

F B I

Date: 1/9/74

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

TO: *1/16/74* DIRECTOR, FBI (44-38861)
FROM: SAC, MEMPHIS (44-1987) (P*)
SUBJECT: MURKIN

Re Memphis airtel to the Bureau, 12/28/73.

Enclosed for the Bureau are two copies of an order filed with the U. S. District Court Clerk, Middle District of Tennessee, Nashville, Tenn, on 1/2/74, by Judge L. CLURE MORTON, denying the motion for a temporary restraining order filed by JAMES EARL RAY.

For information of the Bureau, the complaint filed by RAY on 12/27/73, has not been acted upon by Judge MORTON and inasmuch as Judge MORTON is on annual leave the remainder of the month of January, 1974, no action is anticipated in the near future. The Bureau will be kept advised of further developments concerning that complaint.

ENCLOSURE ATTACHED

REC-39

JAN 12 1974

ENCLOSURE

③ - Bureau (Enc. 2)
2 - Memphis

PHT:cmc
(5)

57 JAN 22 1974

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

CW 1/18/74
JAN 14 1974

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5710

JAN 12 4 21 PM '74

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

REC'D-CIV RIGHTS
FBI
JAN 14 7 35 AM 1974

TO: DIRECTOR, FBI (44-38861)

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

Enc. two copies of order filed with USDC CLERK,
Nashville, Tenn., 1/2/74 by Judge L. CLURE MORTON
denying motion for temporary restraining order
filed by JAMES EARL RAY.

REF: Memphis airtel to Bureau, 1/9/74.

44-38861-3932

ENCLOSURE

2:30 P.

1002 1974

BRANDON LEWIS OFFICE
BY *M. Lewis*

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

JAMES E. RAY)
)
)
VS.)
)
)
MARK H. LUTTRELL, Commissioner)
of Correction, State of)
Tennessee, et al.)

CIVIL ACTION NO. 7338

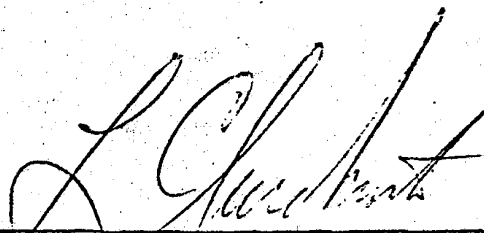
ORDER

Plaintiff has filed a petition for a temporary restraining order to prevent the prison officials of the State of Tennessee from transferring the plaintiff from the Tennessee State Penitentiary to a federal penitentiary pursuant to a contract arrangement between the State of Tennessee and the United States Prison Department.

The transfer of a state prisoner from one institution to another is within the scope of the administration of the state penal system. This United States District Court is without authority to interfere with the administration of the state penal system, absent factual allegations of federal Constitutional violations. Plaintiff has failed to make factual allegations concerning his possible transfer to another institution, which, taken as true, amount to a violation of rights guaranteed by the Constitution of the United States. Wells v. McGinnis, 344 F.Supp. 594 (S.D.N.Y. 1972); Bundy v. Cannon, 328 F.Supp. 165, 173 (D.Md. 1971); United States ex rel. Verde v. Case, 326 F.Supp. 701, 704 (E.D.Pa. 1971).

Accordingly, this court may not lawfully restrain or enjoin State officials from transferring the plaintiff to another institution.

The motion for a temporary restraining order is hereby denied.

A handwritten signature in cursive script, appearing to read "L. C. Smith", is written over a horizontal line.

United States District Judge

44-38861-5932

ENCLOSURE

44-38861-5932

F B I

Date: 2/7/74

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (44-38861)
 FROM: SAC, NEW ORLEANS (157-10673)
 SUBJECT: MURKIN

Enclosed for the Bureau are five copies of an LHM reflecting an interview with HERMAN CLAY.

On 1/30/74, CLAY telephonically advised USA, EDLA, GERALD J. GALLINGHOUSE about the enclosed incident.

UACB no further investigation being conducted concerning the results of this interview at this time.

REC-57.

44-38861-5933

EX-117

16 FEB 11 1974

McDONOUGH

SIX

② - Bureau (Enc. 5)
 2 - New Orleans
 RVD:dmb (4)

1-CRD
 1-CDU
 2-cc destroyed
 D-70
 2-11-74
 JCL:ldm

Approved: _____
 Special Agent in Charge

Sent _____ M Per _____

Chase/19MEB

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

FEB 11 4 53 PM '74

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

REC'D - CIV RIGHTS
FBI

FEB 12 9 12 AM '74



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New Orleans, Louisiana

*In Reply, Please Refer to
File No.*

February 7, 1974

MURKIN

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.

44-38861-5933

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 2/7/74

HERMAN ERNEST CLAY, JR. was contacted at his residence at 711 Clay, Kenner, Louisiana, and was advised of the identity of the interviewing Agent and the nature of the inquiry. CLAY furnished the following information:

He is a patrolman with the Kenner Police Department where he has been employed for approximately 7 years. On April 2, 1968, CLAY was working the late watch at the Moisant Airport, Kenner, Louisiana. There were only a small number of individuals in the airport and at approximately midnight a white male walked over to CLAY, who was in his police uniform at that time, and said hello. The man asked CLAY how he was doing and CLAY said fine. At that time the white male began talking to CLAY and told CLAY words to the effect, "I don't hate colored people, but I have a job to do". CLAY asked the man to tell him all about it and the man replied that he had met some people at a hotel in New Orleans and he was going to do a job which CLAY could read about in the newspaper. The man told CLAY that he would be surprised to know the identities of the individuals involved in the unknown job and that they were from St. Bernard Parish, Plaquemine, and New Orleans. CLAY asked the man for more details, however, the man told CLAY that he could not tell him anymore about it but that he would read about it in the newspaper. CLAY did not think much about the incident until he read about the assassination of MARTIN LUTHER KING. At that point he believed that the man at the airport who gave his name as ELRAY (Last Name Unknown) possibly could have been the murderer. CLAY advised he checked with Delta Airlines Ticket Counter and was told by some unrecalled individual that someone else from a police agency had already checked on flights out of New Orleans for April 2. CLAY advised he could not locate any passenger of April 2 with the same name as the individual had given him and which he no longer recalled.

CLAY described the individual as a white male, approximately 5 feet 6 inches, 140-145 pounds, wearing a sports coat, slacks, and a houndstooth hat.

Interviewed on 2/5/74 at Kenner, Louisiana File # NO 157-10673

by SA RICHARD V. DEAN:dmb Date dictated 2/7/74

2

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.

2

NO 157-10673

RVD:dmb

Approximately one week ago, CLAY saw an article in the newspaper concerning JAMES EARL RAY and RAY's petition for a new trial. CLAY saw a photograph of RAY in the newspaper and immediately recognized him as the individual who had approached him at the airport on April 2, 1968. CLAY advised that prior to seeing the picture he had never identified the man at the airport as being JAMES EARL RAY and had never seen any photographs of RAY.

CLAY advised that he had never reported the incident to anyone and had only mentioned it to a few relatives. At the time he talked to the man at the airport he was new on the police force and after reading that JAMES EARL RAY was arrested and later convicted for the murder of MARTIN LUTHER KING he felt that the incident was unimportant.

CLAY recalls that at the time of the conversation with the man at the airport, he did not observe the man board any airplane and has no positive information that the man took a flight out of New Orleans. CLAY could furnish no other information regarding the incident.

The following description was obtained from CLAY:

| | |
|--------------------------|--|
| Name: | HERMAN ERNEST CLAY, JR. |
| Race: | Negro |
| Sex: | Male |
| <u>Date of birth:</u> | ██████ |
| <u>Place of birth:</u> | New Orleans, Louisiana |
| <u>Employment:</u> | Patrolman for Kenner Police Department, 7 years, badge number 53 |
| <u>Telephone number:</u> | 729-5119 |
| <u>Address:</u> | 711 Clay Kenner, Louisiana |

3*

F B I

Date: 3/20/74

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 Memphis airtels to Bureau, 12/28/73 and 1/9/74.

Enclosed herewith for the Bureau are 2 copies of a petition for a writ of habeas corpus filed in U. S. District Court, Nashville, Tennessee, on 12/4/72. Also enclosed for Bureau is a newspaper article appearing in "Nashville Banner" 3/15/74.

For information of the Bureau, the complaint, previously forwarded to the Bureau by referenced Memphis airtel dated 12/28/73, charging Tennessee State Penitentiary warden JAMES H. ROSE with violation of JAMES EARL RAY's civil rights, and which complaint was filed with the USDC, Nashville, Tenn., on 12/27/73 at the same time the petition for temporary restraining order, which also was previously furnished to the Bureau by airtel, 12/28/73, has now been acted upon by USDCJ L. CLURE MORTON.

As the Bureau was previously advised by referenced Memphis airtel to the Bureau dated 1/9/74, Judge MORTON did act on the restraining order filed by JAMES EARL RAY and he then took the complaint under advisement and as was previously reported did not make any action on that complaint during the month of January in view of his being on annual leave for the entire duration of January, 1974.

3-Bureau (Encs. 3) ENCLOSURE
2-Memphis
PHT:bc
(5)

ENCLOSURE ATTACHED

REC-62

15 MAR 22 1974

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

MAR 27 1974

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

MAR 22 1 21 PM '74

REC'D - CIV RIGHTS
FBI

TO: DIRECTOR, FBI
FROM: SAC, NEW YORK (100-100000)

MAR 22 1 22 PM '74

Re New York airtel dated 3/21/74, captioned as above.
Enclosed for the Bureau are two copies of a letterhead memorandum (LHM) dated and captioned as above, which was prepared by the New York Office on 3/21/74. The LHM contains information regarding the activities of the Black Liberation Army (BLA) and the Black Panther Party (BPP) in the New York area.

The LHM is being furnished to the Bureau for information and for the Bureau's use in its ongoing investigation of the BLA and the BPP. The LHM is being furnished to the Bureau in two copies, one of which is being furnished to the Bureau's Civil Rights Division and the other to the Bureau's Intelligence Division.

The LHM is being furnished to the Bureau in two copies, one of which is being furnished to the Bureau's Civil Rights Division and the other to the Bureau's Intelligence Division.

Very truly yours,
Special Agent in Charge

Enclosure

100-100000 (100-100000)

100-100000 (100-100000)

FILED

3/30/74

ME 44-1987

On 2/8/74, the complaint referred to above was determined by Judge MORTON as being identical in nature to their previous complaint filed on 12/4/72, which action was still pending in the district court. Judge MORTON thereafter dismissed the complaint referred to above, stating that the same issues are involved in civil action number 6800.

With respect to the enclosed petition, civil action number 6800, the following chronological actions have been taken:

On December 4, 1972, JAMES EARL RAY filed the enclosed petition for writ of habeas corpus alleging violations of his Constitutional rights under the 5th, 6th, 8th and 14th Amendments of the U. S. Constitution. He further alleged irreconcilable conflicts of interest with his attorney, PERCY FOREMAN; dishonesty, coercion and negotiations with trial judge.

On 3/30/73, Judge MORTON ruled that "factual allegations taken as true are insufficient to justify holding that the petitioner's plea was not voluntary, knowing, and intelligent; or to justify holding that petitioner was denied his Constitutional rights leading up to his plea. Accordingly, this petition is denied and dismissed."

On 4/25/73, JAMES EARL RAY filed a notice of appeal in the above action.

On 4/26/73, Judge MORTON ordered that "there is probable cause for appeal" and "petitioner is allowed to proceed in forma pauperis."

On 2/25/74, the Sixth Circuit Court of Appeals issued a decision stating that the "Judgments of the District Court is reversed" and the case was thereafter remanded back to the U. S. District Court, Middle District of Tennessee.

On 3/15/74, Judge MORTON transferred this civil action to U. S. District Court in Memphis, Tennessee stating, "Most of the witnesses are from Shelby County."

ME 44-1987

For additional information of the Bureau, JAMES EARL RAY has several additional motions filed with the USDC, MDT, Nashville, Tennessee, all of which involve his denial of access to the mean prison population. These motions have been merged into one civil action which is currently pending in the District Court at Nashville.

UACB, no coverage has been afforded to RAY's efforts to gain access to the general population of the Tennessee State Penitentiary.

LEADS:

MEMPHIS DIVISION

AT MEMPHIS, TENN.

Will advise the Bureau of developments in the new trial which will be scheduled shortly in Memphis, Tennessee.

Morton Moves Ray's New Trial Case To Memphis

By GEORGE JENE

James Earl Ray's request for a new trial in the slaying of Dr. Martin Luther King Jr. was transferred to Memphis federal court today.

"I think we got shafted," Memphis attorney Robert I. Livingston told reporters outside the courtroom of U.S. Dist. Court Judge L. Clure Morton.

Instead of having a scheduled pretrial conference on Ray's habeas corpus case, Morton filed Ray's motion for relief from solitary confinement with another case and transferred his main case to Memphis.

A hearing has been set for Monday in Nashville on Ray's motion that he be allowed to mix with the other inmates at State Prison here.

Transfer Reasons Given

Morton transferred Ray's main case to Memphis because "most of the witnesses are from Shelby County."

Before Ray entered his guilty plea, Morton said the confessed slayer of the civil rights leader was incarcerated in a Memphis jail under conditions which possibly deprived him of his mental capability.

The only thing that Morton retained in Nashville were several different cases which he combined into one which concerned attempts by Ray to get out of solitary confinement.

"If you get out of solitary confinement, you automatically get the right to get to the library, get exercise, have a regular diet and things of that type," Bernard Fensterwald, Ray's Washington attorney, said.

Ray contends in his main case that his guilty plea was not voluntarily made, that he should be able to withdraw it and have a trial.

"We've been in this case for about four years now," Fensterwald said. "And we figure the way things are going, it may be another few years before we get to trial."

Ray's attorney said they were going to the prison in Nashville to talk to Ray today and "tell him what we

bumped into today (in federal court)."

The 6th U.S. Circuit Court of Appeals in Cincinnati, citing two letters written to Ray by Percy Foreman of Dallas, then his attorney, remanded the main case to Morton in January for a review of Ray's guilty plea.

The letters revealed arrangements for Foreman to receive \$165,000 from royalties on publications and movies based on Ray's case and his 1969 trial in Memphis. The letters also indicated that Ray's share of the money would be delivered only on his plea of guilty with "no embarrassing circumstances to take place in the courtroom."

Dr. King was fatally struck down by a rifle shot in Memphis on April 4, 1968. Ray, who pleaded guilty to avoid the death penalty, claimed he was unlawfully coerced into making an involuntary plea.

(Mount Clipping in Space Below)

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

PAGE 1

NASHVILLE BANNER
NASHVILLE, TENN.Date: 3/15/74
Edition: EVENING
Author: George ENE
Editor: CHARLES L. OVERE
Title:Character:
or ME 44-1987 *
Classification: Bu 44-38861
Submitting Office: MEMPHIS
☒ Being Investigated

44-38861-5934

QUALITY PARK
9 x 12

ENCLOSURE

44-38861-5934

IN THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

FILED

DEC 4 - 1972

BRANDON LEWIS, Clerk
BY *[Signature]* D.C.

JAMES EARL RAY,

Petitioner,

v.

No. 6800

MR. J. H. ROSE, WARDEN,
Tennessee State Penitentiary
Nashville, Tennessee,

Respondent

PETITION FOR A WRIT OF HABEAS CORPUS

1. Comes the petitioner, JAMES EARL RAY, by and through his attorneys, BERNARD FENSTERWALD, JR., ROBERT I. LIVINGSTON, and JAMES H. LESAR, and petitions this court for a writ of habeas corpus pursuant to 28 U.S.C. 2254.

2. Petitioner is currently serving a sentence for 99 years for First Degree Murder imposed by Judge Preston W. Battle on March 10, 1969 in Division III of the Criminal Court of Shelby

County, Tennessee. (See Exhibit 1) Petitioner is confined in the Tennessee State Penitentiary at Nashville by the respondent who is warden of that institution.

3. Petitioner has exhausted his state remedies as required under 28 U.S.C. 2254(c). Petitioner pled guilty on March 10, 1969. Immediately thereafter, petitioner wrote the Trial Judge, the Honorable Preston W. Battle, two letters dated March 13 and March 26, 1969, asking for a trial and the appointment of counsel to assist him. (See Exhibit 2) In addition, Attorney Richard J. Ryan of Memphis, Tennessee, who had been engaged by petitioner's family, attempted to confer with petitioner so that he could properly prepare a motion for a new trial, but prison officials refused to allow him in to see petitioner.

Judge Battle died on March 31, 1969, without having taken any action on the two letters. On April 7, 1969, petitioner filed an Amended and Supplemental Motion for a New Trial which incorporated the two letters of March 13 and March 26 and added to them the claim that a new trial must be granted under the provisions of section 17-117 of the Tennessee Code. The successor judge, the Honorable Arthur Faquin, granted the State's Motion to Strike. Said judgment was appealed to the Court of Criminal Appeals and the Supreme Court of the State of Tennessee, affirmed by both, and the Petition to Rehear was denied.

On April 13, 1970, petitioner filed for relief pursuant to the Tennessee Post-Conviction Procedure Act. Then, on May 7, 1970, an Amended Petition for Post-Conviction Relief was filed; and, subsequently, on September 22, 1970, a Supplemental Petition was

also filed. On April 20, 1971, without having held an evidentiary hearing, Judge William A. Williams granted the State's Motion to Strike. Petitioner filed an appeal to the Court of Criminal Appeals at Jackson, Tennessee. The Court of Criminal Appeals sustained the trial court's decision, whereupon petitioner filed, on March 13, 1972, a Petition for a Writ of Certiorari with the Supreme Court of Tennessee, which Petition was denied.

4. Because of the complicated and highly unusual circumstances surrounding petitioner's plea, this Petition will first present in summary form the legal grounds which cause petitioner to assert that he is being detained in custody in violation of the Constitution of the United States. However, submitted with this Petition and incorporated in it is a Memorandum which lays out in greater detail some of the facts which substantiate petitioner's claim that his constitutional rights have been grossly violated.

5. In brief, petitioner avers that his rights under the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution have been violated. Petitioner further avers that his guilty plea was involuntarily entered as a result of the following violations of his right to due process and equal treatment of the laws:

Exculpatory evidence was withheld from petitioner by the British and American governments and the State of Tennessee.

Cruel and unusual punishment was inflicted upon petitioner during his incarceration prior to trial, vitiating his capacity to freely and voluntarily enter a plea.

Irreconcilable conflicts of interest on the part of petitioner's attorneys engendered enormous prejudicial publicity and

caused his attorneys to pressure him not to take the witness stand in his own defense and instead to enter a plea of guilty against his will.

Petitioner's attorney entered into direct negotiation of the guilty plea with the Trial Judge.

By means of duress and bribery, petitioner's attorney coerced him into pleading guilty.

Petitioner's only alternative to the pressures upon him and the conflicts of interest which denied him the right to effective assistance of counsel was foreclosed because the Trial Judge denied him the right to change attorneys.

In addition to these factors bearing upon the voluntariness of his plea, petitioner also avers that the Trial Judge failed to inquire into the factual basis for the guilty plea and neglected to determine whether petitioner understood the nature of the charge against him. Further, petitioner avers that he was deprived of his right to have counsel assist him in the preparation of a motion for a new trial, and that extrajudicial influences intervened in the trial process to make it a sham, a fraud, and a mockery of justice.

6. The legal grounds which petitioner relies upon to establish these violations of his constitutional rights are elaborated upon below. Each of the legal grounds set forth below is sufficient in itself to require that an evidentiary hearing be held on the merits. In addition, however, the cumulative effect of each of these violations upon the voluntariness of petitioner's plea must also be weighed.

The legal grounds upon which petitioner relies to secure his release from unlawful detention are as follows:

I. PETITIONER WAS DENIED DUE PROCESS DURING EXTRADITION PROCEEDINGS IN LONDON, ENGLAND

1. Petitioner was denied the right to have American counsel represent him at his hearing before the Bow Street Magistrate's Court.

2. This denial of the assistance of American counsel impaired petitioner's capacity to prepare a defense to extradition.

3. Virtually all evidence presented against petitioner at the extradition hearings was in affidavit form and thus not subject to cross-examination. In addition, the essential witnesses, such as FBI ballistics expert Robert Frazier, were not made available for cross-examination.

4. Although some of the evidence which was submitted to the Bow Street Court was exculpatory in nature, such as the affidavit by ballistics expert Robert Frazier, which showed that the bullet removed from Dr. King could not be linked to the rifle allegedly and implausibly left by petitioner on the sidewalk in front of Canipe's Amusement Center on South Main Street, petitioner's court-appointed attorney did not discuss this evidence with him, nor did he make any attempt to use it in petitioner's defense.

5. The American Embassy exerted subtle pressure on petitioner not to hire Arthur Hanes as his attorney and offered to provide him with a lawyer.

6. The United States Government refused to permit petitioner's attorney to accompany him on the plane flight from London to Memphis.

7. These violations initiated a pattern of unremitting constitutional deprivations which ultimately culminated in petitioner's coerced plea.

II. PETITIONER WAS DENIED THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS

A. CONFLICT OF INTEREST ON PART OF ARTHUR HANES, SR.

Arthur Hanes, Sr. became petitioner's first American counsel. Even before Hanes made his first trip to England to see petitioner on June 19, 1968, he had already been guaranteed \$40,000 by author William Bradford Huie. (See Exhibit 24 and pp. 153-154 of Exhibit 29) When Hanes was finally allowed in to see petitioner for the first time, on July 5, 1968, he induced petitioner to sign two agreements. One of these agreements gave Hanes a power of attorney to manage and sell all of Ray's property; the second agreement provided that Hanes would be petitioner's literary agent. Neither contract made any reference to defending Ray. (See Exhibits 6-A and 6-B)

In addition, Hanes, Ray, and Huie later entered into two other contracts. (See Exhibits 6-C and 6-D) As a result of these contracts, petitioner's attorney was primarily beholden not to his client but to the literary and financial interests of Huie, thus compelling Hanes to violate Ray's legal rights and interests.

In consequence of the irreconcilable conflicts of interest thus established, petitioner's defense was damaged in the following ways:

1. Petitioner's attorney persuaded him to renounce his plans to appeal the Bow Street Court's extradition ruling, thus getting him to waive his rights under the Anglo-American Extradition Treaty. Yet prior to this, Hanes had secretly entered into an agreement with Huie which made Huie's payments to Hanes conditional upon petitioner's speedy extradition to the United States and the signing of a book contract. (See Exhibit 6-D)

2. These Hanes-Huie contracts, which Hanes inveigled petitioner into signing after his extradition to the United States, were intrinsically in conflict with petitioner's right to be presumed innocent until found guilty because the salability of Huie's literary and movie rights depended upon either a confession by petitioner that he had committed the crime or an admission that he was in some way criminally involved in a conspiracy and thus had something significant to relate which Huie could sell.

3. With the assistance of Hanes, Huie's literary partner, Huie wrote a series of articles purportedly based on inside knowledge obtained from petitioner which resulted in widespread prejudicial publicity and claimed that petitioner was guilty of the assassination of Dr. King and involved him in other, uncharged, crimes as well. (See Exhibit 25)

4. The Hanes-Huie contracts required that Hanes deliver questions from Huie to petitioner. Although virtually all of

these questions were irrelevant to petitioner's defense, Hanes devoted much time to this enterprise. No matter how detrimental to petitioner's interests--and many of Huie's questions were impermissible--Hanes delivered the questions and allowed his client to answer them. (A small sample of these questions is contained in Exhibit 51)

5. Although petitioner specifically requested that Hanes hire a professional investigator to do investigative work in New Orleans, Hanes failed to do so.

6. The Hanes-Huie interest in the sale of literary and film rights also conflicted with petitioner's right to take the stand in his own defense. If petitioner took the stand there was nothing for Huie to sell and no enormous revenue, later estimated at up to \$600,000, from which Hanes would take his cut. Consequently, both Hanes and Huie pressured petitioner not to take the witness stand and Huie offered to pay a bribe to petitioner or a member of his family if petitioner would not take the witness stand. (See affidavit of Jerry Ray, attached as Exhibit 5-A)

7. Any public proceeding other than a confession of guilt destroyed the commercial value of Huie's rights. Consequently, Huie pressured Ray to admit involvement in the assassination of Dr. King. In order to get petitioner's confession, Huie sought to erode his confidence in a trial. After trying to beguile petitioner by claiming that if he confessed to having killed Dr. King out of race hatred or for money he would have sympathizers, Huie then told petitioner: "... if you just

happened to stumble into all this, and you didn't know what the hell was going on, then no juror is going to give a damn about you." (See Exhibit 47-A at p. 3) Due to his conflict of interest, Hanes did not protect his client from these pressures but instead assisted Huie.

B. CONFLICT OF INTEREST ON THE PART OF ATTORNEY PERCY FOREMAN

Petitioner's second American counsel, Percy Foreman, assumed all the conflicts of interest which Hanes had by re-negotiating the Hanes-Huie-Ray contracts and inserting himself in place of Hanes, while insisting upon an even larger share of Huie's proceeds and all of Ray's. (See Exhibits 6-F and 6-G)

As a consequence of these irreconcilable conflicts of interest, petitioner's legal rights were violated in the following ways:

1. Foreman failed to make an adequate, if, indeed, any investigation of the case against petitioner. In fact, by Foreman's own admissions, he made no investigation of the case before deciding to plead his client guilty.
2. Foreman became Huie's new literary partner. Huie continued to work on his book and a third Look Magazine article. The enormous prejudicial publicity which resulted from Huie's Look articles--with a circulation of more than 7 million and a readership several times that size--was augmented by radio and T.V. coverage. This massive publicity prejudiced petitioner's Fifth, Sixth, and Fourteenth Amendment rights and his right to be presumed innocent until proven guilty.

3. In violation of petitioner's Fifth and Sixth Amendment rights, Huie also testified before the Shelby County Grand Jury as to what he had allegedly learned from and about petitioner. Attorney Foreman made no attempt to stop Huie from testifying before the Grand Jury.

4. Because an open and public trial conflicted with the Foreman-Huie interest in the commercial value of their exclusive literary and movie rights--which Foreman later publicly estimated as worth up to \$600,000 (See Exhibit 7)--Foreman coerced petitioner's guilty plea by means of threats, bribery, guile, and intimidation.

C. ASSISTANCE OF COUNSEL WAS RENDERED INEFFECTIVE BY CONTINUOUS SURVEILLANCE

Petitioner avers that while incarcerated in Memphis prior to trial his cell was admittedly bugged by microphones and he was under continuous round-the-clock T.V.-surveillance. In addition to the acknowledged bug, petitioner believes there were other, clandestine microphones. Furthermore, guards were present in petitioner's cell at all times and all written communications from petitioner to his lawyers were examined by guards before his attorneys left the prison. Petitioner's Motion to Grant Private Communication was denied by the trial judge. (See Exhibit 8)

Petitioner avers that these measures were neither necessary nor really intended for his security but did effectively violate his right to confide in private with his attorneys. In attempting to frustrate these bugs and T.V. cameras,

petitioner and his counsel, Arthur Hanes, were reduced to lying on the floor and whispering in each other's ear.

D. ATTORNEY FOREMAN FAILED TO INVESTIGATE THE CASE

Petitioner avers that attorney Foreman failed to make an investigation into the case against him. As a consequence, Foreman was both unprepared to go to trial and unable to properly advise his client on a plea had he been so disposed. Specifically, petitioner asserts that:

1. Attorney Foreman never asked petitioner whether he fired a shot at Dr. King.

2. Foreman filed no motion for discovery. Although a police officer told petitioner that all police within four miles of the scene of the crime had been required to submit written statements, Foreman declined to move for discovery of these statements when petitioner asked him to do so.

3. Foreman made no attempt to obtain a ballistics or spectrographic or any other analysis of the "bullet", bullet fragments, and other items of evidence allegedly connected with the shooting.

4. By his own admissions, Foreman decided to plead petitioner guilty before his alleged investigation of the case even began.

5. Petitioner had reason to believe that certain investigations were essential to his defense, so he requested that Foreman make them. However, these investigations were never made.

44-38861-5934

E. ATTORNEY PERCY FOREMAN WAS PHYSICALLY AND EMOTIONALLY INCAPABLE OF RENDERING EFFECTIVE ASSISTANCE OF COUNSEL

A few months before Foreman entered the Ray case, the Court of Civil Appeals of Texas affirmed the decision of a lower court which awarded him \$75,000 for injuries arising out of an automobile accident in which Foreman claimed he had suffered a whiplash injury. The court noted testimony that the injuries he suffered had affected his performance as a lawyer:

(Foreman) testified that the lack of rest and the pain make him highly nervous and irritable to the extent that he is required to schedule important conferences for early in the mornings or not later than 10:00 o'clock in the morning. . . . In important cases he invariably engages some other lawyer to deal with his clients because of his nervous condition. (Emphasis added) (See Bluebonnet Express Inc. v. Foreman, 431 S.W. 2d 45 (1968), attached as Exhibit 9)

In addition, the court record shows that Foreman claimed he was sick and confined to bed from December 23, 1968, through January 20, 1969. This was about a third of the time which the court had allotted to him for preparation of the case.

F. WITNESSES CONCEALED OR ORDERED NOT TO TALK

Petitioner asserts that his assistance of counsel was also rendered ineffective by the fact that witnesses were concealed or ordered not to talk, as instanced below:

1. Although the State provided petitioner with a list of 360 potential witnesses, saying some 80 or 90 of them would be called at his trial, it would not disclose the witnesses it actually intended to call.

2. Officials ordered witnesses not to talk with defense attorneys, investigators, or anyone else.

3. One crucial witness, Mrs. Grace Stephens, was wrongfully and secretly incarcerated in the Western State Mental Hospital under her maiden name solely because she would have testified favorably to petitioner. Thus, by trickery the State immediately deprived the defense of the wife of the State's only claimed eyewitness, Charles Q. Stephens.

4. The prosecution also sequestered the State's only alleged eyewitness, Charles Quitman Stephens, and instructed him not to talk.

G. DISHONESTY OF COUNSEL

Petitioner asserts that his right to assistance of counsel was rendered ineffective by the dishonesty of Percy Foreman. Foreman's staggering record of dishonesty is detailed at greater length in the Memorandum submitted with this Petition. Here, however, petitioner charges that Foreman committed fraud on the court by stating to the Trial Judge that:

1. He had not and would not receive any fee for defending petitioner, when in fact he had already received a considerable sum of money at the time he made such statements, and expected to get much more later on; and

2. He was depositing money received in trust for petitioner, when in fact he had deposited said money in his own name.

III. PETITIONER WAS DENIED DUE PROCESS BY THE WITHHOLDING OF EXCULPATORY EVIDENCE

Petitioner avers that much exculpatory information was withheld from him. A few of the more crucial items include:

1. The plain fact that the FBI ballistics expert had found that: "Because of distortion due to mutilation and insufficient marks of value, I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle." (See affidavit of Robert Frazier, Exhibit 10)

2. That Dr. King suffered a second, officially hidden wound, thus proving either that the missile which struck him fragmented or that a second shot was fired.

3. That, immediately after the crime, the State's only alleged eyewitness, Charles Quitman Stephens, could not and did not identify petitioner as the killer. In fact, although the State claimed at the trial that Stephens saw petitioner in the hallway after the shooting, an artist's sketch disseminated by the FBI and based on Stephen's description resembled not James Earl Ray but the photographs of a man taken into custody in the vicinity of Dealey Plaza on November 22, 1963. (Copies of the photograph and artist's sketch are attached as Exhibit 11)

4. Police dusted a clear handprint belonging to someone other than James Earl Ray on the wall of the bathroom from which it alleges the shot which killed Dr. King was fired. (A photograph of this handprint is attached as Exhibit 12)

5. The fact that police officials had reason to believe petitioner was not at the scene at the time of the crime.

6. Some important exculpatory material, such as the affidavit by FBI ballistics expert Robert Frazier, was contained in the some 200-odd pages of affidavits and other documents presented to the Bow Street Magistrate's Court. These court records were confiscated and made unavailable to petitioner and his lawyers, although repeated requests for them were made to both the British and United States Governments. (Some of this correspondence is contained in Exhibit 13) Ultimately copies of these documents were obtained, but only after petitioner's alleged "trial" and as a result of a Freedom of Information Act lawsuit instituted by a private citizen. (Described in the factual Memorandum submitted along with this Petition)

IV. PETITIONER'S GUILTY PLEA WAS COERCED

A. INCARCERATION IN VIOLATION OF THE EIGHTH AMENDMENT

Petitioner avers that the cruel and unusual punishment to which he was subjected vitiated his ability to resist the improper pressures put upon him and caused him to plead guilty to a crime he did not commit. Specifically, petitioner avers that:

1. He was kept in isolation for 8 months under conditions which kept him from knowing whether it was night or day.

2. For eight months he was kept under bright lights and constant surveillance 24 hours a day. Guards were stationed at his cell around-the-clock. These guards constantly played their own radios and a T.V. set. In addition, petitioner was continuously surveilled by closed-circuit T.V. and microphones.

3. The Trial Judge denied a motion to correct these conditions.

4. As a result of these conditions, petitioner could not get proper rest. He became extremely nervous and suffered from chronic headaches and nosebleeds.

5. Because of this treatment and his own deteriorating physical and nervous condition, petitioner's resistance was eventually worn down and he was coerced into entering a guilty plea.

B. ATTORNEY FOREMAN COERCED GUILTY PLEA BY THREATS AND BRIBERY

Petitioner avers that his guilty plea was coerced by the threats and bribery of his own attorney, Percy Foreman. Specifically, petitioner avers that:

1. Foreman repeatedly threatened that if petitioner did not plead guilty he would be "barbecued". (See Exhibit 3) In writing Foreman advised petitioner that "... there is a little more than a 99% chance of your receiving a death penalty verdict if your case goes to trial. Furthermore, there is a 100% chance of a guilty verdict." (See Exhibit 14-A)

2. On February 18, 1969, petitioner handed Foreman a two-page handwritten letter listing the reasons why he did not want to plead guilty. Foreman immediately flew to St. Louis and read this letter to petitioner's family, who assembled at his demand. Foreman then attempted to pressure Ray's family to visit or write petitioner and urge him to plead guilty. (See Exhibits 5-A through 5-D and Exhibit 15)

3. Shortly before the scheduled trial date, petitioner offered to let Foreman withdraw from the case. However, Foreman refused and instead insisted upon a guilty plea. In return for a promise that petitioner would plead guilty the following day "without any unseemly conduct on your part in court", Foreman generously agreed to sign over to petitioner any income due Foreman under the contract with Huie which was in excess of \$165,000. (See Exhibit 14-C) As Foreman estimated the revenue from the Huie contracts at up to \$600,000 (See Exhibit 16), this amounted to a bribe of several hundred thousand dollars. This impression was buttressed by a letter sent by Huie which stated that additional earnings would be received shortly, and that he was negotiating with Carlo Ponti over film rights. (See Exhibit 17)

C. GUILTY PLEA WAS COERCED BY JUDGE'S STATEMENT THAT HE WOULD NOT ALLOW FURTHER CHANGES IN COUNSEL

Two actions taken by the Trial Judge added to the coercive pressures which forced petitioner to plead guilty. Ray had fired Hanes because Foreman and his brother Jerry had persuaded him that Hanes had a serious conflict of interest and was not running the defense himself. Thus, the firing of Hanes was not frivolous but dictated by the circumstances. But at the November 12, 1968 hearing at which Foreman formally entered the case, the Trial Judge, himself under pressure from the prosecution and business and civic leaders, made it clear that he would not countenance any further change of attorneys. (See Exhibit 18) Then, on January 17, 1969, without petitioner's approval

and against his desires, Judge Battle made the Memphis Public Defender, Hugh W. Stanton, co-counsel in the case and ordered him to be ready to take the case to trial if anything should happen to Foreman. Petitioner did not want Stanton as his attorney and refused even to talk with him on the one occasion when Stanton came to the jail.

Thus, petitioner found himself in this situation: on the one hand there was Foreman, unprepared to go to trial, refusing to withdraw from the case, and exerting extreme pressure on petitioner to get him to plead guilty. On the other hand, if petitioner fired Foreman, he then faced the threat of being forced to go to trial with Stanton, whose competence Foreman disparaged in caustic comments he made to petitioner's brothers. But not only was Stanton just as unprepared to go to trial as Foreman, he was also, petitioner believed, chiefly a specialist in guilty pleas rather than a trial lawyer. In fact, as soon as he was appointed to the case on December 18, 1968, the unwanted and unsolicited Stanton began to negotiate a guilty plea without petitioner's knowledge or consent. (See Exhibit 19)

V. DIRECT NEGOTIATION OF THE GUILTY PLEA WITH THE TRIAL JUDGE

Petitioner's attorney negotiated the guilty plea directly with the Trial Judge and Judge Battle himself personally dictated the terms of the deal. (See Exhibit 20) Section 3.3(a) of the American Bar Association's Standards Relating To Pleas of Guilty proscribes such conduct and petitioner contends that this direct negotiation of the guilty plea with Judge Battle violated

his right of due process. In addition, petitioner avers that Judge Battle's participation in the negotiation of the plea made it impossible for him to determine its voluntariness objectively.

VI. FAILURE OF TRIAL JUDGE TO ASCERTAIN FACTUAL BASIS FOR PLEA VIOLATED DUE PROCESS

Petitioner asserts that his rights under the Fourteenth Amendment were violated by the failure of the Trial Judge to ascertain whether or not there was a factual basis for the plea.

After petitioner pled guilty according to script, petitioner's attorney polled the jury to make certain in advance that each member seated would blindly ratify the guilty plea. After the prosecution and Foreman had accepted the jury, but before the jury was sworn, petitioner rose in open court to disagree with Foreman's gratuitous declaration that there was no conspiracy to assassinate Dr. King. (See Exhibits 21-A and 21-B) When petitioner thus demurred to Foreman's attempt to imply that he had fired the shot which killed Dr. King, Judge Battle should have brought the guilty plea proceedings to a swift halt. However, Judge Battle adhered to the deal he engineered with Foreman and sloughed off petitioner's dissent without the detailed inquiry it demanded.

VII. FAILURE OF TRIAL JUDGE TO DETERMINE WHETHER PETITIONER UNDERSTOOD THE NATURE OF THE CHARGE AGAINST HIM VIOLATED DUE PROCESS

Judge Battle failed to conduct an adequate inquiry into petitioner's understanding of the charge against him. The failure of the Trial Judge to ascertain personally that petitioner understood the elements of the crime violated petitioner's Fourteenth Amendment right of due process. The failure was particularly insidious in this case because petitioner's attorney was himself exerting coercive pressures for a guilty plea and thus could not be trusted to correctly represent the elements of the charge to his client.

VIII. PETITIONER'S RIGHTS UNDER THE FOURTEENTH AMENDMENT WERE VIOLATED BY EXTRAJUDICIAL INTERVENTIONS INTO THE TRIAL

Petitioner alleges that extrajudicial influences intervened in the trial process to deprive him of his rights of due process and equal protection of the law. Among these were:

1. Huie in conversation with Judge Battle persuaded him that the truth about the assassination of Dr. King would not come out at a trial. (See Exhibit 22, pp. 180-182) The result was that Judge Battle became convinced "... that the trial would have muddied our understanding of the substantial evidence which established Ray as the killer." (See Exhibit 23) Thus, Huie's unwarranted and improper intervention prejudiced Judge Battle to believe that petitioner was involved in a plot to assassinate Dr. King and actually did kill Dr. King. In turn, Huie's intervention influenced Judge Battle's improper guilty plea negotiations and affected his capacity to objectively determine whether petitioner's plea was voluntary.

2. Each time petitioner's trial date approached, Huie pressured him to confess guilt. (See Exhibits 47-A and 47-B) In trying to force a confession out of Ray, Huie subverted the judicial process:

A. Huie sought to erode petitioner's confidence in a jury trial by asserting that while a confession of race hatred and guilt would help him, " . . . if you just happened to stumble into all this, and you didn't know what the hell was going on, then no juror is going to give a damn about you." (See Exhibit 47-A)

B. In his February 11, 1969 letter to Ray, Huie quoted the Trial Judge's purported statement that Huie's pre-trial articles "made a fair trial almost impossible". (See Exhibit 47-B) This conveyed the message that the Trial Judge himself had already concluded that going through with a trial would be an exercise in futility. Obviously, then, as Huie expressly stated later on in this letter, petitioner's only course of action was to plead guilty and ask for leniency.

C. In his February 11th letter, Huie coupled offers of money and personal assistance--if petitioner would confess--with intimidating assertions that petitioner would get the electric chair or 99 years in prison if he persisted in going through with a trial. After asserting that petitioner had no hope from a jury and that the Trial Judge had already determined that a fair trial was almost impossible, Huie then held himself out as the only hope for petitioner. In reality, Huie's offer of help was a threat: "I might even help you get out of prison in 10 or 12 years, depending on how much you cooperate with

me." (Emphasis added) (See Exhibit 47-B) If petitioner did not "cooperate" by confessing guilt, then there would be no money, no help, and Huie would have to assume petitioner's guilt and proclaim it to the world.

3. Pervasive prejudicial publicity, much of it erroneous, distorted, and inspired by government leaks, made the proceedings against petitioner a sham, a fraud, and a mockery of justice. (A small sample of this publicity is contained in Exhibits 25 and 50) According to Huie, the Trial Judge had himself stated that Huie's Look magazine articles "made a fair trial almost impossible". (See Exhibit 47-B) As early as September 12, 1968, petitioner complained to the Trial Judge about the publicity by Huie and other writers, concluding: "I believe if these type of articles don't stop I might as well waive the trial and come over and get sentenced." (See Exhibit 46) In coercing petitioner's guilty plea, attorney Foreman relied heavily on the effect of this prejudicial publicity. (See Exhibit 3, pp. 8-9 and Exhibit 14-A)

4. The Federal Government preempted the State of Tennessee and conducted an investigation on the basis of a spurious conspiracy charge filed in Birmingham, Alabama. No alleged conspirator was ever arrested on this charge. However, in spite of the fact that the Government consistently maintained that petitioner was the lone assassin of Dr. King, this conspiracy charge remained hanging until petitioner moved for a speedy trial in late 1971, at which time the charge was dismissed when the Government failed to respond. (See Exhibit 44)

5. The United States Department of Justice intervened in a State of Tennessee trial to try and obtain approval of the guilty plea deal, even going so far as to pressure the family and associates of Dr. King to approve the guilty plea and accept it as a "solution" to the crime.

IX. PETITIONER WAS DENIED RIGHT TO COUNSEL IN FILING MOTION FOR NEW TRIAL

Petitioner alleges that obstruction by state officials prevented him from filing a motion for a new trial with the aid and assistance of an attorney retained by his family. Specifically, petitioner alleges that:

1. On March 26, 1969, the Warden at the State Penitentiary at Nashville, Lake F. Russell, denied petitioner access to Mr. Richard Ryan, a Memphis attorney whom petitioner's family had asked to represent him.
2. Prison officials also refused to grant petitioner access to law books so that he could determine the proper form for a motion for a new trial.
3. Delay in transmitting petitioner's letters of March 13 and March 26, 1969 and the refusal to allow petitioner's counsel in to consult with him prevented the Trial Judge from granting his motion for a new trial.

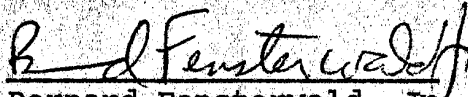
X. CONCLUSION

Because of the foregoing facts, petitioner is being

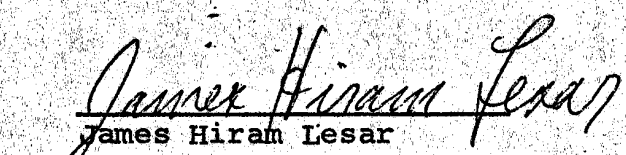
restrained of his liberty by the respondent in violation of the Constitution of the United States.

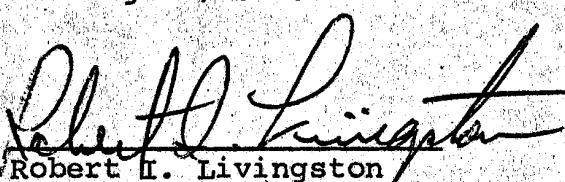
WHEREFORE, petitioner prays as follows:

1. That under 28 U.S.C. 2243, this Court issue an Order that the respondent show cause why this petition should not be granted and the petitioner discharged.
2. That this Court set out in the Order a return date of three days.
3. That this Court set the matter down for an evidentiary hearing within five days after the return.
4. That this Court grant such other relief as to the Court may seem just and proper.


 Bernard Fensterwald, Jr.
 Attorney for Petitioner
 910 16th Street, N.W.
 Washington, D. C. 20006

Dated: Dec 4, 1972


 James Hiram Lesar
 Attorney for Petitioner
 910 16th Street, N.W.
 Washington, D. C. 20006


 Robert H. Livingston
 Attorney for Petitioner
 910 Commerce Title Bldg.
 Memphis, Tennessee

FBI

Date: 2-8-74

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

Via AIRTEL AIRMAIL
(Priority)

To: Director, FBI

ATTENTION:

From: SAC, JACKSONVILLE
(44-1549) (C)

☒ CIVIL RIGHTS SECTION
GENERAL INVEST. DIV.
☐ INTELLIGENCE DIVISION

Subject:

UNSUBS;
GARY G. GIESECKE - VICTIM
CR

Re Bureau airtel dated 1-22-74.

☒ CR ☐ EL ☐ DIH ☐ CRA-64
☐ PA ☐ PE ☐ PF ☐ E
☐ EID ☐ Bomb Threats ☐ Extremist Matters
☐ White Hate ☐ Black

Summary of Complaint:

GARY G. GIESECKE interviewed and provided information made available to him by one LEWIE R. DOWDA concerning alleged conspiracy re the assassination of MARTIN LUTHER KING, JR. DOWDA interviewed and provided information regarding his association with JAMES EARL RAY and alleged conspiracy of six individuals involved in murder of MARTIN LUTHER KING, JR.

ENCLOSURE

44-38861-

NOT RECORDED

43 FEB 25 1974

1-CRD
1-CRU
1-CC - destroyed
0-70-H
JUL 1974
42-21-74

ACTION: UACB:

ENCLOSURE

☒ No further action being taken and
☒ LHM enclosed ☐ Copy furnished to USA JACKSONVILLE
☐ FD-376 (enclosure to LHM)
☐ LHM being submitted
☐ Report being submitted
☐ Preliminary investigation instituted
☐ Limited investigation instituted

56 FEB 28 1974

Special Agent in Charge

M Per

ORIGINAL FILED



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. JK 44-1549

Jacksonville, Florida
February 8, 1974

UNKNOWN SUBJECTS;
GARY G. GIESECKE - VICTIM

44-38861-
101-ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/7/74

GARY G. GIESECKE, Inmate, Lake Butler Reception Center, Lake Butler, Florida, was interviewed and provided the following information:

GIESECKE stated he was associated with another inmate by the name of LOUIS R. DOWDA, whom GIESECKE described as a white male, in his early 30's, and who relayed to GIESECKE information concerning an alleged conspiracy which planned and perpetrated the assassination of MARTIN LUTHER KING, JR., in 1968. GIESECKE stated that DOWDA was knowledgeable of this conspiracy and that it involved 6 white prominent businessmen and the alleged conspiracy was headed by an individual (first name unknown) COLLIER, who allegedly is the general manager of General Motors Corporation serving the State of Georgia and who resides in Atlanta, Georgia.

GIESECKE stated that DOWDA was an acquaintance of JAMES EARL RAY and had served time in the Missouri State Prison with RAY. Concerning the knowledge possessed by DOWDA of this conspiracy, GIESECKE said that DOWDA would be receptive to interview with the FBI as he had been interviewed by FBI Agents in Atlanta, Georgia, concerning the assassination of MARTIN LUTHER KING, JR. GIESECKE stated that DOWDA relayed this information to him sometime in September or October, 1973, while both were incarcerated at the Lake Butler facility in Lake Butler, Florida.

GIESECKE could provide no further information.

The following background and descriptive data was obtained through observation and interview:

| | |
|----------------|---------------------|
| Name | GARY GLYNN GIESECKE |
| Date of Birth | |
| Place of Birth | Glen Rose, Texas |
| Height | 5' 11" |
| Weight | 165 |
| Hair | Black |
| Eyes | Brown |

P11

Interviewed on 1/29/74 at Lake Butler, Florida File # JK 44-1549

by SA JOHN THOMAS MARTIN :cag Date dictated 2/4/74

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.

JK 44-1549

2

Ra

Race
Social Security
Account Number
Wife
Address

Mother

Sentence
Charge
Previous Arrest
Record

White

P11

EMMA GIESECKE
4735 Cambridge
Jacksonville, Florida
VEDA MAE GIESECKE
Glen Rose, Texas
15 years
Involuntary manslaughter
None claimed

FEDERAL BUREAU OF INVESTIGATION

February 6, 1974

Date of transcription

1

LEWIE R. DOWDA was interviewed at the Male Unit, Florida Correctional Institution (FCI). The identity of SA ROBERT H. ANDERSON, JR. as a Special Agent in the Federal Bureau of Investigation was made known to DOWDA and SA ANDERSON's credentials were shown to him. DOWDA was advised of the nature of the inquiry.

DOWDA did not furnish a signed statement, however, furnished the following voluntary information:

DOWDA advised he was currently serving two consecutive five-year sentences for Possession of Central Nervous System Stimulant and Uttering Worthless Check. He was sentenced January 19, 1973.

DOWDA stated from approximately January, 1964 until sometime in 1967, he was incarcerated at Jefferson City, Missouri. During that time, JAMES EARL RAY, who has previously been convicted for the murder of Doctor MARTIN LUTHER KING, was also serving time at the same institution. DOWDA stated his own position at the prison was Chief Cook, while RAY was in the charge of the prison bakeries (Bread Room).

DOWDA advised shortly after RAY was arrested by the Federal Bureau of Investigation and charged with the murder of Doctor KING, DOWDA was interviewed by Special Agents in the Federal Bureau of Investigation for any information he might have concerning the whereabouts of RAY and RAY's involvement in the murder. DOWDA stated he was interviewed during that period at least three times by the FBI concerning RAY. DOWDA stated he furnished all information to Special Agents of the FBI he had concerning RAY.

DOWDA stated that since RAY's conviction for the murder of Doctor KING, there had been numerous newspaper and magazine articles concerning the matter, and he

Interviewed on 1/31/74 at Lowell, Florida File # JK 44-1549
by SA ROBERT H. ANDERSON, JR. /s/jt Date dictated 2/1/74