

U. S. Department of Justice

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FEDERAL BUREAU

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FOR HISTORICAL  
DECLASSIFICATION

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Pending Litigation

44-1987 Sub C - 564

2969 (10/85) closed also

INVESTIGATION

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DATE 10/26/01 BY SP-1 CLK/tjt

Bureau File Number 44-38861

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HISTORICAL VALUE,  
NATIONAL ARCHIVES"

See also Nos.

SEE VOL 4  
FOR LITIGATIONS

~~2~~ 2

Kept in Closed  
Section

Newspaper Clippings

CLASSIFICATION NO.

44-1987 Sub C

Serials

551-696

Volume Number

5

(Mount Clipping in Space Below)

## Ray Seeks Way Out Of Solitary

NASHVILLE, March 14.—(AP)—James Earl Ray, who pleaded guilty to the slaying of Dr. Martin Luther King Jr., has asked to be released from solitary confinement to prepare for a hearing on whether he can withdraw his guilty plea.

Shortly after his trial in 1969, Ray tried to go back on his plea of guilty and get a full trial in the sniper killing of the ~~civil rights~~ leader.

The latest effort has resulted in the U.S. Sixth Circuit Court of Appeals ordering a full hearing on Ray's request in U.S. District Court in Nashville. A pre-hearing lawyers conference is scheduled Friday.

Defense lawyer Bernard Fensterwald mailed a petition Tuesday to federal court in Nashville asking that the state be told to release Ray into the general prison population for a minimum of two hours each day to allow Ray to exercise, go to the library and prepare for his hearing, which is expected in the summer.

Prison officials have testified at earlier hearings that they feel Ray's life would be in danger if he were allowed to mingle freely with the other inmates. However, Ray says he has no such fears.

Ray contends he was pressured into pleading guilty by his lawyers.

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

— PAGE 3

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: MARCH 15, 1974

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 557

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 27 1974	
HESTER	

(Mount Clipping in Space Below)

## Hearing On Ray Is Transferred

A federal hearing to decide whether James Earl Ray is entitled to a new trial on charges he murdered Dr. Martin Luther King Jr. was transferred yesterday from Nashville to Memphis.

U.S. Dist. Judge L. Clure Morton of Nashville said the hearing should be held in the federal courts here "because most of the witnesses are from Shelby County."

Ray, who pleaded guilty to the slaying here in 1969, was sentenced to 99 years in the state penitentiary at Nashville. Since his guilty plea, he has maintained that he was coerced into pleading guilty by two of his former attorneys, Arthur Haynes of Birmingham and Percy Foreman of Dallas, and by Alabama author William Bradford Huie.

The U. S. Sixth Circuit Court of Appeals at Cincinnati ruled Jan. 29 that Ray is entitled to an evidentiary hearing on his claim, since the claim "has never been considered on its merits by any court."

One of Ray's present attorneys, Robert I. Livingston of Memphis, said yesterday when he learned of the transfer: "I think we got shafted."

When Ray's petition is mailed from Nashville to the U.S. Dist. Court Clerk's office here, his case will be assigned to one of the three federal judges in this district on a standard lottery-type basis, court sources here said.

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

— PAGE 11

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: MARCH 16, 1974

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 552

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 17 1974	
FBI - MEMPHIS	
HESTER	CH

Meanwhile, Morton retained jurisdiction in a separate federal lawsuit in which Ray is seeking release from solitary confinement in order to prepare for the evidentiary hearing. In that petition, he asks that he be released for at least two hours each day in order to be "physically and mentally alert so as to effectively testify and assist counsel at such hearings."

The Memphis hearings probably won't be scheduled for at least six months, sources here said.

In the hearings, Ray will contend that his former attorneys "deliberately compromised" his interests to further their financial success and that of Huie. To pay for his defense, Ray promised Foreman all royalties he received from Huie, who had made a deal with Ray to write about the case.

(Mount Clipping in Space Below)

# McRae to Preside At Ray's Hearing

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Federal Judge Robert M. McRae Jr. today drew the James Earl Ray case and will hear evidence to determine whether the sentenced slayer of Dr. Martin Luther King will get a trial.

The date for the evidentiary hearing is not expected to be set until after the U.S. Supreme Court acts on a motion by the State of Tennessee asking that such a hearing not be held.

Five volumes of legal papers involving the Ray appeal arrived in the U. S. District Court Clerk's office from Nashville today. Judge McRae's name was drawn in a random selection, thus assigning the case to him.

Ray, who pleaded guilty to the slaying in 1969 and now is serving a 99-year sentence at the state penitentiary, has asked for a new trial on grounds that he was coerced into pleading guilty by his former attorneys.

The U.S. Sixth Circuit Court of Appeals in Cincinnati ordered the hearing to determine the validity of Ray's claim that his former attorneys — Percy Foreman of Houston and Arthur Hanes of Birmingham coerced him into pleading guilty. Ray also charges that similar pressure was applied by William Bradford Huie, the Alabama author who wrote an account of Dr. King's assassination.

Ray claims his former attorneys "deliberately compromised" his interest to further their financial success and that of Huie. To pay for his defense, Ray promised Foreman all the royalties he received from Huie's book.

Federal Judge L. Clure

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

PAGE 36

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date:

3-20-74

Edition:

Author:

CHARLES H.

Editor:

SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office:

MEMPHIS

☐ Being Investigated

44-1987-Sub C-553  
SEARCHED INDEXED  
SERIALIZED FILED  
APR 17 1974  
FBI - MEMPHIS  
HESTER

Morton in Nashville ruled Friday that the evidentiary hearing ~~should be held in Memphis~~ since most of the witnesses were here.

Since Ray pleaded guilty to the charges, no formal trial was ever held. ~~The government did not present its evidence against him and no~~

evidence was presented in his defense.

~~Dr. King~~ was shot to death on the balcony of the Lorraine Motel in Memphis

April 4, 1968. Ray was apprehended in London months later and was returned to Memphis where he entered his guilty plea.

(Mount Clipping in Space Below)

## Hearing On Ray Plea Is Assigned To McRae

U. S. Dist. Judge Robert M. McRae Jr. yesterday was assigned to hold a federal hearing which will decide whether James Earl Ray is entitled to a new trial on charges he murdered Dr. Martin Luther King Jr.

The hearing had been scheduled before Judge ~~L. Clure~~ Morton at Nashville, but he transferred the case to Memphis last Friday "because most of the witnesses are from Shelby County."

When written notice of the transfer arrived at the federal court clerk's office here yesterday, McRae's name was drawn on the standard lottery-type basis used in assigning new cases.

Ray was sentenced to 99 years in prison after pleading guilty to the slaying here in 1969, but since has claimed he was coerced into pleading guilty by two former attorneys and Alabama author William Bradford Huie.

The U. S. Sixth Circuit Court of Appeals at Cincinnati ruled Jan. 29 that Ray is entitled to a federal evidentiary hearing on the claim, which "has never been considered on its merits by any court."

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

— PAGE 55

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: March 21, 1974

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 554  
SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAR 21 1974  
FBI - MEMPHIS  
HESTER

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## TV Interviews James Earl Ray

NASHVILLE, Tenn. — (UPI) — NBC-TV says it will air a televised interview with James Earl Ray only after the interview has been aired by the network's legal staff.

Ray was one of several inmates interviewed over the weekend for the network's late night "Tomorrow" show, and the news media was barred from the interview.

"We want to make sure there is no mention of his appeal in the interview," said Rudi Tellez, producer of the show. "If he should mention it, NBC fears his appeal might be tossed out."

A federal court judge at Memphis has been directed to conduct a hearing which could lead to a new trial for Ray in the assassination of Dr. Martin Luther King Jr. Ray claims he was coerced by one of his former attorneys, Percy Foreman of Dallas, into pleading guilty to the assassination in exchange for a 99-year sentence.

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

PAGE 12

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 3-25-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 555  
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(Mount Clipping in Space Below)

# What New James Earl Ray Hearing Is All About

## He Contends Lawyers Put Book Profits Ahead of Defense

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Reams of paperwork have been filed in Memphis in preparation for a hearing that could lead to a new trial for James Earl Ray, the convicted assassin of Dr. Martin Luther King Jr.

The documents indicate that the hearing could be one of the most interesting in American judicial history.

Ray, now serving a 99-year sentence at the state penitentiary after pleading guilty to Dr. King's murder, claims he was coerced by his former attorneys into entering the plea.

The hearing in Memphis, ordered by the U.S. Sixth Circuit Court of Appeals, would be to determine if Ray's claim has merit. If it does, the appeals court ruled, a new trial must be held.

The state has appealed the

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

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 3-27-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
APR 5 1974	
FBI - MEMPHIS	
HESTER	
44-1987 Sub C 556	

ruling to the U.S. Supreme Court, but observers believe the high court will grant Ray's request for an evidentiary hearing.

If it does, Federal Judge Robert M. McRae Jr., who has been assigned to the case, will face a difficult task.

He will be confronted with the five volumes of documents already on file and the testimony presented at the hearing itself. Complicating matters will be the national attention such a hearing is certain to attract.

Since Ray pleaded guilty his first time in court, **no** evidence was presented against him or in his behalf. At least some of that evidence probably would be revealed during a hearing of this sort.

**The evidence would center, of course, around Ray's contention that he was**

coerced into pleading guilty. He claims his attorneys wanted his conviction so they would be assured of receiving a share of book and movie royalties about Dr. King's death.

In its ruling, the appeals court said Birmingham attorney Arthur Hanes agreed to represent Ray in June, 1968. The conditions were that Ray assign him complete power of attorney and give Hanes 40 per cent of all royalties as a result of a book publishing agreement between Hanes and Alabama author William Bradford Huie.

Ray later discharged Hanes. Percy Foreman, the famed Houston trial lawyer, became his counsel. The appeals court said Foreman assumed the book and movie rights agreement, but "this time . . . Foreman was to receive 60 per cent of the income from Huie's works."

Ray's present attorneys point out that without a guilty plea or the admission of some involvement in the King case, Ray would have had nothing to sell. They maintain Huie, Hanes and Foreman repeatedly warned Ray they wouldn't work for free and that admissions furnished by him were needed to pay legal fees.

In rather strong language, the Sixth Circuit said that in its opinion the financial interest of the two attorneys in Huie's works created a conflict of interest. This interest, the court said, "encouraged the attorneys to compromise Ray's defense" in order to aid the sale of the book and movie rights.

**Ray charges that Foreman** pressured him and his family into accepting a guilty plea.

"The reason for the pressure . . . is that the book

rights would ~~be of~~ little value were Ray to have been tried and found innocent," the appellate court said.

The opinion cited these charges of Ray as "most pertinent" in determining if he should be granted a new trial:

- "Hanes had apparently authorized Huie to conduct the investigation of Ray's case. When Ray requested that a professional investigator be hired, Hanes refused.

- "Ray felt that at a trial it would be necessary for him to take the stand in his own defense so he could explain his actions on the day of the murder. Hanes rejected the idea, saying, 'Why give testimony away when we can sell it?'"

- "On Feb. 16, 1969, Foreman brought a document to the jail which he urged Ray to sign. Included therein was

an authorization for Foreman to negotiate a guilty plea and also a waiver of any claim against either Huie or Look magazine for damaging Ray's chances of a fair trial. (Look serialized a portion of Huie's work.)

"Ray signed the document but gave Foreman a two-page letter listing reasons why he should not plead guilty. Foreman said it would be in Ray's interest to plead guilty even if he had not committed the crime . . ." because Ray stood to benefit financially.

Apparently it is those allegations around which the Memphis hearing will center.

The appeals court said "it is clear that the allegations which are the subject of Ray's petition have never been tried upon their merits or resolved by any court — allegations which, if true, plainly (negate) any notion or idea that his guilty plea and his answers to (late Criminal Court) Judge (Preston) Battle were made voluntarily and intelligently . . ."

If Ray's allegations are correct, the appellate court ruled, his counsel did not properly advise him but "deliberately coerced and misled him. It is inconceivable to us how a plea entered under those circumstances could be either intelligent or voluntary . . ."

In its strongest language, the court said:

"The entire record reeks with ethical, moral and professional irregularities, demanding a full-scale judicial inquiry. Without such a hearing, the records leave no alternative to the conclusion that Ray's attorneys were more interested in capitalizing on a notorious case than in representing the best interests of their client."

The state counters Ray's claims. Henry Haile of Nashville, an assistant state attorney general, said the state contends that "public trial would have increased the market value of Huie's articles."

He concedes, however, that "it is probably true that the market for books about a man who did not kill Martin Luther King . . . is severely limited."

The records filed in U.S. District Court here include some which pertain to the King assassination itself.

Ray's present attorneys — Robert I. Livingston of

Memphis and Bernard Fensterwald Jr. and James H. Leser, both of Washington — contend:

- That an artist's sketch distributed by the FBI shortly after the killing — based on the description of a key state witness — resembled not Ray but the photographs of a man arrested near the scene of President John F. Kennedy's assassination in Dallas.

- That police found a handprint of someone other than Ray on the bathroom wall of an apartment house from which the shot that killed Dr. King was fired.

- That an FBI specialist stated in an affidavit that the bullet removed from Dr. King could not be linked to a rifle found at the scene.

- That Charles Q. Stephens, the only person who placed Ray at the scene, could not in a sworn deposition identify Ray as the person he saw that day.



#### LIKENESS

This picture of James Earl Ray was taken in 1968 by Royal Canadian Mounted Police. Shortly afterwards, U.S. authorities arrested Ray in London for the assassination of Dr. Martin Luther King Jr.

—United Press International Telephotos



#### SKETCH

Ray's attorneys contend this artist's sketch by the FBI shortly after the killing — based on the description of a key state witness — resembled not Ray but the photographs of a man arrested near the scene of President Kennedy's assassination.

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## Attorneys O.K. Ray Case Files

Attorneys from the State Attorney General's office in Nashville were in the Federal Court Clerk's office in Memphis today going over material in the James Earl Ray case.

Henry Haile, attorney in charge of the case for the state, went over the reams of legal work filed in the Ray case this morning before the clerk's office mailed the five volumes of records to Cincinnati.

The U.S. Sixth Circuit Court of Appeals will certify the record and mail it on to the U.S. Supreme Court. The state has appealed the Court of Appeals decision ordering an evidentiary hearing to determine whether or not Ray was coerced by his attorneys to plead guilty to the slaying in 1969. Ray is now serving a 99-year sentence in the assassination of civil rights leader Dr. Martin Luther King Jr.

Haile requested that all depositions filed in the case be sent, along with the legal record, to the Supreme Court. Most of the depositions (sworn testimony) were taken in 1969. Haile said the state would retake some of them.

Haile said most of the depositions would have to be retaken because some of the issues ordered by the Court of Appeals to be covered at the evidentiary hearing were not covered in the original interviews.

Depositions will be taken again from Percy Foreman, the Houston lawyer who pleaded Ray guilty, and from Ray himself within the next few weeks, said Haile.

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

PAGE 30

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 3-28-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 557  
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HESTER ~~CA~~  
9/2/74

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## Judge to Open Court For Ray Conference

Federal Judge Robert M. McRae said today he will hold an open-court conference with attorneys in the James Earl Ray case as soon as the U.S. Supreme Court completes a review of it.

The conference, he said, would be called to discuss legal procedures related to Ray's charges that he was coerced by his former attorneys into pleading guilty to the murder of Dr. Martin Luther King Jr.

The U.S. Sixth Circuit Court of Appeals has ordered an evidentiary hearing on Ray's charges, but the hearing will not be held unless the Supreme Court concurs.

Court sources have said the high court probably will support the circuit court and allow the hearing.

If it does, Judge McRae indicated, the date of the evidentiary hearing would be set during the open-court conference.

Such conferences usually are held in the chambers of the presiding judge. Court sources said, however, that because of widespread interest in the case Judge McRae has decided to hold most of the proceedings in public view.

The appeal of the circuit court ruling was filed with the Supreme Court this week by the State of Tennessee. A decision by the high court is expected by June.

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

PAGE 13

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date:

4-4-74

Edition:

Author: CHARLES W.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 SubC 558  
mp ps

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(Mount Clipping in Space Below)

# Did Ray Leave Fingerprints On Rifle Deliberately?

NASHVILLE.—(AP)—Attorney Percy Foreman has told the Tennessee Attorney General's office that the convicted assassin of Dr. Martin Luther King Jr. said he deliberately left fingerprints on the rifle used in the killing. The Tennessean reported Monday.

The newspaper said Foreman quoted his former client James Earl Ray as saying he wanted the FBI to find his fingerprints on the weapon used to kill the civil rights leader. The newspaper quoted statements from a deposition Foreman gave to the attorney general's office last week.

"Ray laughed at the FBI for failing to find more fingerprints than they did," Foreman was quoted as saying. "Ray said he put his prints all over the rifle, then wrapped it in a blanket to insure the prints would not be obliterated."

Foreman, of Houston,

Tex., represented Ray when he pleaded guilty to King's murder in March 1969.

Foreman's deposition was made in connection with a petition filed by Ray seeking a new trial.

Ray contends that Foreman misrepresented him and forced him to plead guilty. Ray said Foreman was more interested in selling book rights of his story to author William Bradford Huie than in representing the best interests of his client.

In January, the U.S. Sixth Circuit Court of Appeals ordered a hearing into Ray's petition; however, Asst. State Atty. Gen. W. Henry Haile said the state will ask the U.S. Supreme Court to review the case.

The Tennessean said Foreman testified for more than six hours last Wednesday. He was examined by Haile, then cross-examined by Ray's current attorneys Ber-

nard Fensterwald and James Lesar of Washington and Robert Livingston of Memphis.

In a telephone interview Sunday night, Foreman declined to discuss the deposition.

"The restrictions placed upon me as an attorney prevent me from talking about it."

"The only reason I pleaded Ray guilty," he said, "was the overwhelming evidence that the prosecution had developed that could not be controverted. I pleaded him guilty to save his life."

Both Lesar and Livingston described Fensterwald as being evasive during their questioning.

Ray is serving a 99-year sentence in the Tennessee State Prison.

King was gunned down while standing on a motel balcony in Memphis April 4, 1968. He was in Memphis to support a garbage strike.

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

PAGE 15

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 4-8-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

*Original To Bureau  
4/23/74  
JH*

44-1987-Sub C-559

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SERIALIZED	FILED
APR 23 1974	
FBI - MEMPHIS	

*JH*

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# State Trying to Obtain Mental Exam for Ray

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Attorneys for the State of Tennessee are attempting to get a psychiatric examination of James Earl Ray, it was learned today, and this move is being fought by two Washington defense lawyers.

Papers filed in Federal Court today also show that if an evidentiary hearing is held to determine whether Ray should have a new trial, the defense lawyers expect Ray himself to take the witness stand in Federal Judge Robert M. McRae's court.

Bernard Fensterwald Jr. and James H. Lesar, Ray's Washington attorneys, stated

"It is anticipated that Ray will be subjected to an intensive examination and cross-examination on the witness stand at that evidentiary hearing, perhaps, lasting several days . . ."

From legal papers filed it appears the state is trying to get Ray examined by a psychiatrist in connection with Ray's separate legal move protesting his being held in solitary confinement in the Nashville prison.

Ray's lawyers are fighting this attempt stating "The State of Tennessee has not demonstrated any rational basis for keeping Ray in solitary confinement or any

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

PAGE 15

Final Ed.

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 4-2-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

*Original to Bureau  
4/23/74  
JCB*

44-1787-Sub C-50

SEARCHED	INDEXED
SERIALIZED	FILED
APR 23 1974	
FBI - MEMPHIS	

*JCB*

need for a psychiatric examination . . .

"There is no allegation before the court that Ray is insane . . . These facts would tend to indicate that the State of Tennessee may have ulterior motives for a psychiatric examination of Ray. It is obvious that with an evidentiary hearing pending and a trial of Ray very possible, any such psychiatric examination could violate several constitutional rights."

However, defense attorneys contend that "prolonged isolation" is harming Ray's "physical stamina." They state in their

federal court brief that any impairment to Ray's "ability to remember and to communicate effectively what he remembers" would be disastrous to the defense. Ray's ability to remember, they say, "is of paramount importance if his case is to be decided in the manner which justice requires . . . since Ray is one of the two persons who have personal knowledge of most of the facts . . ."

The lawyers do not say who the second person is who, in addition to Ray, has "relevant" knowledge of the slaying in Memphis of civil rights leader, Dr. Martin

Luther King Jr. . . .

Ray is serving a 99-year sentence for his 1969 guilty plea to Dr. King's assassination.

The state has appealed the U.S. Sixth Circuit Court of Appeals decision ordering an evidentiary hearing to determine whether or not Ray was coerced by his attorneys to plead guilty to the slaying. However, most informed court sources believe the Supreme Court will uphold the Court of Appeals decision. Some sources think plans for such an evidentiary hearing could get under way before Judge McRae in June.



(Mount Clipping in Space Below)

# Ray Said He Put Prints On Rifle, Lawyer States

By FRANK RITTER  
and DOUG HALL

Houston attorney Percy Foreman has told representatives of the Tennessee attorney general's office that James Earl Ray told him he deliberately put his fingerprints on the rifle used to assassinate Dr. Martin Luther King Jr.

In a deposition given last Wednesday in connection with Ray's petition for a writ of habeas corpus and a new trial, Foreman quoted Ray as saying he wanted the FBI to find his fingerprints, according to Ray's present lawyers.

"RAY LAUGHED at the FBI for failing to find more fingerprints than they did," Foreman was quoted as saying. "Ray said he put his prints all over the rifle, then wrapped it in a blanket to insure the prints would not be obliterated."

Foreman, who represented Ray when he pleaded guilty in March of 1969 to the assassination of King, was quoted as saying Ray told him he was "trying to send a message back" to his former cellmates at the Missouri State Penitentiary. The "message," apparently, was that it was he — James Earl Ray — who had killed America's most prominent

civil rights leader in Memphis in April of 1968.

Ray, who is serving a 99-year sentence at the Tennessee State Penitentiary, has asked federal court to grant him a writ of habeas corpus — that is, to order the State of Tennessee either to release him or give him a new trial. Ray asserts that Foreman and Arthur Hanes Sr. of Birmingham, his other attorney at the time of trial, coerced him into pleading guilty because of a financial conflict of interest in eventual sales of books and movies about the King assassination.

THE U.S. 6TH Circuit Court of Appeals ruled in January (Turn to Page 3, Column 1)

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

PAGE 1

THE TENNESSEAN

NASHVILLE, TENN.

Date:

Edition:

Author:

Editor:

Title:

JAMES EARL RAY

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987-Sub C-581

SEARCHED	INDEXED
SERIALIZED	FILED
APR 23 1974	
FBI - MEMPHIS	

that the U.S. District Court should conduct an inquiry into whether Foreman and Hanes acted improperly or unethically in advising Ray's guilty plea.

W. Henry Haile, an assistant state attorney general, said yesterday the U.S. Supreme Court will be asked this week to review the 6th Circuit's ruling in the case. If the high court agrees to review the case, it would then set a hearing.

If the Supreme Court declines to review the 6th Circuit's decision, then the case will go back to U.S. Dist. Judge Robert McRae Jr. of Memphis for a hearing on the merits of Ray's allegations.

IT WAS IN preparation for that possible hearing before Judge McRae that representatives of the State Attorney General's office took the deposition last week from Foreman in Houston.

During more than six hours of sworn testimony — interrupted only by two five-minute restroom breaks —

Foreman was examined for about two hours by Haile, then cross-examined for about four hours by Ray's current lawyers — Bernard Fensterwald and James Lesar of Washington and Robert I. Livingston of Memphis.

Foreman was quoted as saying, among other things, he was positive at the time he advised Ray to plead guilty that Ray acted alone in killing King. He added that this is still his opinion.

"MR. FOREMAN," said Fensterwald, "stuck to his

story that Ray had a 100% chance of being convicted and a 99% chance of being hanged" — that is, being sentenced to the electric chair.

Lesar quoted Foreman as saying that the only possibility of a conspiracy might have involved James Earl Ray's brother, Jerry Ray.

Foreman was quoted as saying James Earl Ray told him that Jerry Ray was with him when he purchased a rifle in Birmingham, shortly

before King's assassination.

LESAR SAID Foreman testified there was no other possibility of conspiracy — in Foreman's opinion — and "the inference was that Foreman did not think Jerry Ray was involved."

Ray's lawyers said Foreman, while giving the deposition, also:

• Stated that the last time he saw his (Foreman's) files on the James Earl Ray case, they were in a crate in the trunk of a car owned by the late Nashville attorney John J. Hooker Sr. Hooker was representing Foreman at the time in a civil suit brought against Foreman by Ray.

Foreman was quoted as saying he now doesn't know where the files are.

• Directly contradicted statements attributed to him in books by Gerold Frank and William Bradford Huie. For example, Foreman denied making statements which Huie says he made when Hanes was still on the case.

Huie's account of initial meetings with Foreman in Texas indicates Foreman wanted to know how to get Hanes off the case and get himself into the central role. Also, Huie says he discussed the book contract two weeks later with Foreman and that Foreman was receptive. Foreman denies all of this.

CONTACTED LAST night in Houston, Foreman declined to discuss the deposition in detail, explaining that "it is not my prerogative to speak about it."

# Attorneys For Ray Hit Psychiatric Test

Attorneys for James Earl Ray claimed yesterday the state is trying to force him to undergo a psychiatric examination in order to discredit him at an evidentiary hearing in Memphis.

In a motion filed in federal court here, the Washington attorneys, Bernard Fensterwald Jr. and James H. Lesar, said their client is sane, and a psychiatric examination is "neither called for nor necessary."

Their motion, mailed to Memphis from the federal court clerk's office in Nashville, is in preparation for an evidentiary hearing here to decide whether Ray is entitled to a trial on charges he murdered Dr. Martin Luther King Jr.

The case was transferred from Nashville to Memphis March 15, and assigned to U.S. Dist. Judge Robert M. McKee Jr. A federal judge in Nashville had ruled the case should be heard in Memphis, since "most of the witnesses are from Shelby County."

Ray claims he waived a trial and pleaded guilty here in 1969 under pressure from two of his former attorneys and Alabama author William Bradford Huie.

Asst. State Atty. Gen. Henry Haile filed a motion last Wednesday asking that Ray submit to a psychiatric examination. Haile said the tests are "material and relevant," since Ray contends solitary confinement in the state penitentiary at Nashville is adversely affecting his ability to testify and to assist his attorneys in his defense.

In their objection, Fensterwald and Lesar said, "There is no allegation before the court that Ray is insane. His recent testimony before the court (at Nashville) should clearly prove that he is not insane. Thus, a psychiatric examination of Ray is utterly irrelevant" to the motion for a new trial. "Whether his

mental agility and memory are impaired by his long solitary confinement, is a relative thing and not something to be demonstrated by a psychiatric examination."

They said the state and the federal Bureau of Prisons "have recently collaborated" in efforts to transfer Ray to the federal medical prison at Springfield, Mo. The attorneys said they were not immediately notified of the efforts and that no request had been made for a psychiatric examination in the transfer motion.

"These facts would tend to indicate the state of Tennessee may have ulterior motives for a psychiatric examination of Ray. It is obvious that with an evidentiary hearing pending and a trial of Ray very possible, any such psychiatric examination could violate several constitutional rights."

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

PAGE 30

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 4-9-74

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

*original to Bureau  
4/23/74  
Jlt.*

44-1987-Sub C-562

SEARCHED	INDEXED
SERIALIZED	FILED
APR 2 1974	
FBI - MEMPHIS	

*Jlt*

(Mount Clipping in Space Below)

# Ray Fires Lawyers, Asks Suit Be Dismissed

By PAT WELCH

Convicted assassin James Earl Ray told federal court yesterday he has fired his three lawyers and wants to dismiss a suit he brought against Tennessee State Penitentiary officials, rather than submit to a psychiatric examination.

Ray, responding in his own behalf to U.S. Dist. Court Judge L. Clure Morton's order that he show cause why he

should not have a mental examination, said he does not feel it is either "necessary or legally prudent."

HE SAID IN a footnote that he would submit to such an examination if the state will let him out of solitary confinement. He is serving 99 years for the 1968 murder of Dr. Martin Luther King. He has been confined in administrative segregation — solitary — for almost two years because, prison officials say, his life would be in danger if he were placed among the general prison population.

Ray also accused the court and the state attorney general's office of "playing games" with him.

He said his attorneys, Bernard Fensterwald Jr., James Lesar and Robert I. Livingston, have been forced

to "shuttle back and forth between Nashville and Washington, D.C., answering motions of questionable integrity, although they may be eye-catching to the press."

HE SAID HE "does not intend to further impose upon said counsel."

Livingston said last night that the motion was a surprise to him. "It is not necessary for him to fire lawyers in order to have motions dismissed. All he has to do is notify the attorneys."

The Memphis attorney said he disagrees with his client and sees no reason why he should not be examined.

"I don't think the court is playing games with the man. It's trying as best it can to determine if he is deteriorating mentally (Ray's contention is seeking release from solitary confinement). All of us are playing straight down the middle."

LIVINGSTON said he thinks Ray is distrustful, like "many people who have never had any dealings with a psychiatrist. Ray may have some fear of the unknown."

Ray said the state "apparently intends to maintain, through filing frivolous motions, etc., plaintiff in present conditions until he can be transferred back to the 'vault' in Memphis."

He referred to the special cell constructed in the Shelby County Jail, where he was held before he pleaded guilty March 10, 1969, to the murder of King.

IN JANUARY of this year, he won an evidentiary hearing on his contention that his guilty plea was not voluntary. The 6th Circuit Court of Appeals said his charges that

his attorneys (Percy Foreman and others) had a financial conflict of interest deserved a full evidentiary hearing.

The state has asked the U.S. Supreme Court to review the 6th Circuit's ruling.

Livingston said he saw nothing wrong with a psychiatric examination of Ray. But he said if Ray doesn't want to, dismissing the case against prison officials is a good way to get out of it.

RAY SAID in his motion, which he apparently typed himself, that he took a psychological test in 1969, upon entering the prison, and the results later were turned over to Nashville attorney John J. Hooker Sr. to use against him in a civil suit.

He also included a copy of a newspaper article headlined, "Sane or insane — who really knows?" to illustrate his contention that such an examination would not provide a definite answer.

He asked Morton to either dismiss the prison case in its entirety or transfer it to Memphis, where his habeas corpus suit was transferred, "because of biasness in favor of the state."

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

PAGE 9

THE TENNESSEAN

NASHVILLE, TENN.

Date: 4/17/74

Edition:

Author: PAT WELCH

Editor: LLOYD ARMOUR

Title:

Character:  
or

44-1987

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987-Sub E-563

SEARCHED	INDEXED
SERIALIZED	FILED
APR 18 1974	
FBI - MEMPHIS	

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original to  
Bureau 4/23/74  
gt

(Mount Clipping in Space Below)

## Ray Tells Court To Dismiss Suit

NASHVILLE, April 16. — (AP) — James Earl Ray told federal court Tuesday he is no longer retaining his three lawyers and wants to dismiss a suit he brought against Tennessee State Penitentiary officials rather than submit to a psychiatric examination.

Ray, the convicted assassin of Dr. Martin Luther King Jr., was responding in his own behalf to a court order that he show why he should not have a mental examination.

The court order came in a suit filed by Ray in which he seeks to be moved out of solitary confinement.

Ray said in a footnote he will submit to a psychiatric examination if the state will let him out of solitary confinement.

He said his lawyers, Bernard Fensterwald Jr., James Lesar and Robert I. Livingston, have been forced to "shuttle back and forth between Nashville and Washington, D.C., answering motions of questionable integrity, although they may be eye-catching to the press."

Ray, serving 99 years for the King slaying, said he "does not intend to further impose upon said counsel."

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

PAGE 17  
COMMERCIAL APPEAL  
MEMPHIS, TENN.

Date: 4-17-74  
Edition:  
Author:  
Editor: GORDAN HANNA  
Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987-Sub C-564

SEARCHED	INDEXED
SERIALIZED	FILED
APR 23 1974	
FBI - MEMPHIS	

9/11 0

Original To  
Bureau 4/23/74  
Jlt

(Mount Clipping in Space Below)

## Ray Returns To His Cell

NASHVILLE. — (AP) — James Earl Ray is expected to be transferred from the Tennessee State Prison hospital to his cell by today, Warden Jim Rose says.

Ray, the confessed slayer of Dr. Martin Luther King Jr., was hospitalized April 21 after apparently fainting in his cell during the third day of a hunger strike to protest his solitary confinement.

He gave up the hunger strike after four days; hospital tests showed no indications of poor health.

Prison officials have doubted whether he actually fainted.

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

PAGE 5

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date:

4-30-74

Edition:

Author:

CHARLES H.

Editor:

SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office:

MEMPHIS

☐ Being Investigated

44-1987 Sub C-565

Hester dk

(Mount Clipping in Space Below)

## Judge Rules Ray To Stay in Solitary

NASHVILLE. — (UPI) — Convicted assassin James Earl Ray must remain in solitary confinement as long as the state wishes him to, a federal judge ruled Monday.

U.S. District Judge L. Clure Morton turned down Ray's request that he be allowed to mingle with other prisoners or have access to the prison library. He also rejected Ray's petition to have the entire suit withdrawn.

Ray claims he is suffering physical and mental deterioration from lack of exercise and human contact in the state penitentiary where he is serving a 99-year sentence for killing civil rights leader Martin Luther King Jr.

He filed a motion to withdraw his suit after the state asked the court to order a psychiatric examination for Ray.

Morton pointed out that, "while Ray contends his prolonged stay in administrative segregation has impaired his mental function, he has refused to undergo psychiatric examination."

Morton said that Ray has undergone a complete physical examination and "has suffered no detectable physical deterioration during his incarceration."

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

PAGE 5

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 5-7-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

SEARCHED INDEXED  
SERIALIZED FILED

MAY 24 1974

FBI — MEMPHIS

Hester [initials]  
44-1987 Sub C 566

(per SA Roberts)

(Mount Clipping in Space Below)

# 'Conspiracy' Killed King, Says Lawyer

By MICHAEL LOLLAR

James Earl Ray's Memphis attorney claimed yesterday he has been in periodic contact since March with a representative of "the three men who actually carried out the slaying of Dr. Martin Luther King Jr."

Promoting a "conspiracy theory" behind the April 4, 1968, slaying, Robert I. Livingston said the intermediary is seeking immunity from prosecution for the slaying conspirators. The attorney said the slayers want to testify—"in revenge"—against "four Southern gentlemen" who hired them, not Ray, to murder King.

U.S. Atty. Thomas F. Turley Jr. was doubtful of the intermediary's claims, and an investigator who was closely associated with the King case said, "I can't get excited about it."

Any renewed federal investigation of the slaying would be at Turley's request. But, he said, "This office has not received any evidence from anybody which changes the conclusions about this case reached years ago after exhaustive review of the results of a thorough worldwide investigation."

"If Mr. Ray, his latest lawyer or both have any such evidence we will be pleased to receive and pursue it. Meanwhile, we are not going to be made pawns in a publicity game, nor inveigled into chasing easily fabricated self-serving rumors."

"Mr. Livingston may have been denied such experiences, but this office is contacted regularly by intermediaries of unidentified persons said to be willing and claimed to be able to solve, in exchange for immunity, crimes ranging from the so-called 'Donation of Constantine' to the murder of Cock Robin. And we have no intention of running such rabbit tracks in the Ray case or any other. As Justin Wilson, (the comedian) says, 'We've been dar.'"

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

— PAGE 23

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: 5/25/74

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 23 1974	
FBI - MEMPHIS	

44-1987 Sub C 567



Shelby County Atty. Gen. Hugh Stanton Jr. said he discussed the conspiracy theory with Livingston yesterday morning. "It was all real secret until he later got on television," Stanton said he "got the impression" that the intermediary actually was one of the "three men" Livingston claims to be the slayers.

"I told him I would be glad to talk to anybody who has any information about the case or any other case. But I can't grant immunity to anyone without knowing what they're talking about. I'll have to talk to them before making a decision. You can't call balls and strikes from left field."

sination.

Livingston had said earlier: "They all think this is a hoax, a farce and a sham, a grandstand play, but if they find my dead body lying out here somewhere they'll say, 'Well, maybe there was a conspiracy.'"

He said he doesn't believe a "lone gunman theory" in any political assassination.

The attorney said he has met the intermediary—a 50- to 60-year-old educated white man — in person twice and talked to him by telephone on several occasions. He doesn't know where the telephone calls originated.

Livingston said the man did identify himself, "but I'm sure it was a bogus name." He refused to divulge the name. "I wouldn't even tell the FBI that. I'd rather die. I'm not trying to set anybody up."

He said the intermediary has told him eight men were involved altogether, including Ray as the "patsy." He said Ray was chosen as the patsy, because, "He's just a gullible-type sort of fellow, easily influenced and led around. He had never been a high-powered criminal all his life, just penny ante stuff like sticking up grocery stores and things like that."

Livingston said four Southern men — at least one of whom is black — originated the murder plot. He said their motive was either "hate" or the belief that "eradication of Dr. King would be for the good of the American nation."

The attorney said the intermediary strongly indicated one of the four — "each socially and financially prominent" — is from Memphis. "I didn't ask for any names. When someone is volunteering information you can't push them, because all they have to do is stop talking."

Supposedly, they hired three men to carry out the murder. Two of the men were professional gunmen, the third "something else." Livingston said each of the three is a white male, and one, the actual gunman, "is a professional triggerman known to the FBI because of other offenses and wild escapades he's been involved in."

According to his conspiracy theory, the three slayers were promised \$250,000, of which \$100,000 would go to the triggerman. Their current efforts to seek "revenge" stem from a "failure to make the full payoff and possibly other things," Livingston said.

Denying a publicity scheme, Livingston said, "They (disbelievers) think the same thing about me that they think about UFOs, but I know what I've seen and heard."

(Mount Clipping in Space Below)

## Revelations in First Interview With a Memphis Reporter

# Ray Says He Wasn't at Scene When King Was Slain

By WAYNE CHASTAIN JR.

Press-Scimitar Staff Writer

A Memphis attorney today said he had been contacted by an intermediary for two professional gunmen seeking immunity from prosecution in connection with the April 4, 1968, assassination of Dr. Martin Luther King Jr. in Memphis.



Chastain

The attorney, Robert I. Livingston, represents James Earl Ray, 46, who is now serving a 99-year sentence after pleading guilty in February 1969 to Dr. King's murder.

In an interview with Ray and Livingston at the Tennessee State Prison in Nashville yesterday, Ray told this reporter he did not shoot and kill Dr. King. His attorney said:

"Within the past 90 days, I have had several contacts with a man who says he is an intermediary for the two men — including the trigger man — who are seeking immunity from prosecution."

Livingston said he provided Hugh Stanton Jr., Shelby County attorney general, with information provided by the intermediary and has offered to take a polygraph or lie detector test.

Stanton confirmed that Livingston had made contact

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

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 5/24/74

Edition: Final

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated44-1987-Sub C 568  
SEARCHED

SERIALIZED

MAY 23 1974

with his office and informed him about the "intermediary's request," but added:

"We will be glad to sit down and talk to either the intermediary, or the two men, but from the information we now have there is no way we can contact them — they must contact us."

Livingston said the intermediary informed him that the gunmen are seeking immunity so they can testify against four wealthy, socially prominent Americans—black and white — who paid to have Dr. King killed.

"The gunmen — both white — did it strictly for money," Livingston said. "They had no feelings one way or the other for Dr. King. The motives of the men who paid to have Dr. King killed sprang out of hate, although they could probably rationalize what they did as consistent with national security."

By "national security," Livingston said, he meant that the men paying for Dr. King's death believed King was working for a foreign power and that his "Poor People's March" throughout the South to Washington, D.C., in June, 1968, was a plot to "touch off a racist revolution in the nation."

"One report was that the trigger man was supposed to get at least \$250,000, but was paid \$100,000," Livingston said. "Because he did not get all the money he felt he was entitled to may be his motive for wanting to testify against the men putting up the money."



JAMES EARL RAY



ROBERT LIVINGSTON

In a news conference at the prison, a Nashville television newsman, Stanley Siegel, asked Livingston if the trigger man was famous.

"He is probably the most famous obscure man I have ever heard of," Livingston said. "He is not famous, however, despite many daring escapades. He is known to the FBI, although to my knowledge, they have not connected him with this case."

Livingston said the trigger man is known as "an international gun runner" and is believed to be still living in the continental limits of the U.S.

"Ray did not know this man," Livingston said. "Ray was nothing but a fall guy . . . a patsy in the murder of Dr. King. They set him up and sucked him in. This is what has made the defense's job so tough. Ray had not been able to tell us what happened, because he does not know himself. He was not there when it happened. He did not know there was a conspiracy to kill Dr. King but thought he was participating in a gun-running venture."

Livingston said Ray left the upstairs rooming house at 422½ South Main at about 5:20 p.m. on the day King was killed. King was shot as he stood on the balcony of the Lorraine about 6:01 p.m. from a shot fired either from the bathroom of the rooming house or bushes outside the rooming house, he added.

"One of the men seeking immunity paid Ray \$200 and told him to go downtown to a movie," Livingston said. "There was supposed to be an important visit from an ex-

Turn to Page 6— RAY'S LAWYER

(Mount Clipping in Space Below)

# Ray's Lawyer Tells Of 'Intermediary'

From Page 1

pert gun runner about 6 in the room Ray rented for the men."

The trigger man, Livingston said, did not show up until a few minutes before 6.

This reporter, who has investigated the King slaying for some six years, showed Ray some photographs of a man suspected of being the gun runner and trigger man. Ray said:

"Yes, I believe I saw this man in Jim's Cafe (422 S. Main below the rooming house) and Jim's Place (a beer lounge two blocks away) the afternoon before the slaying. I got the feeling he was following me, so I left both places while he was still inside."

## Low Tire on Mustang

In his first interview with a Memphis newsman since he pleaded guilty, Ray said that when he left the rooming house about 5:20, he noticed a low tire on the Mustang he had parked in front of Jim's Cafe.

"The man who gave me the money to go to the picture show said I was to leave the Mustang as they would be using it. When I noticed the low tire, I thought I would drive it over to a nearby service station."

At a station at Second and Linden, Ray said he waited for a long time before he got an attendant to fill up the tire.

"When I drove back to the rooming house, the whole block was sealed off and police were all over the place," Ray said. "There was a policeman standing in the middle of the street, and he yelled 'Get out of here!' as I was trying to drive and park somewhere in front of the rooming house."

Ray said he asked the policeman if he could make a U-turn and proceed north on South Main Street. He quoted the policeman as saying:

"I don't care what you do, just get out of here."

Ray said he made the U-turn and proceeded to drive south out of Memphis toward Mississippi.

## Turned on the Radio

"It wasn't until I almost got to Grenada, Miss., that I turned on the radio and heard what had happened," Ray said. "The radio broadcast mentioned 422 South Main Street and it wasn't until then I learned that I had been associated with men who conspired to kill Dr. King."

Ray said he did not travel via Interstate 55 to Grenada, but took back roads because he feared he was the object of a search — even before learning of Dr. King's death.

"After all, as an escapee from the Missouri State Prison, I still owed the State of Missouri 18 years," Ray said. "When I saw all those policemen at 422½ South Main Street, I knew something important had happened. The man I noticed who had been following me earlier in the afternoon may have described me to the police. For this reason, I proceeded as cautiously as I could to Atlanta, first through Mississippi, and then through Birmingham, by as many back roads as I could."

Ray said he met a man named "Raoul" when he was a fugitive in Canada in 1967. He was on the docks looking for seaman papers when he met Raoul, Ray said.

Raoul, Ray said, "set him up" by convincing him he could get rich in a "gun running scheme."

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

PAGE 6

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 5-24-74

Edition: Final

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

### **Bought Rifle in Birmingham**

Ray said he purchased the rifle left in front of the rooming house in Memphis from a Birmingham, Ala., sporting goods store in March 1968 on orders of Raoul.

"After buying the rifle, I was then instructed to proceed to Memphis, but take my time, as I was supposed to deliver the rifle either on April 3 or April 4," Ray said.

"Contrary to the story put out by the FBI that I went to Atlanta after buying the rifle, I proceeded toward Memphis, driving less than four hours a day and spending the nights in motels," Ray said.

On the night of April 2, Ray said he spent the night at the DeSoto Motel in DeSoto County, and the Rebel Motel in Memphis on the night of April 3, Ray said.

Ray said he pleaded guilty to the charge because of "misrepresentations" by his former attorney, Percy Foreman, and because of his "mental state" resulting from solitary confinement in the Shelby County jail.

The Sixth Circuit Court of Appeals in Cincinnati reversed a federal court ruling in Memphis and held that Ray was entitled to an "evidentiary hearing" as to whether Foreman, a Houston attorney, improperly negotiated a guilty plea with the late Judge W. Preston Battle.

### **Effort to Get New Trial**

Ray is seeking the evidentiary hearing so he can obtain a new trial in the criminal courts of Tennessee, contending Foreman obtained the guilty plea by coercion and misrepresentation.

The State of Tennessee is appealing the Court of Appeals ruling, and the U.S. Supreme Court is expected to rule on the matter any day.

By coercion, Ray said he meant that Foreman had told him that he was going to be electrocuted if he pleaded innocent, because the state had "an air tight case" against him.

He also told him that a book about the murder by William Bradford Huie would "not make any money" if it were about a man who was innocent of Dr. King's murder.

The money from the book, Foreman reminded him, was paying for his defense, Ray said.

### **How Ray Looks Today**

This was the first time this reporter had ever seen Ray in person. He looked just like his pictures, except his hair is rapidly turning gray at the temples.

He looked surprisingly young and healthy in the face. Except for a trace of prison pallor, there was color in his face and his complexion appeared free of wrinkles.

"I exercise, try to keep in good shape, but my waist line is about 34 inches, compared to 30 or 32 before I came in here. It is all this slop I eat in prison that put it here," said Ray, as he slapped a slight bulge over his stomach.

Ray said he had granted only one other interview to a newspaper and that was the National Enquirer in February. Several television newsmen have photographed and gotten brief quotes from him at the prison.

"I rarely feel up to giving interviews," Ray said. "When you have been in solitary confinement for as long as I have, and the only people you have talked to are lawyers and prison guards, you get kinda nervous talking to others."

After an interview with The Press-Scimitar, Ray refused to be photographed and interviewed by a Nashville television crew.

"Interview my attorney — I don't feel up to any more questions today," he told the television crew.

It was at this point, Livingston revealed the information

concerning the intermediary seeking immunity for the two gunmen.

During the interview with Ray, Ray said he had quit reading the books about the King assassination and those contending that he had fired the shot out of "racist motives."

Ray said: "I have never hated blacks. If you will check the psychiatric tests given to me at the Missouri State Prison, you won't find any reference to any prejudice or bias against blacks. If I were prejudicial, you would think it would show up in prison psychiatric interviews."

Ray said he spends most of his reading time studying law books — when he can get them from the prison library. He said he has become very interested in criminal and constitutional law, as well as contracts in the field of civil law.

Another Memphis attorney, Richard Ryan, who has represented Ray in civil matters, told this reporter to ask Ray how he so quickly obtains the decisions of recent cases rendered by U.S. Supreme Court and federal courts.

### **Ray Gets News Quickly**

"Ray finds out about these case holdings before they are in the advance sheets sent by the courts to the lawyers," Ryan said. "Yet, Ray is complaining he does not have access to enough law books."

When asked how he gets access to these court decisions, he grinned:

"The news travels fast in prison — even to a guy in solitary confinement."

Ray explained that when a decision is rendered by a court, the prisoner involved in the case is usually promptly contacted by his lawyer. Then the prisoner tells his fellow prisoners, and the news is rapidly transmitted through the prison population by word of mouth.

(Mount Clipping in Space Below)

## Ray Requests More Freedom

James Earl Ray has renewed his plea for release from solitary confinement, but the federal judge who received the informal request said yesterday it is premature.

In a two-page letter to U.S. Dist. Judge Robert M. McRae Jr., Ray asked that he be allowed to exercise about two hours each day in the main prison yard at the state penitentiary at Nashville. The typewritten letter, dated Wednesday, was received by McRae early yesterday.

They said the requested exercise breaks would help prepare him mentally and physically to testify at an evidentiary hearing intended to decide whether his is entitled to a new trial in the 1968 slaying of Dr. Martin Luther King Jr.

He said solitary confinement has a "debilitating effect on anyone," and he doesn't want to be "overly retarded" when questioned at the hearing. Ray is serving a 99-year sentence which followed his 1969 confession to the slaying.

Since the confession, he has maintained that he was coerced into pleading guilty by his former attorneys — Arthur Haynes of Birmingham and Percy Foreman of Dallas — and by Alabama author William Bradford Huie.

The U.S. Sixth Circuit Court of Appeals at Cincinnati ruled Jan. 29 that Ray is entitled to an evidentiary hearing on the claim. The state has appealed that ruling to the U.S. Supreme Court.

And McRae said yesterday he cannot act on Ray's new request until the Supreme Court rules on the state's petition for certiorari.

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

PAGE 3

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: JUNE 1, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987-Sub C-569

SEARCHED  
SERIALIZED  
INDEXED  
FILED

HESTER

U. S. Dist. Judge L. Clure Morton of Nashville already has dismissed a Nashville lawsuit in which Ray sought release from solitary confinement. The state had claimed the prisoner is an escape and security risk.

In his letter to McRae, Ray said he felt the judge would have authority to grant his release from solitary since he would be the presiding judge at the evidentiary hearing.

As a precedent, he cited Angela Davis' release from solitary in California prior to her trial on murder conspiracy charges there.



(Mount Clipping in Space Below)

## McRae Refuses to Rule On Ray's Confinement

U.S. Dist. Judge Robert M. McRae Jr. today said James Earl Ray's request for "pre-confinement relief" was premature because the U.S. Supreme Court has not ruled yet on whether Ray is entitled to an evidentiary hearing in federal court in Memphis.

Meanwhile, Robert I. Livingston, Memphis attorney representing Ray, said he got the "first direct contact" in three weeks from a mysterious intermediary who claims to be seeking immunity from prosecution for two professional gunmen he said actually killed Dr. Martin Luther King Jr. in Memphis in 1968.

Ray is now serving 99 years in the Tennessee State Prison after pleading guilty

to the murder of Dr. King in 1969.

Ray wrote a letter to Judge McRae asking him to order prison authorities to allow him to exercise two hours a day in the prison yard with the other prisoners. He has been in solitary confinement for more than five years.

The U.S. Sixth Circuit Court of Appeals at Cincinnati has ruled Ray is entitled to an evidentiary hearing in federal court to determine whether Percy Foreman, Houston attorney who represented Ray at the 1969 trial, properly negotiated a guilty plea with the late Judge Preston Battle.

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

PAGE 6

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: JUNE 1, 1974.

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

44-1987 Sub C 570

SEARCHED

SERIALIZED

INDEXED

FILED

HESTER

The State of Tennessee has appealed t h e appellate court's ruling to the Supreme Court.

Livingston was tight-lipped about what was discussed with t h e "intermediary," whom Livingston said called him at his office at 5:08 p.m. yesterday.

"If Mr. Turley (U.S. Dist. Atty. Thomas Turley) or the FBI has my office line tapped, they know now this has not been a hoax," he said. "In fact, they have the resources to trace the call — I don't."

Livingston said the intermediary renewed his request for immunity, but fears arrest if he comes to Memphis.

(Mount Clipping in Space Below)

# McRae Will Hold Conference Before Ray Hearing

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Federal Judge Robert M. McRae Jr. said today he will hold a pre-hearing conference of attorneys involved in the James Earl Ray case at 9:30 a.m. Friday, June 14.

Judge McRae said he does not know if the conference will be in open court or in his office.

"It depends on what the attorneys wish," he said, adding that some matters, such as security during the

actual evidentiary hearing for Ray, would have to be discussed behind closed doors.

Judge McRae announced the conference after the U.S. Supreme Court refused yesterday to hear an appeal of

the State of Tennessee. As a result, the court let stand a ruling by the U.S. Sixth Circuit Court of Appeals that Ray is entitled to an evidentiary hearing to determine if his constitutional rights were violated during the court

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

PAGE 13

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date:

6-4-74

Edition:

Author:

CHARLES H.

Editor:

SCHNEIDER

Title:

Character:

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Classification:

Submitting Office:

MEMPHIS

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44-1987-Sub C 571

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procedure that led to his 99-year sentence in the death of civil rights leader Dr. Martin Luther King Jr.

If Judge McRae finds that Ray's rights were violated, he will have to order the state to give Ray a new trial.

The hearing itself — which will probably follow several open-court hearings on motions — probably won't be held until the end of the summer. It is a hearing expected to attract nationwide attention.

Judge McRae said the attorneys' conference will determine what issues will be covered at the hearing. He said he will send a letter to attorneys in the case this week stating what he believes the issues to be.

The central topic of the hearing will be Ray's claim that he was coerced into pleading guilty by his former attorneys.

(Mount Clipping in Space Below)

# Ray Lines Up Witnesses Including Self

FROM PRESS DISPATCHES

NASHVILLE, Tenn. —

James Earl Ray said from his solitary confinement cell Monday that a string of witnesses will testify with him at a special hearing granted by the Supreme Court in the Martin Luther King Jr. slaying.

"We want to get everybody on the witness stand and get everything cleared up once and for all," said the confessed assassin, who claims he was coerced by his former defense attorney, Percy Foreman, into pleading guilty to the 1968 slaying.

"I think things look pretty good," Ray told a Nashville Banner reporter following the high court's ruling. "I'm probably going to take the stand. I'll probably testify

three or four days, but I don't particularly want to."

Ray, wearing a sweatshirt and prison trousers and surrounded by correspondence, books, a typewriter and other paraphernalia, evaded many questions saying he did not want to hurt his chances for a new trial.

"I'm overjoyed, said Robert I. Livingston, Ray's Tennessee legal counsel. "Mr. Ray is on the road to getting a trial on the merits of the case. We don't feel the state can convict a man on the circumstantial evidence they think that they've got in this case.

"James Earl Ray will be our chief witness at the hearing," Livingston said. "It will be James Earl and Percy Foreman eyeball-to-eyeball unless Foreman

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PAGE 13

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 6-4-74

Edition:

Author: CHARLES H.  
Editor: SCHNEIDER

Title:

Character:

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Classification:

Submitting Office: MEMPHIS

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44-1987-Sub-C 572

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chickens out. Then we can let the world see and hear what each of them has to say."

Ballistics tests after the slaying showed Ray's fingerprints on the rifle believed to have shot the fatal bullet,

but Livingston says Ray's fingerprints were on the gun used by ~~another~~ person to slay King because Ray was "set up" and believed he was involved in a money-making gun-running venture.

(Mount Clipping in Space Below)

**Ray's Hearing 'Delights' Huie**

HARTSELLE, Ala. — (UPI) — Author William Bradford Huie said Monday he is glad the Supreme Court cleared the way for a new trial for James Earl Ray.

"The Supreme Court has probably given me \$50,000," said Huie, who wrote the book "He Slew The Dreamer" about Ray.

"Momentarily, since I own his (Ray's) portrayal rights

and I am in the motion picture business, I am delighted," Huie said. "I really would like to write a television drama about Ray.

"I hope to hell there is a trial and James Earl Ray is found not guilty and gets publicity from here to yonder," said Huie, also the author of "The Americanization of Emily," "The Execution of Private Slovik" and other books.

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

— PAGE 13

— MEMPHIS PRESS  
— SCIMITAR

— MEMPHIS, TENN.

Date: JUNE 4, 1974

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

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## New Date Is Set For Ray Hearing

U. S. Dist. Judge Robert M. McRae Jr. yesterday reset a preliminary hearing in the James Earl Ray case from June 14 to 9:30 a.m. Friday, June 21.

He had tentatively scheduled the preliminary hearing for June 14 after the U. S. Supreme Court's refusal Monday to consider a state appeal which challenged Ray's right to an evidentiary hearing into the 1968 slaying of Dr. Martin Luther King Jr.

The June 21 preliminary hearing will be a prelude to the evidentiary hearing, and will decide which issues will be admissible at the evidentiary hearing and when it will be scheduled.

McRae yesterday asked attorneys in the case to submit written proposals by June 17, setting forth the "disputed factual issues" they feel should be admissible at the preliminary hearing.

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COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 6-2-74  
Edition:  
Author:  
Editor: GORDON HANNA  
Title:

Character:  
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Classification:  
Submitting Office: MEMPHIS  
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## Ray's Security To Be Planned

U.S. Dist. Judge Robert M. McRae Jr. will meet with spokesmen for the U. S. Marshal's Office either today or tomorrow to plan security measures for James Earl Ray's evidentiary hearing here.

Deputy Marshal Willie Durham, who will coordinate the security precautions, said yesterday no specific measures have been decided, except that Ray will have a state Highway Patrol escort when transferred from the state penitentiary at Nashville.

The prisoner, who confessed in 1969 to the slaying of Dr. Martin Luther King Jr., may be housed in the maximum security unit of the Shelby County Jail during the hearing. But sources said he could be held in "almost any nearby jail, just so he's in court by 9:30 every morning."

The date of the evidentiary hearing will be decided after a preliminary hearing set for June 21. At the preliminary hearing, McRae also will decide which issues will be admissible at the evidentiary hearing.

The U.S. Sixth Circuit Court of Appeals granted Ray's request for the evidentiary hearing last January. The prisoner's main contention is that he was coerced into waiving trial and pleading guilty to the King slaying during pretrial negotiations with two former attorneys and Alabama author William Bradford Huie.

The evidentiary hearing will decide whether Ray is entitled to withdraw the guilty plea and stand trial on the original murder indictment in Shelby County Criminal Court.

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

PAGE 4

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 6.6.74

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

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Classification:

Submitting Office: MEMPHIS

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Sheriff ~~Roy~~ Nixon and Chief Sheriff's Deputy Gerald Proctor said yesterday they will make "no special arrangements" for Ray if he is kept at the Shelby County Jail during the evidentiary hearing. But he would be kept in the jail's maximum security unit, which was designed for his protection after the 1968 slaying.

Ray was kept in the five-cell security unit for slightly more than seven months before he changed his plea.

Proctor said five prisoners now occupy the cell, but one would be moved to make way for Ray during the hearing.

Nixon said, though, "We're not going to put somebody in the unit (with Ray) who might be a real radical in any sense."

(Mount Clipping in Space Below)

# Scope Is Limited For Ray Hearing

By LAWRENCE BUSER

A federal court ruling yesterday narrowed the scope of James Earl Ray's evidentiary hearing to two major constitutional issues and restricted subpoena power to a 100-mile territorial limit.

The ruling, issued by U.S. Dist. Judge Robert M. McRae Jr., said the hearing, expected to be sometime in September, would decide two major issues:

- Whether Ray's guilty plea on March 10, 1969, to the slaying of Dr. Martin Luther King Jr. was made "intelligently and voluntarily."

- Whether Ray had the "effective assistance of counsel" when facing the murder charge in Shelby County Criminal Court.

McRae's ruling, made after a preliminary hearing Friday, stated that the first issue refers to coercion, threats and promises of Ray's attorneys before he pleaded guilty.

Ray must prove that his constitutional rights were violated before he can withdraw his guilty plea and stand trial for murder, McRae said.

**At Friday's preliminary hearing,**

Ray's present attorneys, Bernard Fensterwald and James H. Lesar of Washington and Robert Livingston of Memphis, claimed that literary royalties created a conflict of interest for lawyers representing Ray in 1969.

Ray was originally represented by Birmingham attorney Arthur Hanes but fired him four months before pleading guilty. Ray claims Hanes promised to represent him in exchange for 40 per cent of all royalty rights to William Bradford Huie's book "He Slew the Dreamer."

Alabama author Huie paid Ray \$35,000 for exclusive rights to information about the slaying and for biographical material used in magazine articles.

When Hanes was fired, Ray hired Houston attorney Percy Foreman and agreed to give him 60 per cent of the book royalties, attorneys for Ray said.

**The conflict-of-interest charges that** Ray's 1969 attorneys did not properly investigate the case were outlined in nine "most pertinent" points by the U.S. Sixth Circuit Court of Appeals. The Cincinnati appellate court granted the request for an evidentiary hearing on Jan. 29.

Ray's present attorneys had asked McRae's court for power to subpoena Hanes, Huie, Foreman and possibly several others to testify at the evidentiary hearing. Hanes, Huie and Foreman all live more than 100 miles from Memphis.

However, despite the 100-mile territorial limit in yesterday's ruling, Hanes has notified the court that he will appear at the hearing, and a deposition has been taken from Foreman.

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— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: 6-25-74

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

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Classification:

Submitting Office: MEMPHIS

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SERIALIZED	FILED
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# Ray Hearing Scheduled For Sept. 30

Federal Judge Robert M. McRae Jr. today tentatively set the opening date for the James Earl Ray hearing for 9:30 a.m. Monday, Sept. 30.

Judge McRae made the suggestion for the hearing date in a letter mailed last night to attorneys involved in the Ray case.

He said the setting would be subject to whether the attorneys think they can be ready by that time.

The evidentiary hearing for the 36-year-old convicted assassin of Dr. Martin Luther King could lead to a new trial. Ray is presently serving a 99-year sentence in the Nashville Penitentiary on his 1969 guilty plea.

The hearing is being held to determine whether Ray was adequately represented by his attorneys and whether he was coerced by them into pleading guilty.

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MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 7-16-69

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

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Classification:

Submitting Office: MEMPHIS

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44-1987-Sub C-577

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## Early Hearing In Ray Case

Federal Judge Robert M. McRae Jr. said he will hold a preliminary hearing in August in the James Earl Ray case.

Judge McRae has set Sept. 30 as the date for the evidentiary hearing to determine whether or not Ray's constitutional rights were violated when he pleaded guilty on March 10, 1969, to the murder of Dr. Martin Luther King.

Judge McRae told attorneys today that he will set a preliminary hearing on either Aug. 22 or Aug. 23 to hear motions in the case. However, he said he could hold the hearing as early as Aug. 2 if the attorneys so desired.

The attorneys have until Friday, July 19, to file motions.

Asst. Atty. Gen. Henry Haile of Nashville said he does not anticipate the state will file any motions. However, Ray's attorneys are expected to file numerous motions, many of which the state is expected to oppose.

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MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 7-11-74  
Edition:  
Author: CHARLES H.  
Editor: SCHNEIDER  
Title:

Character: 44-1987 Sub C 578  
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Classification:  
Submitting Office: MEMPHIS  
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## Sept. 30 Set For Ray Hearing

U.S. Dist. Court Judge Robert M. McRae Jr. has set Sept. 30 to begin a special evidentiary hearing for James Earl Ray.

The hearing is to determine whether Ray is entitled to a new trial in connection with the assassination of Dr. Martin Luther King Jr. on April 4, 1968.

Robert I. Livingston, Ray's Memphis attorney, said he will seek this week to increase the subpoena power range for the hearing. McRae earlier limited the subpoena power to a 100-mile radius from Memphis.

If successful, Livingston said he will probably make efforts to subpoena Percy Foreman of Houston, Texas, Ray's former

defense attorney, and author William Bradford Huie of Birmingham, Ala., who wrote a book about Dr. King's death.

Ray pleaded guilty in 1969 to the murder and was sentenced to 99 years in the Tennessee Penitentiary in Nashville.

Almost immediately after his guilty plea, Ray repudiated his confession and began legal efforts to obtain a new trial. He contends former defense attorneys Foreman and Arthur Haynes Sr. of Birmingham, coerced him into pleading guilty. Haynes has notified the court he will attend the Sept. 30 hearing.

McRae said the hearing date could be changed if the attorneys cannot be ready to present their cases at that time.

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COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 7-11-74  
Edition:  
Author:  
Editor: GORDON HANNA  
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Character:

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Classification:

Submitting Office: MEMPHIS

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 22 1974	
FBI - MEMPHIS	

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# Ray's Attorneys Seek Order To Let Them See Evidence

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Attorneys for James Earl Ray filed motions today asking Federal Judge Robert M. McKee Jr. to sign an order allowing them to inspect all documents pertaining to the Ray case belonging to famed Houston lawyer Percy Foreman and Alabama author William Bradford Huie.

James Lesar and Bernard Fensterwald of Washington, D.C., and Robert I. Livingston of Memphis, also want to go through all of the Shelby County Sheriff's records pertaining to Ray's confinement in the Shelby County Jail.

They said they particularly want a list of all persons who visited Ray in the jail between July 20, 1968 and March 11, 1969.

Ray pleaded guilty on March 10, 1969, to the slaying of Dr. Martin Luther King Jr., and has served about six years of a 99-year sentence. Ray is now in the state penitentiary at Nashville.

Judge McRae has set Sept. 30 for the opening of the evidentiary hearing to determine if Ray was coerced by his attorneys, Foreman and Arthur Hanes of Birmingham, into pleading guilty and whether the financial arrangements and contracts the attorneys had with Huie, author of the Ray book "He Slew the Dreamer" presented a conflict of interest.

Lesar told Judge McRae that the records they want to inspect belonging to Foreman and Huie are in the possession of the John J. Hooker law firm in Nash-

ville. Lesar said the state has been allowed to inspect the records, but that Ray's attorneys were not allowed to do so. Foreman and Huie were represented by the Hooker firm a few years back when Ray filed a civil action against them.

Lesar said the files sought are "clearly essential to 'disputed factual issues at the evidentiary hearing.'" Lesar said Ray has claimed that Foreman failed to investigate this case, but Foreman claims he did make an investigation and that all of the information was turned over to the Hooker firm.

The Huie records are also important, Lesar said, because Ray contends that Huie, through his contractual relationships with him and his attorneys, "sought to manipulate them (Ray and his attorneys) in a manner which obstructed justice." Specifically Ray says that Huie offered \$12,000 "to get him not to take the witness stand. . . ."

Ray's attorneys said they particularly want about 150 pages of investigative material Foreman said is on file in the Hooker office.

Ray's attorneys filed With Judge McRae an Aug. 21, 1972 letter from Foreman to them, in which Foreman stated "in or about the middle of February, 1969, I did receive through the Honorable Hugh Stanton Jr. (then Public Defender, now Shelby County Attorney General) approximately 150 pages, more or less, of what might pass as investigative material. It was purportedly pre-

pared by some private detective in Memphis whose name escapes me." Foreman said he received photocopies from Stanton and these are with the Hooker firm.

In that same letter, Foreman wrote: "James Earl Ray never at any time stated, either verbally or in writing, that he did not wish to plead guilty."

Foreman said Ray signed a letter authorizing him to negotiate a guilty plea in return for the state waiving the death penalty. Foreman told Ray's attorneys in the letter, "My reason for having Ray prepare this letter was because he had told me he was going to try to reopen this case in about two years. I anticipated his attempting to attack the validity of his plea. . . . James Earl Ray was anxious to plead guilty and he did not care how long a sentence he received. When I explained to him that a 99-year sentence would be considerably longer than a life sentence, his answer was: 'Mr. Foreman, I do not care what the years are. I will not stay in any pen longer than two years.'"

Judge McRae has given the attorneys until Friday to file all motions with the court to be considered prior to the evidentiary hearing. Asst. State Atty. Gen. Henry Haile of Nashville said he did not think the state would be filing any motions. Judge McRae told attorneys he would set a hearing on either Aug. 2 or Aug. 22 or 23 to decide on the motions. A definite date has not as yet been set.

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

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MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 7-15-74  
Edition:  
Author: CHARLES H.  
Editor: SCHNEIDER  
Title:  
Character:  
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Classification:  
Submitting Office: MEMPHIS  
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## Delay Is Sought In Ray Hearing

Attorneys for James Earl Ray have asked that a Sept. 30 evidentiary hearing for the confessed slayer of Dr. Martin Luther King Jr. be set back three weeks to allow time to gather witnesses.

Attorney Bernard Fensterwald Jr. of Washington Monday asked U.S. Dist. Judge Robert M. McRae Jr. to reset the hearing to the week of Oct. 21-25. A hearing for evidence to be presented in the case is scheduled for about Aug. 22.

Fensterwald and Ray's two other attorneys, James H. Lesar of Washington and Robert I. Livingston of Memphis claimed Ray was coerced into pleading guilty to the 1968 killing of Dr. King. They charged Ray's constitutional rights were violated because he did not have effective assistance of counsel and thus deserves a full-scale trial.

On Monday, the attorneys asked for federal court authority to obtain access to the files of Houston attorney Percy Foreman and Alabama author William Bradford Huie.

They also requested a court order to see all records kept while Ray was confined in the Shelby County Jail from July, 1968, to March, 1969.

Livingston said motions will be filed this week seeking to extend the subpoena power beyond the usual 100-mile limit and to allow additional privileges for Ray who is serving a 99-year sentence in the state prison at Nashville.

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— COMMERCIAL APPEAL  
— MEMPHIS, TENN.

Date: 7-18-74  
Edition:  
Author:  
Editor: GORDAN HANNA  
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Classification:  
Submitting Office: MEMPHIS  
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# Legal Move Centers On Ray's Money

By KAY PITTMAN BLACK  
Press-Scimitar Staff Writer

Attorneys for James Earl Ray today filed motions in Federal Court seeking an accounting of what happened to \$10,000 of Ray's money.

The attorneys state the money was in the control of Houston lawyer Percy Foreman.

The motions, filed by one of Ray's three attorneys, James Hiram Lesar of Washington, D.C., ask Federal Judge Robert M. McRae to issue an order requiring Memphis' Union Planters National Bank to allow Ray's attorneys to inspect records pertaining to the opening, maintenance and closing of a bank account which allegedly held Ray's money.

Lesar said they want to see all records pertaining to the account because on Feb. 7, 1969 — one month after Ray pleaded guilty to the murder of Dr. Martin Luther King Jr. — at a hearing before the late Shelby County Criminal Court Judge Preston W. Battle, "the State of Tennessee alluded to a \$5,000 payment which William Bradford Huie (Alabama author of the Ray book "He Slew the Dreamer") had made to Percy Foreman."

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

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MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 7-18-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

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Classification:

Submitting Office: MEMPHIS

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At that time, Lesar petitions, Foreman said the \$5,000 was on deposit in "a trust fund." Lesar states in his brief "a week later, the state again brought up the matter of the \$5,000 payment to Foreman, and Foreman interrupted to assert that it had not been paid to him: 'To my control, your Honor, but not to me, to Mr. Ray. I wouldn't accept it.'"

Ray's attorneys say "Notwithstanding Foreman's declarations, at least two checks, each in the amount of \$5,000, were deposited in an account in the Union Planters Bank of Memphis. One of the checks was endorsed by James Earl Ray after Foreman promised to use the money to retain John J. Hooker as co-counsel. Ray denies, however, that he endorsed the second \$5,000 check, or that he ever gave Foreman a power of attorney."

Ray's attorneys say in their motions that the attorneys for the bank have told them this account was maintained in the name of Foreman.

Ray's attorneys contend the bank records will shed light on Ray's contention that his attorneys were more interested in financial gain than in representing him.

The evidentiary hearing, now set by Judge McRae for Sept. 30 but expected to be postponed until late October, will explore whether or not Ray was coerced by his attorneys into pleading guilty and whether the financial aspects of the contracts the attorneys, Foreman and Arthur Hanes of Birmingham, had with Huie represented a conflict of interest.

Ray also filed a motion asking Judge McRae to grant him relief from solitary confinement so he could prepare for the evidentiary hearing, at which he will testify.