

JUN 4 8 08 PM '70

JUN 5 6 08 PM '70

7059

LONG DISTANCE

FORM R-601 (7-67)

7 344 6324

DAY MO.	PLACE CALLED	AREA	NUMBER	ORIGINATED FROM	AMOUNT	MIN.	CTM	CARD NO./DDD TIME
23	5NEPISCON	ONT	807 687 3422		85	5K1	1490700071	
27	5MEMPHIS	TENN	901 525 7373	Sullivan	5 65	9K0	1343	
13	6MEMPHIS	TENN	901 525 7373	Jensen	3 25	5K0	1023	
<p>The above calls were made on May 27th. and June 13th. 1968 over 344-6324 which no is listed for the following subscriber:</p> <p>Mr. Paul Danylyshyn 38 S. Cumberland St. Apt. 44 Port Arthur, Ontario.</p> <p><i>Handwritten: 7 HENDER BAY-NORTH</i></p> <p><i>Handwritten: Was not speaking of the weather was it?</i></p>								
			TAXES	49	TOTAL	10 24		

CLASS (COL. C)
STATION DAY
STATION NIGHT/SUN
ECONOMY
PERSON DAY
PERSON NIGHT/SUN.
TYPE (COL. T)
DDD-ANI
DDD-ONI
OPERATOR
CHGS. TRANSFERRED
CREDIT CARD
COLLECT
MISC. (COL. M)
CUT-OFF
KEYPUNCHED
RECHARGED
POOR TRANSMISSION
FROM COIN
NON-TAXABLE

0350

LONG DISTANCE

7 344 6324 FORM R-931 (5-68)

DAY MO.	PLACE CALLED	AREA	NUMBER	ORIGINATED FROM	AMOUNT	MIN.	CTM	CARD NO./DDD TIME
11	10MEMPHIS	TENN	901 525 7373		2 05	2K0	0927	
11	10MEMPHIS	TENN	901 525 7373		2 05	1K0	0957	
11	10MEMPHIS	TENN	901 525 7373		5 65	9K0	1059	
<p><i>Handwritten: Personal Request</i></p> <p>Calls made on October 11th. 1968</p> <p>The above calls were made over 344-6324 which no. is listed for the following subscriber:</p> <p>Mr. Paul Danylyshyn 38 S. Cumberland St. Apt. 44 Port Arthur, Ontario.</p> <p><i>Handwritten: 44-38861-588</i></p> <p><i>Handwritten: Hender Bay North Ontario</i></p>								
			TAXES	49	TOTAL	10 24		

CLASS (COL. C)
STATION DAY
STATION EVENING
STATION NIGHT/SUN.
STATION LATE NIGHT
FAMILY CALLING PLAN
PERSON DAY
PERSON NIGHT/SUN.
TYPE (COL. T)
DDD-ANI
DDD-ONI
OPERATOR
CHGS. TRANSFERRED
CREDIT CARD
COLLECT
MISC. (COL. M)
CUT-OFF
KEYPUNCHED
RECHARGED
POOR TRANSMISSION
FROM COIN
NON-TAXABLE

REC'D - CIV RIGHTS
FBI

JUN 5 10 26 AM '70

REC'D - COKE & TOURS
JUN 4 4 25 PM '70

ROBERT K. DWYER
EXECUTIVE ASSISTANT

LLOYD A. RHODES
ADMINISTRATIVE ASSISTANT

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

EARL E. FITZPATRICK
NON-SUPPORT DIVISION

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

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

ASSISTANTS

WILLIAM D. HAYES
JAMES C. BEASLEY
EWELE C. RICHARDSON
JEWETT H. MILLER
J. CLYDE MASON
SAM J. CATANZARO
LEONARD T. LAFFERTY
ARTHUR T. BENNETT
DON D. STROTHER
DON A. DINO
JOSEPH L. PATTERSON
BILLY F. GRAY
EUGENE C. GAERIG
HARVEY HERRIN
F. GLEN BIBSON
JOHN W. PIEROTTI

June 17, 1969

Mr. Wallace V. Dubinsky
Attorney at Law
131 Court Street
Port Arthur, Ontario

Re: Paul Danylyshyn - Reward Money

Dear Mr. Dubinsky:

In reply to your letter of June 4 regarding the above matter, this is to advise that there are no standard application forms in this jurisdiction wherein you might apply for a reward on behalf of Mr. Danylyshyn. I would assume that the claim for any reward would be made to the persons who proposed such reward. To my knowledge a reward was offered by: City of Memphis, Honorable Henry Loeb, Mayor; State of Tennessee, Honorable Buford Ellington, Governor, Nashville, Tennessee; and Memphis Publishing Company, 495 Union Avenue, Memphis, Tennessee.

There may have been other offers of reward, but these are the only ones that come to my mind at this time. I might add that as far as I know there is no mention in our files of any information given by Mr. Danylyshyn to any law enforcement or investigative body that led to the arrest and conviction of the murderer of Dr. Martin Luther King, Jr.

Sincerely yours,

Phil Canale
PHIL M. CANALE, JR.
District Attorney General

PMCJr:MEF

Copy to Mr. Robert Jensen
Special Agent In Charge
Federal Bureau of Investigation
157 North Main Street
Memphis, Tennessee 38103

44-38861-2
ENCLOSURE

FBI

Date: 6/11/70

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

Re Birmingham letter to Bureau, 6/3/70.

For the information of Birmingham, the subject has not exhausted all possibilities of appeal from his present sentence. However, if subject's appeals are successful, it will only mean that he will be given an opportunity to stand trial for KING's murder.

Since the subject is receiving free, or presumably free, legal assistance, it is anticipated that these appeals may continue for several years or longer.

Should the Department be agreeable to dismissing the Federal warrant now outstanding at Birmingham, Memphis has no objection as it sees little likelihood of RAY's being acquitted on state charges even if he is ever allowed to stand trial on these charges.

- ② - Bureau
 - 2 - Birmingham (44-1740)
 - 2 - Memphis
- JCH:jap
(6)

REC-40 44-38861-5882

16 JUN 17 1970

Approved: 5 JUN 22 1970 Sent _____ M Per _____
Special Agent in Charge

UNCLASSIFIED - 7004 27 110

REC'D - CIV RIGHTS
FBI

RECEIVED
GENERAL INVEST
DIVISION

(6)

TO: SAC, CHICAGO

JUN 17 1 29 PM '70

JUN 17 11 17

FROM: SAC, MEMPHIS (44-1987)

SUBJECT: MURKIN

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

MEMPHIS OFFICE

RE MEMPHIS TELETYPE TO BUREAU AND CHICAGO
JUNE SEVENTEEN LAST. RE CHICAGO TELETYPE
JUNE SEVENTEEN LAST. RE CHICAGO TELETYPE
JUNE SEVENTEEN LAST. RE CHICAGO TELETYPE
JUNE SEVENTEEN LAST. RE CHICAGO TELETYPE

FOR INFORMATION OF BUREAU AND CHICAGO:

RE CHICAGO TELETYPE JUNE SEVENTEEN LAST.
RE CHICAGO TELETYPE JUNE SEVENTEEN LAST.
RE CHICAGO TELETYPE JUNE SEVENTEEN LAST.

MEMPHIS

JUN 10 1970

F B I

Date: 6/5/70

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/19/94 BY 5068 SLD/amy
CA# 94-0655HHE

Re Memphis airtel to Bureau, 5/8/70.

For the information of WFO, subject JAMES EARL RAY is now being represented by J. B. STONER of the National States Rights Party; RICHARD J. RYAN, a Memphis, Tennessee, attorney; and BERNARD FENSTERWALD, JR. An article appearing in a Memphis newspaper indicated that FENSTERWALD is from Washington, D.C. and heads a private group called "The Committee to Investigate Assassinations." According to the article, FENSTERWALD worked for the Senate Judiciary Committee from 1957 until 1968.

Assistant Attorney General CLYDE MASON, Memphis, Tennessee, the state prosecutor assigned to the JAMES EARL RAY case, has asked that we furnish him any information available concerning FENSTERWALD and his political linkings.

LEAD

WFO

AT WASHINGTON, D.C. Will prepare a brief outline of BERNARD FENSTERWALD'S professional background including any information to indicate association with leftist and racist groups in order that this information may be made

Airtel available to the District Attorney General at Memphis, Tennessee

Teletype

2 - Bureau
2 - WFO
2 - Memphis
A.M.S.D. JEH:jlg
(6)

WFO lead to divergent
6/10/70 gpm
REC-31
44-38861-5883
Memo R to DELOACH
GHS:cs
6-15-70
Let to ME
6-16-70

JUN 8 1970

Reg. Mail Approved: _____ Sent _____ M Per _____

Registered _____ Special Agent in Charge

Administrative header information including routing and date fields.

(9)
FROM: [illegible]
TO: MEMBERS
TO: ABO
TO: BUREAU

REC'D - CIV RIGHTS
FBI
JUN 9 10 05 AM 1970

REC'D - CIV RIGHTS
FBI
JUN 9 11 56 AM '70

MEMBERSHIP TO THE BUREAU AND MEMBERSHIP TO MEMBERS' COMMITTEE
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ABO
BUREAU

MEMBERSHIP TO MEMBERS' COMMITTEE AND MEMBERSHIP TO MEMBERS' COMMITTEE
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Administrative routing and date information at the bottom of the page.

EX-110

SAC, Memphis (44-1987)

6/16/70

REC-31

Director, FBI (44-38861) - 5883

MURKIN

Re your airtel 6/5/70 captioned as above.

Bernard Fensterwald, Jr., was the subject of applicant-type investigations in 1949 and 1959, which developed the following information which you may orally furnish to Assistant Attorney General Clyde Mason. Fensterwald was born [redacted] in Nashville, Tennessee, graduating from Harvard University in 1942 with a Bachelor of Science degree and thereafter attending Harvard Law School, Harvard University, where he was awarded a Bachelor of Laws degree in 1949. The names of his mother and sister appeared on a list of delegates and members in 1942 of the Southern Conference for Human Welfare, which has been cited by the House Committee on Un-American Activities. In 1956, while employed by the State Department, Fensterwald and his mother traveled to the Soviet Union. In addition to his employment by the State Department, Fensterwald was also employed as chief counsel of the U.S. Senate Committee on the Judiciary; Subcommittee on Administrative Practice and Procedure (the Long Committee). He has also been employed on the staffs of a number of Senate committees.

For your own information and guidance, our contacts with Fensterwald have made it clearly evident that he was unscrupulous, untrustworthy and anti-FBI and frequently endeavored to draw the FBI into conflicts around the country by his requests of various telephone companies and other sources who might have information of wiretaps and other technical surveillances by the FBI. In January, 1966, in connection with hearings scheduled to be held in San Francisco, Fensterwald indicated that ex-Agent William Turner would be one of the witnesses he intended to call in connection with the extent of FBI wiretapping. As you are aware, Turner is extremely anti-FBI

MAILED 25
JUN 16 1970
COMM-FBI

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

NOTE: See memo Mr. Rosen to Mr. DeLoach, 6/15/70, captioned "Bernard Fensterwald, Jr., Name Check Request," GHS:cs.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/10/94 BY 5668 [signature]
CA #94-0655 AVE

60 JUN 23 1970 MAIL ROOM TELETYPE UNIT

Letter to SAC, Memphis
Re: Murkin

and has an unsavory background. Fred J. Cook, in an article in the December, 1965, issue of "The Nation," dealing with wiretapping by Government agencies, allegedly obtained information for his article from Fensterwald, whom he quoted several times.

Insure that you are alert to furnish the Bureau under the above caption any information coming to your attention concerning the activities of the "Committee to Investigate Assassinations" or activities of any of the members thereof. (77-44206)

DEPT. OF JUSTICE
FBI
JAN 11 1966
COMMUNICATIONS SECTION

RECEIVED
FEDERAL INVESTIGATIVE
DIVISION

JUN 17 9 14 AM 1970

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

(11-44509)

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : A. Rosen

SUBJECT: EDWARD FENSTERWALD, JR.
NAME CHECK REQUEST

DATE: 6/15/70

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

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

Special Agent in Charge of the Memphis Office, in connection with the James Earl Ray case, has requested a name check on Fensterwald, who is the head of a private group called "The Committee to Investigate Assassinations." This request is on behalf of Assistant Attorney General Clyde Mason, the state prosecutor assigned to the Ray case, who had asked for information concerning Fensterwald.

Fensterwald, former chief counsel to Senator Long's committee on wiretapping, was the subject of applicant-type investigations by the Bureau in 1949 and 1959, which developed that the names of his mother and sister appeared on a list of delegates and members in 1942 of the Southern Conference for Human Welfare, cited by the House Committee on Un-American Activities, and in 1956, while employed by the State Department, Fensterwald and his mother traveled to the Soviet Union for a vacation. No other derogatory data was developed. Fensterwald, in addition to his former State Department employment, was chief counsel of the U.S. Senate Committee on the Judiciary; Subcommittee on Administrative Practice and Procedure (Long Committee), and our contacts with him clearly showed he was unscrupulous, untrustworthy and anti-FBI and sought to involve the Bureau in wiretapping probes by Long's Committee. He allegedly leaked information to Fred Cook, long-time FBI critic, for an article by Cook which appeared in "The Nation," dealing with wiretapping by Government agencies.

A United Press International release in January, 1969, reported on the founding of the new committee to investigate assassinations, stating that Fensterwald was one of the members thereof together with District Attorney James Garrison of New Orleans, and William Turner (ex-Agent and extremely anti-FBI). Fensterwald was quoted as stating the purpose of the committee is "to embarrass or force the Government to make investigations they have been putting off since November 22, 1963," and indicated the committee's position was that there was a conspiracy in Dallas in connection with the assassination of President Kennedy and that there were "strong footprints" of a conspiracy in connection with the shooting of Dr. Martin Luther King.

CONTINUED - OVER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/18/94 BY 51668 SLD/dmj
CA #94-0655 HHC

ORIGINAL FILED IN 100-11206-10

NOT RECORDED
JUN 18 1970

cs:cs (7)

5/5 JUN 24 1970 6-16-70

JUN 18 1970
NAME CHECK

Memo to Mr. DeLoach
Re: Bernard Fensterwald, Jr.

The attached letter to Memphis sets forth brief biographical data concerning Fensterwald and his employments, together with the data developed during the investigations concerning his mother and sister as well as his trip to the Soviet Union in 1956, which it is believed the Special Agent in Charge, Memphis, should orally furnish to Assistant Attorney General Mason.

For his own information and guidance, the letter furnishes Memphis information concerning Fensterwald's anti-FBI attitude and his association with Turner.

RECOMMENDATION:

That the attached letter, if approved, be forwarded to Special Agent in Charge, Memphis.

[Handwritten initials and marks: a checkmark, 'P', 'JPM', 'OK', and other illegible scribbles]

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (44-38861)

DATE: 6/10/70

FROM : *JTM* Legat, London (88-72) (RUC)

SUBJECT: *0* MURKIN

Enclosed are two copies each of the following documents:

1. Letter from the Law Offices of FENSTERWALD and OHLHAUSEN to New Scotland Yard dated 5/19/70.
2. Letter from Bow Street Magistrate's Court dated 5/14/70 to FENSTERWALD and OHLHAUSEN.

It should be noted that item #1 reflects these individuals claim to be attorneys for JAMES EARL RAY, and they ask to borrow certain exhibits used in the extradition proceedings. Item #2 refers the attorneys to New Scotland Yard.

New Scotland Yard furnished copies of the enclosed items and advised that they do not intend to reply to the law firm.

Above furnished for information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/18/94 BY 5608 SD/dmj
CA# 94-0655 HHG

- ③ - Bureau (Encls. 4)
- 1 - Liaison
- 1 - London
- JTM:cm
- (5)

B
ENCLOSURE
"ENCLOSURE ATTACHED"

cc cc
CRD 6/16/70
JTM/r/f 6-22-70

REC-56

see note attached.
44-38861-588

JUN 12 10 53 AM '70

JUN 12 2 04 PM '70

JUN 18 1970



3 JUL 6 1970

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

5010-108-02

REC'D - CIV RIGHTS
FBI

RECEIVED
INVESTIGATIVE
DIVISION

21X

JUN 19 10 23 AM '70

JUN 15 8 34 AM '70

F. B. I.
DEPT OF JUSTICE

RECEIVED
INVESTIGATIVE
DIVISION
DEPT OF JUSTICE

EX-100

[Faint, mostly illegible typed text, possibly a memorandum or report body]

RECEIVED

COMMUNICATIONS SECTION

NOTE: Enclosed are communications furnished by our Legal Attache in London, England. These were furnished by New Scotland Yard which advised that they were not replying to the law firm.

LAW OFFICES
FENSTERWALD AND OHLHAUSEN

927 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005
TELEPHONE (202) 347-3919

BERNARD FENSTERWALD, JR.
WILLIAM G. OHLHAUSEN

NEW YORK ASSOCIATES
BASS & ULLMAN
342 MADISON AVENUE
NEW YORK, N. Y. 10017

May 19, 1970

New Scotland Yard
Dept. C.U.C.1
London, S.W. 1
England

Dear Sir:

As one of the attorneys for James Earl Ray, alias Ramon George Sneyd, I am desirous of borrowing the Exhibits used in the extradition proceeding. Enclosed is a letter from the Bowstreet Chief Magistrate's Court on this matter.

We believe that these Exhibits (see list appended), which may no longer be needed in England, may be of considerable help to us in perfecting Ray's Petition for Post Conviction Relief, which will be heard in the very near future.

Could you tell me if it would be possible to obtain the Exhibits for use in Court here?

Thanking you for any possible help, I remain

Most sincerely yours,

Bernard Fensterwald Jr.
Bernard Fensterwald, Jr.

BF:crr
Encl.

44-38861-5884

Bow Street Magistrates' Court,
Bow Street,
London, W.C.2.,
England.

14th May, 1970.

Messrs. Fensterwald and Ohlhausen,
Law Offices,
927, Fifteenth Street, N.W.,
Washington, D.C. 20005

Dear Sir,

In reply to your letter of 29th April, 1970,
concerning the whereabouts of the exhibits in the
case of James Earl Ray, I can only state the
following.

The documentary exhibits would have been sent
from the Court with the depositions to the Home
Office and I would have expected them to be trans-
mitted to the State Department.

The passports, revolver and ammunition may
have been retained by the police. Possibly New
Scotland Yard (Department C.O.C.1) London, S.W.1.,
might be able to assist you.

Yours faithfully,



Chief Clerk.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/18/94 BY 5668 SLD/dmj
CA # 94-0655 #H6

44-38861-5884

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/17/94 BY 5668 SLD/dmj
CA #94-0655 #16

21

ENCLOSURE 44-38861-5884

FBI

Date: 6/18/70

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

AIRTEL _____
(Priority)

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

On 6/18/70, Assistant District Attorney General CLYDE MASON, Memphis, Tenn., made available the following documents filed in the Criminal Court of Shelby County, Tenn., by attorneys for the subject RAY. Two copies of each of these documents are enclosed for the Bureau: *one*

1. Motion to Produce, directing the Sheriff of Shelby County, Tenn., to furnish the name of the person or persons who constructed and designed the quarters in the Shelby County Jail wherein the subject was incarcerated. This motion has been denied by Judge WILLIAM H. WILLIAMS.
2. Motion to Produce, requesting that the Clerk of the Shelby County Criminal Court produce date books, log books, or notebooks, or other personal data belonging to the late Judge PRESTON BATTLE. This motion has been denied by Judge WILLIAMS.
3. A motion to declare the subject RAY indigent. Judge WILLIAMS has withheld decision on this pending receipt of an affidavit from RAY stating that he is indigent.
4. Motion for an order to require the Shelby County Sheriff to permit psychiatrists to visit the Shelby County Jail quarters where RAY was confined. This motion has been denied by Judge WILLIAMS.

copy

*cc CLK
CRD 6/23/70
EJM*

*LHM AAG CRD
6-23-70*

*EJM
cc enclosure*

② - Bureau (Encs.)
2 - Memphis
JCH:jap
(4)

ENCLOSURE
ENCLOSURE ATTACHED

JUN 19 1970

REC-41 44-38861-5885

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

JUN 29 1970

01818 5110

DATE: _____ TIME: _____

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

JUN 22 10 00 AM 1970

REC'D - CIV RIGHTS
FBI

JUN 22 10 33 AM '70

JUN 23 1970

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

TO: SAC, MEMPHIS (44-1987) (P)
FROM: SAC, JACKSON (44-1987) (P)
SUBJECT: MURKIN

RE: MURKIN (44-1987) (P)
MURKIN (44-1987) (P)
MURKIN (44-1987) (P)
MURKIN (44-1987) (P)

1. MURKIN (44-1987) (P)
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3. MURKIN (44-1987) (P)
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MURKIN (44-1987) (P)
MURKIN (44-1987) (P)

4. MURKIN (44-1987) (P)

5. MURKIN (44-1987) (P)

6. MURKIN (44-1987) (P)

5. Motion to Produce, asking that the Shelby County Sheriff make available all records pertaining to the visits made to the subject by PERCY FOREMAN and by JERRY RAY. Judge WILLIAMS has denied this motion.
6. Motion for production of books, papers, documents, and tangible objects. Judge WILLIAMS ruled that those items of evidence mentioned in the stipulation at the time of the subject's guilty plea may be reviewed by the subject's counsel. He directed subject's counsel to request the Clerk of the Criminal Court to make these items available for examination.
7. Brief and Argument furnished in support of Item 6, above.

FILED
J. A. BLACKWELL, CLERK
BY _____ D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

NO. H.C. 661
18645 (Hester)

JAMES EARL RAY, ALIAS

MOTION TO PRODUCE

Comes the defendant in the above styled cause, by and through his attorneys of record, and respectfully moves this Honorable Court to require Sheriff of Shelby County William H. Morris to turn over to his attorneys of record all and such records that pertain to visits inclusive of dates and times of his former attorney Percy Foreman and the defendant's brother Jerry Ray.

Respectfully submitted,

J. B. STONER

RICHARD J. RYAN

BERNARD FENSTERMAK, JR.

ATTORNEYS FOR DEFENDANT

FILED 6-1-70
J. A. BLACKWELL, CLERK
BY George N. Brown D. E.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

H.C. 661
NO. 16545 (Murder)

JAMES EARL RAY, Alias

MOTION FOR AN ORDER

Comes the defendant in the above styled cause, by and through his attorneys of record, and respectfully moves this Honorable Court for an Order requiring Sheriff William N. Morris to permit psychiatrists of Defendant's Counsel's choice to visit the Shelby County jail quarters in which your defendant was confined for several months prior to his incarceration in Nashville, Tennessee.

Respectfully submitted,

J. B. STONER

RICHARD J. RYAN

BERNARD FENSTERWALD, JR.

ATTORNEYS FOR DEFENDANT

FILED
J. A. BLACKBELL, CLERK
BY _____ D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

JAMES EARL RAY, Alias

H. C. 661
NO. 15645=(Murder)

MOTION TO DECLARE INDIGENCY
OF DEFENDANT

Comes the defendant in the above styled cause, by
and through his attorneys of record, and respectfully moves
This Honorable Court to declare him an indigent person.

Respectfully submitted,

J. B. STONER

RICHARD J. RYAN

BERNARD FENSTERWALD, JR.

ATTORNEYS FOR DEFENDANT

FILED
J. A. BLACKWELL, CLERK
BY _____ D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

H.R. 661
NO. ~~16543~~ (Murder)

JAMES EARL RAY, Alias

MOTION TO PRODUCE

Comes the defendant in the above styled cause, by and through his attorneys of record, and respectfully moves This Honorable Court to require Mr. James A. Blackwell, Clerk of the Criminal Court of Shelby County, Tennessee, to produce and turn over to attorneys of record for the defendant such date books, log books, or notebooks or any other personal data belonging to Judge Preston Battle, or such personal files that he may have in his possession belonging to Judge Battle relating to the James Earl Ray case, such records dealing with conversations with either Mr. Percy Foreman and/or Mr. Hugh Stanton, Sr. in negotiations of a guilty plea in or out of the Judge's chambers and preceding the date of March 10, 1969.

Respectfully submitted,

J. B. STONER

RICHARD J. RYAN

BERNARD FENSTERWALD, JR.

ATTORNEYS FOR DEFENDANT

Chief Justice Warren stated in Coppedge v. United States,
359 U.S. 438, 449:

"When society acts to deprive one of its members of his life, liberty or property, it takes its most awesome steps. No general respect for, nor adherence to, the law as a whole can well be expected without judicial recognition of the paramount need for prompt, eminently fair and sober criminal law procedures. The methods we employ in the enforcement of our criminal law have aptly been called the measures by which the quality of our civilization may be judged."

Petitioner urges upon this Court that making available to him the evidence, both material and intangible, is not the prelude to a "fishing expedition" but only specifically to aid him in the establishment of his Petition for Post Conviction Relief of certain vital, necessary facts.

Respectfully submitted,

RICHARD J. RYAN
ATTORNEY FOR PETITIONER

44-38861-5885

"The determination of what can be useful to the defense can properly be made only by an advocate. The Judge's function in this area is limited to deciding whether a case has been made for the production of the desired material and to supervise the discovery process." Pittsburgh Plate Glass v. U. S. 360 U.S. 395.

Mr. Justice Fortas, stressed that a criminal trial "is not a game in which the state's function is to outwit and entrap its quarry." Giles v. Maryland, 386 U.S. 66

"The unequal positions of the judge and the accused, one with the power to commit to prison and the other deeply concerned to avoid prison, at once raise a question of fundamental fairness. When a judge becomes a participant in plea bargaining he brings to bear the full force and majesty of his office. His awesome power to impose a substantially longer or even maximum sentence in excess of that proposed is present whether referred to or not. A defendant needs no reminder that if he rejects the proposal, stands upon his right to trial and is convicted, he faces a significantly longer sentence. U.S. ex rel. Flksnis v. Gilligan, 256 F.Supp. 244.

That common interest which every citizen has in the enforcement of the laws and ordinances of the community wherein he dwells has been held to entitle a citizen to the right to inspect the public records in order to ascertain whether the provisions of the law have been observed. Nowack v. Auditor Gen. 243 Mich.200;
State ex rel. Ferry v. Williams, 41 NJL 332.

FILED 1-1-76
J. A. BLACKWELL, CLERK
BY George W. D. G.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

H.C.661
NO. ~~XXXXXXXXXX~~

JAMES EARL RAY, Alias

MOTION TO PRODUCE

Comes now the defendant by and through his attorneys of record and moves the Court to direct and/or order the Sheriff of Shelby County, Tennessee, William N. Morris, to turn over to the defendant's counsel of record the name of such person or persons who constructed and designed or advised in the construction or design of the quarters in the Shelby County jail in which your defendant was incarcerated until his removal to the penitentiary in Nashville, Tennessee.

Respectfully submitted,

J. B. STONER

RICHARD J. RYAN

BERNARD FENSTERWALD, JR.

ATTORNEYS FOR DEFENDANT

*all
handwritten*

In his concurring opinion in Giles v. State of Maryland,
386 U.S. 66, Mr. Justice Fortas stated:

"If it (the prosecution) has in its exclusive possession specific, concrete evidence which is not merely cumulative or embellishing and which may exonerate the defendant or be of material importance to the defense - regardless of whether it relates to testimony which the State has caused to be given at the trial - the State is obliged to bring it to the attention of the court and the defense."

"The right of the accused to have evidence material to his defense cannot depend upon the benevolence of the prosecutor. Numerous regrettable instances of prosecutorial misconduct attest to the impracticability of this approach." Giles v. State of Maryland, 386 U.S. 66, Williams v. Sutton, 400 Fed.2d, Page 800.

"We now hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." Brady v. Maryland, 373 U.S. 83.

"Granting a Motion of discovery and inspection ^{by the Court} is in terms discretionary and not mandatory' 'but a Motion to its discretion is a Motion, not to its inclination, but to its judgment; and its judgment is to be guided by sound legal principles'." U.S. v. Smith, 156 Fed. 2d 642.

Supplementing that Petition your petitioner has filed various Motions for production of records and other essential items necessary to properly present his Petition for relief. Your petitioner relies upon the Section 40-2014 Tennessee Code Annotated which is as follows:

Copying certain books, papers and documents held by attorney for state.--Upon motion of a defendant or his attorney, at any time after the finding of an indictment or presentment, the court shall order the attorney for the state, or any law enforcement officer, to permit the attorney for the defendant to inspect and copy or photograph designated books, papers documents or tangible objects, obtained from or belonging to the defendant or obtained from others which are in possession of, or under the control of the attorney for the state or any law enforcement officer. The order may specify a reasonable time, place and manner of making the inspection, and of taking the copies or photographs and may prescribe such terms and conditions as are just. However, such inspection, copying or photographing shall not apply to any work product of any law enforcement officer or attorney for the state

.....
CONSTITUTIONAL LAW:

Where defendant in state prosecution was denied the production of evidence in possession of the prosecution, due process required that the case be remanded to state courts for an in camera examination of the evidence, after which defendant must be given a new trial if the state courts determine that favorable evidence material either to guilt or to punishment had been suppressed.

U.S.C.A. Const. Amend. 14

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

JAMES EARL RAY,
Petitioner

VS

NO. H.C. 661

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

BRIEF AND ARGUMENT

MAY IT PLEASE THE COURT:

STATEMENT OF FACT

On March 10, 1969, the petitioner herein was sentenced to ninety-nine (99) years on his plea of guilty, said sentence being imposed by the late Honorable Preston Battle, Judge of Division III of the Criminal Court of Shelby County, Tennessee. Three days later your petitioner attempted to set aside this plea, as evidenced by a letter addressed to the late Judge Battle and dated March 13, 1969, from Nashville, Tennessee, where the petitioner was confined in the State Penitentiary. Another communication dated March 25, 1969, was also forwarded to the late Judge Battle by the petitioner asking him to "go the 30-day route". A Motion for New Trial was filed, the same being denied by the successor Judge, the Honorable Arthur Faquin of Shelby County, Tennessee; this Motion was subsequently denied by the Supreme Court of Tennessee. Petitioner has filed a Petition for Post Conviction Relief in this Court, and this is now waiting to be heard.

March 12, 1969

Order for Suit, English and Scotch Woolen

Alabama Motor Vehicle Forms

One Envelope Containing the following:

One 8 x 10 Color Photograph of Bartending School
Graduation Picture

Fifteen Individual Photographs of Ray

Four Color Photographs of Mexican Stickers Displayed
on White Mustang

One Photograph of Deceased

One Photograph, Rear of 422½ Main

One Photograph of Mulberry Street

One Photograph of Bundle, front of 424 S. Main Street

One Map of Mexico

One Map of Atlanta

One Map of Atlanta

One Map of Georgia and Alabama

One Map of United States

One Map of Texas and Oklahoma

One Map of Los Angeles

One Map of Los Angeles

One Map of California

One Map of Louisiana

One Map of Arizona and New Mexico

One Map of Birmingham

One Map of Texas, Arkansas, Louisiana & Mississippi

Fibers Q-114 from Bedspread

Hairs Q-206-7 (James Earl Ray)

One 8 x 10 Photograph of White Mustang

Two Small Photographs of White Mustang

One Window Sill

IDENTIFIED AS EXHIBIT I

William B. Patton
J. B. G. H.
Feb. 13, 1969, a.m. and
Mar. 10, 1969.

March 12, 1969

Box No. 3 Continued:

One Green Sofa Pillow
One Dark Blue Sweat Shirt
One Black and Gray Sweater
One Pair Walking Shorts
One Brown Suit
One .38 Calibre Snub-nosed Pistol
Five .38 Calibre Cartridges

Cardboard Box No. 4 containing the following:

Two Canadian Passports
One Hotel Portugal Receipt
One Birth Certificate and Vaccination Certificate
One Airline Ticket, London to Brussels
One Envelope and Correspondence with Kennedy Travel Bureau
One Kennedy Travel Bureau folder
One Cash Receipt for Top Coat
One Copy of Airline Ticket, Lisbon to London
One South African Airways Timetable Folder
One Rebel Motel Registration Receipt
One Folder Bulk Film Company
Type written letter 10-5-67
Type written letter 10-22-67
Type written letter 11-20-67
Order Blank Form
One Provincial Motel Registration Receipt
One Sealed Envelope Bearing Handprinted Name Eric S. Galt
One Folder Containing Dance Studio Correspondence & P.O.
Change of Address Correspondence
One Folder Containing Modern Photo Bookstore Correspondence
One Folder Containing the following:
Photograph of Ray
Signature of Ramon George Sneyd
Application for Canadian Passport
Statutory Declaration of Guarantor
Entry and Exit Cards - Portugal
One Envelope Containing Parkway Apartment Lease

March 12, 1969

EVIDENCE INTRODUCED THROUGH
WITNESSES & BY STIPULATION

One 30.06 Remington Rifle

One Browning Shotgun Box

One Blue Zipper Bag - Containing the following: (Box No. 1)

One Channel Master Transistor Radio

One Pair Binoculars

One Binocular Case

One Cardboard Binocular Box

One Hairbrush

Two Can Schlitz Beer

One Commercial Appeal Newspaper

One Pair Pliers and One Tack Hammer

One Gillette Shaving Kit

One Empty Paper Bag With York Arms Cash Receipt

One Pair Undershorts

One T Shirt

One 30.06 Cartridge Case

One 30.06 Calibre Slug

One 30.06 Cartridge Box with Live & Spent Cartridges

Cardboard Box No. 2 containing the following:

One Pillow

One Pillow Case

One White Sheet

One White Sheet

One Rug

One Styrofoam Box

One 1967 Alabama License Plate

One 1968 Alabama License Plate

Cardboard Box No. 3 containing the following:

One Pillow

One Pillow Case

One White Sheet

One White Sheet

[Exhibit D]

IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE I
VS. I NO. 16645
JAMES EARL RAY I

ORDER

In the course of the presentation of testimony and stipulations during the plea of guilty in the above-styled cause, certain items of physical evidence were introduced by the State as itemized and listed on the attached three (3) page document designated Exhibit I:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the items referred to in Exhibit I be and the same are hereby declared to be the official exhibits in this cause and the Clerk of the Court is hereby ordered to retain and safely keep said exhibits pending further orders of this Court.

ENTER this the 13th day of March, 1969. *and for*
Mar. 15, 1969, name pro tunc

W. R. ...
J U D G E

named or produced herein; Any fingerprints used or displayed in any search for Defendant; Expended slugs from a firearm, or fragments thereof; Bullets, hulls, shells or casings, expended or unexpended; Maps, television sets, binoculars, or other tangible objects purportedly used or handled by Defendant; Logs and records of calls made over the radio network of any law enforcement agency of Shelby County, Tennessee, during the period of April 4, 1968 through April 5, 1968; The names and addresses of all witnesses for the State in this cause; Any and all statements, signed or unsigned, attributed to or purportedly made by Defendant and ~~any and all statements made in the presence of the Defendant to which note of his reaction was made,~~ Any bank or trust company records pertaining to Defendant, his accounts or transactions by or concerning him.

The Attorney for Defendant shall be allowed to inspect, copy, or photograph the above named items and documents at such reasonable time, place and manner as shall be mutually convenient to the Attorney for the State and the Attorney for Defendant; The terms of such inspection shall remain under the supervision and control of the Court.

The Defendant's Motion to Produce ballistic and weapons tests and reports thereof is hereby denied as being the work product of a law enforcement officer or Attorney for the State.

Done this 18th day of September, 1968.

C. W. Preston Breece
Judge, Division 3, Criminal Court of Shelby
County, Tennessee

OK Robert K. D...
Spartan City

4/18/68
Approved by
William H. H...
Attorney for

[Exhibit C]

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

No. 16645
(Murder)

JAMES EARL RAY, Alias

ORDER

This cause having come on for hearing on September 6, 1968, on defense Motion for Discovery, the Court having heard arguments of counsel for the State of Tennessee and for the defense, and being otherwise fully advised in the premises,

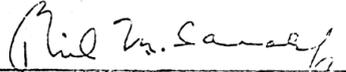
It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

The defense Motion for Production of books, papers, documents and tangible objects is hereby granted as to the following: Any firearm or other weapon belonging to Defendant or allegedly used in committing the crime charged; Any automobile allegedly owned or operated by Defendant and any and all objects found therein; Documents, particularly guest registers, pertaining to any hotel, motel, rooming house or other purported place of residence, temporary or permanent, of Defendant from April 23, 1967, until June 8, 1968, and of the alleged victim of the crime charged from March 25, 1968, through April 4, 1968; Any photographs in possession of the Attorney General purportedly showing Defendant or others sought in connection with the crime herein charged; Penal records of Defendant, including any and all medical, optometric, or psychiatric reports contained therein or produced while Defendant was in custody of any authority; Any military records of Defendant in the possession of the Attorney General, including results of medical, optometric, or psychiatric tests and results of proficiency tests; Passports, visas and applications therefor; Manifests, passenger lists, tickets, or other documents pertaining to transportation of or travel by Defendant; Any fingerprints found on tangible objects

not in the custody of the Attorney General.

(5) He further avers that with respect to those requests in the defendant's motion not specifically answered herein, that he is not legally obligated to comply with such requests and will make known his objections in oral argument at the hearing on this motion.

Further the Attorney General avers not.


DISTRICT ATTORNEY GENERAL

[Exhibit B]

FILED 8-30-68
J. A. BLACKWELL, CLERK
BY Larry Rame D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE)
)
VS.) NO. 16,645
) (Murder)
JAMES EARL RAY)

A N S W E R

Comes the Attorney General for the Fifteenth
Judicial District of the State of Tennessee, Phil M. Canale, Jr.,
and for answer to the motion to produce heretofore filed in
this cause, avers:

(1) He is agreeable to complying with the
tenets and dictates of Chapter No. 415 as enacted
by the General Assembly of the Tennessee Legisla-
ture of 1968.

(2) He further avers in accordance with the
aforementioned Chapter 415 of the Public Acts of
1968 that the Court should prescribe a reasonable
time, place, conditions, regulations and manner
assuring preservation of said evidence and a
record made of such examination of such evidence.

(3) He further agrees to furnish to the
Attorney for the Defendant, as is provided by law,
a list of all witnesses that may be called as
witnesses for the State, who are known to the
Attorney General as of this date.

(4) He further avers that any minutes or
notes kept by the Shelby County Grand Jury are
public records in the custody of the Criminal
Court Clerk of Shelby County, Tennessee, and are

made in the presence of defendant to which note of his reaction was made.

20. Autopsy and toxicologists reports concerning any alleged victim of the crime charged herein.

21. The minutes and notes of Grand Jury proceedings in this case.

Respectfully submitted,

Arthur J. Wines, Jr.
Attorney for defendant.

I hereby certify that I have personally reviewed a copy of the foregoing motion upon the Attorney General for the State in this case. This the 10 day of August 1968

Arthur J. Wines, Jr.

contained therein or produced while defendant was in custody of any authority.

6. Any and all military records of defendant, including results of medical, optometric, or psychiatric tests and results of proficiency tests.

7. Passports, visas and applications therefor.

8. Records of entry and exit to and from this or any other country.

9. Documents, records or objects pertaining to transportation of or travel by defendant.

10. Evidence and test fingerprints of defendant.

11. Any sets of fingerprints used or displayed in any search for defendant.

12. Any fingerprints of defendant or other persons found on tangible objects named or produced herein.

13. Ballistic and weapons tests and reports thereof.

14. Expended slugs from a firearm, or fragments thereof.

15. Bullets, hulls, shells or casings, expended or unexpended.

16. Maps, papers or other objects purportedly used or handled by defendant.

17. Logs and records of calls made over the radio network of any law enforcement agency of Shelby County, Tennessee, during the period of April 4, 1968 through April 5, 1968.

18. The names and addresses of all witnesses for the State in this cause.

19. Any and all statements, signed or unsigned, attributed to or purportedly made by defendant and any and all statements