept away from other prisoners at the state penitentiary. Prison officials said that his isolation was aimed at protecting his own safety and life.

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

Page 37  
Memphis Press-  
Scimitar  
Memphis, Tennessee

Date: 3-25-70  
Edition: FINAL  
Author:  
Editor: CHARLES SCHNEIDER  
Title: MURKIN

Character:  
or  
Classification:  
Submitting Office:  
☐ Being Investigated

ENCLOSURE

44-38861-5868

**Brushy Mountain State** prison became a maximum security unit for the state last September, and Flood says that plans are being formulated to set up some kind of prison industry at the facility.

At present, there is little available for the prisoners except work in the laundry, and work details in the dining room, the prison library, and doing maintenance work around the prison.

Flood said that a shoe manufacturing industry is being considered for the Petros facility.

**U.S. District Court Judge** William E. Miller ordered the liberalized work program for Ray after the prisoner complained bitterly about his treatment. He said, among other things, that his treatment constituted cruel and inhuman punishment.

Ray quit the program March 4 and sent a series of blistering letters to state officials complaining of harassment.

Among his duties at the prison were painting the corridors and helping serve other prisoners food.

Ray complained of constant interruptions during his work. Prison officials said they could understand the complaining but that no other prisoners were allowed to be in the corridor when Ray was there.

Ray was transferred to Nashville from Memphis March 11, one day after he pleaded guilty to the King assassination.



1  
S



Shain

MAT

4/14/70

1 - Mr. McDonough

AIRTEL

TO: SAC, MEMPHIS (44-1987)

FROM: DIRECTOR, FBI (44-38861)

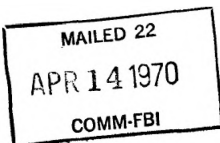
MURKIN

The Washington Post newspaper for April 14, 1970 contains an article indicating that James Earl Ray has filed an appeal under the Tennessee "Post Conviction Act".

If not already done, you should obtain details of this appeal and forward to the Bureau, together with observations of appropriate state prosecutor as to the possible disposition of this appeal in state court.

EJM:js  
(4)

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



54 APR 20 1970

MAIL ROOM ☒ TELETYPE UNIT ☐

REC-94

44-38861-5869

19 APR 14 1970

FBI

Date: 4/16/70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: <sup>6</sup>MURKIN

ReBuairtel to ME 4/14/70 and MEairtel to Bureau 4/14/70 wherein Memphis enclosed for the Bureau's information a copy of the "Petition for Post Conviction Relief" filed in behalf of JAMES EARL RAY.

LLOYD A. RHODES, Executive Assistant Attorney General, Shelby County, Memphis, Tenn., has advised that he feels confident that the Honorable ARTHUR C. FAQUIN, Shelby County Criminal Court Judge, Division II, Memphis, will deny RAY's "Petition for Post Conviction Relief." However, he pointed out that if this petition is denied, RAY still has appeal recourse through the Tennessee Appellate and State Supreme Courts.

The Bureau will be kept advised of further developments in this matter.

2 - Bureau  
2 - Memphis  
RFB:LF  
(4)

EC-129 44-38861-5870

APR 18 1970

ST-115

Approved: 59 APR 24 1970  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION 5710

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

(\*)  
FILE: 17  
3 - ROBERTA  
2 - BUREAU

APR 20 1970  
REC'D - CIV RIGHTS  
FBI  
APR 20 7 01 AM '70

U.S. POLICE ATTN: FBI BOSTON OFFICE OF INVESTIGATION

[illegible][illegible]

REF: DUNGLAS, BEN (44-38861)

W 3520

42040

F B I

Date: 4-14-70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AM  
(Priority)

TO: DIRECTOR, FBI (44-38861)  
 FROM: SAC, MEMPHIS (44-1987-SUB-O)  
 MURKIN

Re Memphis Airtel 3-20-70.

Submitted herewith for completion of Bureau files is copy of a petition for post conviction relief filed by JAMES EARL RAY's attorneys, J. B. STONER and RICHARD J. RYAN. This petition was filed in the Criminal Court of Shelby County, Tennessee, on 4-13-70.

Of possible interest to the Bureau is an affidavit of JERRY RAY, brother of JAMES EARL RAY, which is also attached to the overall petition. JERRY RAY in his petition, under oath, claims that Mr. FOREMAN told him and other members of the family that the prosecution and/or the FBI was bribing witnesses, specifically a man by the name of STEPHENS. Reportedly, the prosecution was bribing STEPHENS by offering him a large sum of money as a reward. The STEPHENS mentioned by JERRY RAY is, of course, CHARLES QUITMAN STEPHENS, who occupied the room adjacent to JAMES EARL RAY at 422½ South Main Street, Memphis. There is, of course, absolutely no basis for JERRY's statement that the FBI was bribing STEPHENS.

Executive Assistant Attorney General LLOYD A. RHODES advised that there is absolutely no basis for the statement that the prosecution was bribing STEPHENS by offering him a large sum of money as a reward. RHODES indicated that although there is no time limit for them to answer the petition they intend to do so within the next 30 days.

ENCLOSURE ATTACHED

Memphis will keep the Bureau advised of developments.

2 BUREAU (Enc.)

1 MEMPHIS

RGJ:BN

(3)

Approved: \_\_\_\_\_

56 MAY 4 1970

Special Agent in Charge

Sent \_\_\_\_\_

12 APR 16 1970

M Per \_\_\_\_\_



APR 21 1970

(c)

LA 468 10 640

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RECEIVED

5 BOWEN A (ENC)

APR 16

Members may keep the nation's ~~border~~ <sup>border</sup> of observance.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DO NOT REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

12 DE JULY 1967 FOR INFO TO SUSANAL INS DEPTITION 1967 THROUGH TO

SHIRLEY MORGAN, 4019 LOMAX ST. PHOENIX, ARIZONA 85018

THIS DISSEMINATION WAS PLANNED SPECIFICALLY BY OFFICIALS WHO ARE

UNCLASSIFIED//FOR OFFICIAL USE ONLY

APR 16 4 31 PM '70

4 31 11 70  
HAGBERGAS HASTIGRUF VILLOHNA SENELET PRODA 7

2025 RELEASE UNDER E.O. 14176

Page 12, of course, incorporated no parts of any of the statements

REFERENCE TO JAMES EARL RAY IS MADE UNDER ACT OF 1950, PUBLIC LAW 56-2, "NATIONAL ARMY, AIR FORCE AND NAVY RESERVE OFFICERS' AND ENLISTED MEMBERS' RECORDS ACT."

OF CONGRESS, CHRISTIAN SCIENCE MONITOR, AND OCCURRED THE FOLLOWING

NOV 2 1964

[illegible]

ABSTRACTS OF THE WORK OF THE UNITED STATES GEOLOGICAL SURVEY, 1900.

THAT THE PROSECUTION KNOWS THE FBI HAS BEEN TELLING MEMBERS

GISTERS SINCE MR. ROBERTSON'S DEATH AND THE OTHER MEMBERS OF THE FAMILY

CO. SSG GAGLSTT DECKSTON, JIMMY EARL TH. HIS DECKSTON, JIMMY EARL

OF SPECIAL MAIL, BLOCKED BY THIRD CLASS MAIL, WHICH IS ALSO RECORDED

GROUP OF THREE MEN, ONE OF WHOM WAS IN THE  
OF HOSPITALS, IN THE CITY OF NEW YORK, IN THE

134462266' ON 8-12-10'

THE DECISION WAS TRIED IN THE SUPREME COURT OF SWITZERLAND.

THREE EIGHT TWO NINE SEVEN TWO ONE TWO THREE FOUR FIVE SIX SEVEN EIGHT NINE TEN

12. СЪДЪ ОТЪ ПЪРВОТО ПОСЛЕ ОБЩЕСТВЕНАТА ЛЕГЕНДА НА

[illegible]

RG WEHBAUS VILLOT 2-20-10.

## VIOLENCE

FROM: SAC, WASHINGTON (44-38861-2)

TO: DIRECTOR, FBI (44-38861)

VILLAS

V 30

3-77-10

44-38861-5871

ENCLOSURE

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

JAMES EARL RAY,  
Petitioner

VS

STATE OF TENNESSEE  
and  
LEWIS TOLLETT, WARDEN OF  
STATE PENITENTIARY AT  
PETROS, TENNESSEE,  
Defendants

FILED 4-13-70  
J. A. BLACKWELL, CLERK  
BY J.C. Moore D.C.

NO. H.C. 661

PETITION FOR POST CONVICTION RELIEF

Comes now your petitioner, JAMES EARL RAY, by and through his attorneys, J. B. STONER and RICHARD J. RYAN, and respectfully shows to the Court that he is being illegally and wrongfully restrained of his liberty by the warden of the penitentiary of the State of Tennessee, located near Petros, Tennessee, in Morgan County.

Petitioner states that his name is JAMES EARL RAY; that his present address is the Brushy Mountain Prison at Petros, Tennessee; that he is under confinement being sentenced on the charge of murder under Criminal Court Docket No. 16645 of Shelby County, Tennessee; that the sentence was pronounced by the late Honorable Preston Battle on March 10, 1969, in Division III of the Criminal Court of Shelby County, Tennessee; that the sentence was for a term of ninety-nine (99) years; that he is confined to the Brushy Mountain Penitentiary at Petros, Tennessee, in the custody of Warden Lewis Tollett who is presently charged with the custody of petitioner; that said

44-38861-5871

custody began on or about March 25, 1970; that prior to that date your petitioner was confined in the State Penitentiary in Nashville, Tennessee, in the custody of William S. Neil, Warden.

Petitioner would show that he heretofore filed a Motion for a New Trial; that prior to the hearing the presiding judge the Honorable Preston Battle died; that an Amended Motion was filed suggesting the death of the trial judge; the State of Tennessee filed a Motion to Strike and was granted by the succeeding judge, the Honorable Arthur Faquin, said judgment being appealed to the Court of Criminal Appeals and the Supreme Court of the State of Tennessee which was subsequently affirmed and the Petition to Rehear denied.

Petitioner would show the following facts to establish his claim for relief:

I.

That he and his two prior attorneys in Cause No. 16645 in the Criminal Court of Shelby County, Tennessee, entered into contracts with the author William Bradford Huie while petitioner was in the Shelby County jail awaiting trial, said contracts being primarily to sell the publishing and movie rights concerning petitioner's case; that this sale was to be made to the said William Bradford Huie for substantial sums of money, evidenced by the five attached exhibits which are attached hereto and made a part of this Petition.

II.

Petitioner alleges that the said contract and letters contained in the attached exhibits, which are attached hereto

and made part of this Petition, establish a conflict of interest between him, the petitioner, and his two prior attorneys; that petitioner would have no story to sell and no movies with publishing rights to convey if he were allowed to take the witness stand; that such an action on his part would allow all facts in this cause to become a matter of public record for the free use of all.

III.

Petitioner alleges that in the establishment of conflict of interest between petitioner and his two prior attorneys, as evidenced by the attached exhibits, that the said prior attorneys actually represented William Bradford Huie and their own financial interests and not his, your petitioner's.

Petitioner alleges that there would be no profit to anyone if he persisted in his "Not Guilty" plea; that your petitioner was pressured and induced into entering a plea of "Guilty" and respectfully directs the Court's attention to the attached exhibits.

IV.

Petitioner is informed, and therefore alleges, that the author William Bradford Huie made the statement that your petitioner "Must not take the witness stand in his expected trial, because if he did take the witness stand, then he (William Bradford Huie) would have no book".

V.

Petitioner's failure to have legal counsel as guaranteed by the said Fourteenth and Sixth Amendments to the



United States Constitution and Article I Section 9 of the State of Tennessee Constitution is in reality a greater disservice to him, the petitioner, than having incompetent counsel and is a gross denial of due process and effective representation of counsel so as to be such as to make your petitioner's plea of "Guilty" a farce, a sham, and a mockery of justice.

VI.

That petitioner's second attorney in this cause pressured him, and he, the petitioner, under duress due to this pressure, entered a plea of "Guilty" due to this conflict of interest between said attorney and petitioner and for the sole financial gain of the said attorney, as evidenced by petitioner's attached exhibits which are hereto attached and made a part hereof.

VII.

That during petitioner's incarceration in Shelby County Jail prior to March 10, 1969, such conditions existed that deprived your petitioner of his free will whereby he was incapable of conferring with his attorneys thereby depriving him of legal counsel, resulting in an involuntary plea of guilty.

Some of the additional facts supporting this Petition are as follows:

Petitioner avers that he has never had a trial and has never been accorded his day in Court. By way of being more explicit, petitioner would show to the Court that he was induced to plead guilty when, in fact, he was and is not guilty of the crime of murder.

Petitioner avers that he was in jail without bond and that he employed one Percy Foreman of the Texas Bar to represent him. That he at all times represented to the said Foreman that he was innocent. Petitioner would like to remind the Court that this was a case that attracted international attention due to the prominence of the person alledged to have been murdered, and that the Trial Judge deemed it necessary to take unusual and rigorous steps in an effort to prevent either the State or this petitioner from being prejudiced by the welter of lurid publicity which attended this case.

Your petitioner avers that he was kept in solitary confinement before and during his appearances in Court; under the pretence that the petitioner was in danger of being assassinated; he was kept in a lighted cell and under constant surveillance, day and night. That the Sheriff of Shelby County even went so far as to install a closed-circuit television set in his cell and that he was thus being watched at all times through this device, in addition to the guards who attended him day and night. That due to the presence of the guards and the listening and seeing devices, petitioner was never accorded a private conference with his attorney.

Petitioner would further show that he had originally been represented in this matter by one Arthur Haynes of the Alabama Bar, but was advised by the said Percy Foreman to discharge Mr. Haynes, which he did, soon after being brought to Shelby County.

Petitioner would show that this continued for some nine months and during his several appearances in the Criminal Court of Shelby County. Petitioner charges that due to this treatment he was unable to rest and sleep in anything like a normal manner. He would show that he became so nervous and distraught of mind that he was unable to make intelligent decisions in his case and was wholly dependant on his counsel, in whom he had great confidence at that time.

Petitioner further avers that his attorney, Percy Foreman, entered into a contract with one or more writers who were desirous of obtaining the exclusive rights to the facts of the petitioner's version of the case, and this could not be accomplished if there was an open trial of the case, as the facts of such a public trial would thereby become public knowledge. Petitioner avers that Attorney Foreman conceived the diabolical idea that if he could induce petitioner to plead guilty, these ends could be thus achieved.

Petitioner charges that his attorney instituted a course of action toward him designed to pressure petitioner into pleading guilty. Your petitioner avers that his attorney's action was not taken for the welfare of petitioner but was done by his said attorney so that he could collect large sums of money from the writer or writers with whom he had contracted. Petitioner further avers that his said attorney finally told him that the only way his life could be saved was for him to plead guilty. He would further show to the Court that the said Percy Foreman appeared on national television (the Dick Cavitt Show) and openly bragged that he had coerced petitioner into pleading guilty by telling him that he would be executed if he went to trial.

Petitioner would show to the Court that the said Percy Foreman is a dominating person and that he is supremely egotistical. Petitioner fully realizes the perils involved in disregarding the advice of one's lawyer; this, coupled with the other factors herein set out; to-wit: his nervousness and mental over-wroughtness, (due to the unusual treatment he was subjected to during his confinement), caused him to enter the plea of guilty as heretofore set out.

Your petitioner avers that another Judge, the Hon. Arthur Tappan, serving in place of Judge Battle, ruled that since he had pleaded guilty, there could be no motion for a new trial heard, and refused to set aside the judgment. The case was carried to the highest appellate courts of this

State and finally the Supreme Court of Tennessee affirmed the judgment of the Criminal Court of Shelby County. This was done despite the statutes of Tennessee which require a new trial where the presiding Judge has died before passing on such motions. The prior decisions of the Supreme Court of Tennessee had held this to be a wholesome law since the judge who heard the case was the only judge who could properly and legally authenticate the record in the case for review by the Supreme Court.

Petitioner, therefore, avers that he has not been accorded the "equal protection" guaranteed him by the FOURTEENTH AMENDMENT of the United States Constitution.

He avers that his rights guaranteed him by the State and Federal Constitutions to counsel at all stages of his trial have been grossly violated.

Your petitioner charges that his rights of "due process" guaranteed him by both the State and Federal Constitutions have been grossly violated.

Petitioner avers that he only pleaded guilty because of the above-stated reasons and not because he was in fact guilty.

He would show to the Court that the State's case has not been prejudiced, and that he has obtained no unfair advantages by reason of his plea of guilty.

Your petitioner further charges that this matter was brought to the attention of the Judge who originally presided in this case, and before the death of Judge Battle, and to the attention of the successor Judge and the District Attorney General, within a short time thereafter; the matters contained in this complaint were brought to the attention of the Court and the prosecution promptly, so that delay could not have been petitioner's motive, nor could the passage of such a short period of time have impaired the chances of the prosecution in presenting whatever case they have or may have not had. Petitioner hereby makes his affidavit a part of this petition and is filing the same with this petition.

PREMISES CONSIDERED, PETITIONER PRAYS:

1. That he be allowed to file this petition;
2. That the Writ of Habeas Corpus issue requiring the warden, Lewis Tollett, to have the person of the petitioner before this Court at such time and place as this Court may require and order, so that the legality of his restraint may be inquired into.
3. He prays that he be allowed to withdraw his plea of guilty and that the judgment upon which he is being restrained, be set aside and for nothing held and that he be granted a trial on his plea of not guilty.
4. He prays for such other, further and general relief as the equities and justice of the case may demand.

x James Earl Ray  
(PETITIONER) JAMES EARL RAY

Richard J. Ryan  
Attorney for Petitioner

STATE OF TENNESSEE)  
MORGAN COUNTY )

Personally appeared before me JAMES EARL RAY, the petitioner herein, and who makes oath in due form of law that he has read the foregoing petition and the facts set forth in the petition are true to the best of his knowledge, information and belief, and in substance and in fact.

WITNESS MY HAND AND SEAL OF OFFICE this the 12th day of April, 1970.

Fern Neukang  
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 4, 1972

MAIN AT RISK

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

CA 4-9321

March 9th, '69

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

Dear James Earl:

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

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

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

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

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

Yours truly,

*Percy Foreman*

PF-4

*James Earl Ray*



MAIN AT RISK

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

CA 4-9321

March 9, 1969

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

Dear James Earl:

You have asked that I advance to Jerry Ray five (\$500.00) of the \$15,000.00, referring to the first five thousand dollars paid by Wm. Bradford Huie. On January 29th, Mr. Huie advanced an additional \$5,000.00. At that time I had spent in excess of \$9,500.00 on your case. Since then, I have spent in excess of \$4,000.00 additional.

But I am willing to advance Jerry \$500.00 and add it to the \$105,000.00 mentioned in my other letter to you today. In other words, I would receive the first \$165,500.00. But I would not make any other advances - just this one \$500.00.

And this advance, also, is contingent upon the plea of guilty and sentence going through on March 10, 1969, without any unsocial conduct on your part in court.

Yours truly,

*Percy Foreman*

PF-4

P.S. The rifle and the white mustang are tied up in the suit filed by Benfro Hays. Court costs and attorneys fees will be necessary, perhaps, to get them released. I will credit the \$165,500.00 with whatever they bring over the cost of obtaining them, if any.

*James Earl Ray*

*Percy Foreman*  
Percy Foreman

WILLIAM BRADFORD HUIE

HARTSELLE, ALABAMA

March 7, 1969

Dear James Ray....

Enclosed you will find:

1. The original agreement signed by you, Mr. Hanes, and me.
2. The letter attached to that agreement by which I agreed to advance \$35,000 in anticipation of earnings from this project.
3. Receipts from your attorneys for the \$40,000 which I have advanced to date. (\$30,000 to Mr. Hanes and \$10,000 to Mr. Foreman.)

I have also having sent to you, from my attorneys, the Supplementary Agreement which was signed by Mr. Foreman, Mr. Hanes, you and me. I suggest that you sign another copy of this for Mr. Foreman, so that we can have two copies bearing all four original signatures.

This gives you copies of all agreements existing between you and me; and you will note that I have followed them to the letter. I will continue to do so.

To this date this project has earned \$30,000. Additional earnings will shortly be received from LOOK magazine, from foreign magazines, and from Dell Publishing Company, which will publish the book in May.

LOOK Magazine will publish my next article on April 15th. The book, titled HE SLEW THE DREAMER, will be published about May 15th.

I am currently negotiating with Carlo Ponti, the film producer, over picture rights. I'll keep you informed of developments.

As soon as you are moved to Nashville, I will attempt to see you...or rather we will attempt to get permission for you to see me. We need a picture of you to use on the front cover of the book.

Jerry keeps in touch with me; and if it is your desire you can count on me to keep in touch with you indefinitely. I'll help you in any way I can.

And of course I will keep both you and Mr. Foreman informed as to earnings.

Best wishes.

*Bill Huie*