

(b) those prosecuting plaintiff in the aforementioned cr. indictment he was incarcerated under were agitated because of his (Ray's) attempts to obtain a jury trial therein, and that plaintiff might be released from segregation if he terminated his litigation.

(c) that he (Rose) was ordered by 'higher authority' to re-segregate plaintiff.

35. That defendant, Rose, then assured plaintiff he would be released from segregation after approximately two (2) months if the, Petros, institution was not reopened within that period; and that while plaintiff was confined in the segregation building he would be granted the relief specified in the aforementioned order issued by Dis. Judge, William E. Miller.

36. That thereafter plaintiff was confined and did work in the segregation building and on request was permitted to go to a small enclosure (yard) behind said building for exercise and therein single with other prisoners serving rule violation sentences.

37. That the plaintiff is no more subject to assault from inmates than any other prisoner in the institution; if the plaintiff was subject to assault it would be from the State which has access to him twenty-four hours per day regardless of his confinement quarters.

38. That in September or October of 1972 plaintiff was advised by Mr. Edwin Hayes (a prison employee) and Bob Sneed #70613 (a convict counselor) that the warden's office had informed them that the Governor of Tennessee (Hon. Winfield Dunn) had personally ordered plaintiff into segregation.

39. That thereafter during an inspection of the segregation building by defendant, Luttrell, plaintiff was informed upon inquiry that he (Luttrell) intended for the courts to decide when plaintiff was released from segrega-

40. That in response to a letter from plaintiff dated January 2nd, 1973 the office of the Governor of, Tennessee, denied knowledge of plaintiff's confinement circumstances in the prison. (See Exhibit-M).

41. That on May 1st, 1973 during a news conference Tennessee's Governor, Hon. Winfield Dunn, endorsed the herein alleged confinement conditions being practiced by State correction officials against plaintiff.

42. That after serving approximately four (4) months, until Dec. 1972, in the segregation building and not being released into the general prison population, and the program promised by defendant (Rose) under Judge Miller's aforementioned order being gradually subverted by prison officials alleging security consideration, plaintiff returned to lock-up status.

43. That it is a tactic of State correction officials to arbitrarily confine a prisoner in segregation until he commits an overt act then justify prior & continued segregation by reason of said act.

44. That in January 1973 plaintiff protested, along with others prisoners in segregation under questionable circumstances, by refusing all meals and throwing said meals back on-to the walk.

45. That thereafter, approximately four (4) days after plaintiff had begun refusing meals defendant, Morford, entered plaintiff's cell and ordered him out to be taken to the 'hole', when plaintiff turned to retrieve his shirt said, Morford, punched plaintiff in the back of the head and ~~called a guard concealed nearby~~ and plaintiff was then transported to the 'hole'.

46. That several days thereafter on being transferred back to the segregation building from the 'hole' plaintiff, who had had a tooth broken off earlier, was required to wait approximately three (3) weeks before receiving dental treatment on order's of defendant, Morford.

47. That on or about February 22nd. 1973 plaintiff was transfered to another more restrictive segregation building (unit-1) and in the process numerous items of personal property was confiscated or destroyed, allegedly to comply with unit-1 rules, as follows: legal books; fan; shaving equipment, ect.ect.

48. That prisoners in the present segregation building (unit-1) are subjected to a multitude of petty & serious inequities in comparison with the regular prison population as follows:

(a) dietary restrictions.

(b) hygienic restrictions.

(c) denial of recreation actives; rehabilitation programs; law library; commissary purchases, ect.ect.

49. That plaintiff is now existing under solitary confinement conditions under precise interpretation of that phrase is that in concert with being transfered to unit-1, in Feb. 1973, orders were put into effect by the Warden's office denying plaintiff association with other prisoners, even on the segregation building yard. (See Exhibit-N).

50. That the plaintiff has now been incarcerated in the Tennessee prison system in excess of five (5) yrs. and except for the interlude in the Petros institution, where the wardens were more independent, confinement conditions have become progressively more onerous, and plaintiff cannot receive equity from the prison disciplinary board, which is suppose to safe guard prisoners due process, since the Warden's office can and frequently has overruled said board when the board rules favorably for inmates.

51. That on or about June 12th 1973 counsel representing plaintiff, Mr. Bernard Fensterwald, argued before the U.S. Dis. Ct. for the W.D. of Tenn. for relief from said confinement (See civil action no. 7006) under an order to show cause issued by said court; therein Asst/ Att. Gen. W. Henry Haile representing the Tenn. correction commissioner's office made various

misrepresentations of material facts to the court, subject to proof,
as follows:

Haile- (1) the plaintiff has attempted to escape seven times from the Missouri penitentiary (p.14) & and twiced attempted to escape from the Brushy Mountain (Petros) institution. (p.29)

Fact- "both of these representations are numerically false".

Haile- (2) the plaintiff was not in the general prison population at the Brushy Mountain institution. (pp. 15 & 22)

Fact- "the plaintiff was in the general population at the Brushy Mountain institution begining May, 1971; also, apparently the court has been mislead respecting this matter in the Crafton case. (p.15)

Haile- (3) the plaintiff would have the run of the entire segregation building (unit-1) and a chance to meet more prisoners. (p.19)

Fact- "prisoner working in unit-1, all of whom have asked for protection, are releasted from their cells for approximately one(1) hour three times per day at meal time to help feed the other prisoners & clean the block; they are restricted during said one (1) hour periods, except when working on walks with officers, to an area approximately 20x60 feet; further, under the special rules of unit-1, workers therein could be placed in the 'hole' and dismissed from their job if caught either talking to non-working prisoners or roaming around the unit."

Haile- (4) the plaintiff was resegregated-after being releasted two(2) days into the general prison population-because their had been no change in his classification. (p.22)

Fact- "the plaintiff was releasted into the general population for four (4) days by a classification board consisting of former Brushy Mountain Warden, Robert H. Moore; and Deputy Warden, Robert Morford, of the Nashville prison.
p.13.

22. That the defendants are guilty of the violations as follows:

(a) defendants, Luttrell, Rose and Morford of the following violations:

- (1) of making fraudulent representations to the Dis. Ct. through the Tenn. Att. Gen's. office in the aforementioned civil suit (no.7006) in order to prolong plaintiff's lock-up in solitary confinement.
- (2) of arbitrarily with malicious intent withholding timely medical treatment from plaintiff.
- (3) of attempting to impair plaintiff health with the approval of the present Governor of the State of Tennessee.
- (4) of arbitrarily denying plaintiff access to prison Law library.

(b) defendants, Pack, and Haile of the following violations:

- (1) of making negligent misrepresentations to the Dis. Ct. in the aforementioned civil suit (no.7006).
- (2) of being conversant with, including material cited in count 16 herein above, exculpatory evidence respecting plaintiff as the defendant in the aforementioned cr. indictment through their client, the Att. Gen. for the Fifteenth judicial Dis. of Tenn., and (sic) they owing to their vested interests are advocating and maintaining oppressive confinement conditions against plaintiff so as to obstruct & discourage plaintiff from exercising his const. right to appellate review under said cr. indictment.

(c) defendants acting collectively of the violations as follows:

- (1) of acting in collusion to deprive plaintiff of his const. right (civil & natural) by arbitrarily reinstituting, with an expressed malice direct toward plaintiff, oppressive confinement conditions in order to influence & subvert plaintiff's decisions in the aforementioned cr. indictment he is incarcerated under and (sic) obstruct justice.
- (2) of acting in collusion to subvert the agreements in the aforementioned civil suit (no.5510).

53. That the plaintiff is entitled to exemplary damages because defendants should be taught that their hereinabove described operation is repugnant and violative of public policy as evidenced among other ways by National political figures & Media editorialists not infrequently pointing self-righteous fingers at what they allege to be inequities in other countries corrections & Legal systems; furthermore, that it is legally reprehensible for the State to resort to the same legal tactics when arbitrarily holding a prisoner under oppressive confinement conditions as they do in controversial cr. suits, i.e., procrastinate for years before a final adjudication, a tactic which C.J. Warren Burger in a public address on Sept. 20th 1973 referred to as "...forcing them (cr. defendants) to wait endlessly while memories grow dim and witnesses move or die.

54. That as a proximate result of the defendants tactics and their predecessors plaintiff has not only been falsely imprisoned for a crime he didn't commit, as interpreted under the Anglo-American Extradition Treaty, and therein subjected to unnecessarily oppressive confinement conditions but several of those allegedly representing him, particularly said Percy Foreman, have also exploited this confinement situation for personal & prosecutorial interests.

WHEREFORE, plaintiff demands a judgment from the defendants for punitive damages of five hundred thousand dollars; and prays the honorable court overlook any technical deficiencies in this complaint until Counsel can perfect same since plaintiff is denied access to the prison Law Library, and (sic) cannot research remedial Law.

James e. Ray

Station-A

Nashville, Tenn. 37203.

James E. Ray
65477

9-11-73 - Tennant

Stalin Era Confessions Revived

By THEODORE SHABAD
The New York Times News Service

MOSCOW — The public recantation by two Soviet dissidents has renewed the issue of political confessions that was dramatized by Arthur Koestler in his 1940 novel "Darkness at Noon."

The basic question is, what set of circumstances can possibly induce presumably strongwilled dissenters — political opposition in the Soviet Union is not for the weak — to avow such a total change of mind and heart as Viktor A. Krasin and Pyotr Yakir did at a widely publicized news conference Wednesday.

Yakir, a 50-year-old historian, and Krasin, a 44-year-old economist, reiterated testimony given at their trial the previous week that they had damaged the interests of the state by publishing an underground typewritten newsletter, the well-known Chronicle of Current Events, and by maintaining links with anti-Soviet organizations abroad.

"I would like to emphasize," said Yakir, the son of a prominent general purged under Stalin, "that it was not fear of punishment that led me to acknowledge my guilt and to recant, but realization of

the harmfulness of my acts, a realization that did not come overnight, but after long soul-searching."

Krasin, speaking in the same even tone, as if reciting

Behind the News

a rehearsed text, in the glare of klieg lights before more than 200 Soviet and foreign newsmen, said:

"I want the Soviet and foreign public to know that our behavior in the investigation and at the trial was the result of a rethinking of our past errors that led us to these crimes, and that any suggestion of the use of pressure, threats or illegal methods against us is devoid of all foundation."

There is obviously no immediate way of establishing whether the metamorphosis of the two men is genuine or a carefully disguised sham designed to earn a reduced sentence for their dissident activities. They were given a term of three years' confinement to be followed by another three years' endorsed residence in a remote part of the country, instead of the maximum combined sentence of 12 years.

Although the sincerity of their repudations necessarily remains an open question, enough is known from the

Stalin purges to suggest that day-in, day-out cajoling and intimidation can gradually wear down the psychological resistance of a prisoner, as Koestler has shown in his book.

Similar methods were used in the controversial "explanation" sessions at the end of the Korean war in late 1953, when Chinese and North Koreans sought to persuade Communist prisoners of war to choose repatriation.

The method appears to have been particularly effective when used by skilled interrogators operating within a well defined ideological framework and appealing to the sense of patriotism, the feeling of loyalty to one's country, and moral obligation to fellow citizens.

The impact produced by a carefully focused ideological persuasion might be further enhanced by playing on any personal weaknesses of the accused. Yakir, for example, was known to be a heavy drinker, and some dissidents have suggested that he gave information to interrogators only after having been hospitalized twice for deprivation of alcohol.

Reported interrogations of members of Yakir's family, including his daughter, Ikrina, may also have played a role in persuading Yakir to

cooperate with the authorities.

Although there appears to be some superficial similarity between the Yakir-Krasin recantations and the public confessions of the great Stalin purge trials, there are also significant differences.

The defendants in the trials of the 1930's confessed to fancied acts of conspiracy after they had been confronted with charges that were later officially declared to have been without foundation.

Yakir and Krasin, on the other hand, were well known as political oppositionists, and at least some of the activities they now declare to have been illegal, such as meetings with foreigners, can be corroborated by any of the western newsmen who received dissident news items from them.

But the tantalizing question of what makes such men recant still leaves unanswered the broader issue of why the Soviet Union feels compelled to root out its tiny dissident group.

The apparently overwhelming preoccupation with even the slightest political opposition seems to reflect an inner insecurity and a fear that disaffection may spread and ultimately undermine the structure of the Soviet system, as now conceived by its leaders.

EX-1617-A

EX-111
revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

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

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

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

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

Yours truly,

/s/ Percy Foreman

/s/ James Earl Ray

PF-4

Exhibit 4

(11/22/69)

Shelby County Jail
Memphis, Tennessee

November 12, 1968

Hon. Phil Canale, Jr.
District Attorney General
Shelby County Court House
Memphis, Tennessee

Sheriff William Morris
Shelby County Court House
Memphis, Tennessee

Judge W. Preston Battle
Circuit Judge
Shelby County Court House
Memphis, Tennessee

Gentlemen:

You are holding as evidence in the case of The State of Tennessee v. James Earl Ray a 1967 White Mustang automobile and a Remington rifle. I have this day assigned and by this letter do here now assign them to Percy Foreman, my attorney, of Houston, Texas, as his property absolutely. At the conclusion of my trial, he will request delivery of these items to him or his order. This is your authorization and my request that you give them to him.

Respectfully yours,

/s/ James Earl Ray

EXHIBIT - B

December 18, 1968

JAMES EARL RAY

THE COURT: Alright, Mr. Foreman, I believe about a month ago I asked you to give me a report on your progress in the matter about this time.

MR. FOREMAN: Yes, your Honor. May it please the Court, when I came into this case on the 10th of November, the afternoon, I had no intention or plans or expectations of being, I was committed to many Courts, however, it came to me as my duty both to my profession and to my man, to accept the case. I have spent most of the time, more than three fourths of the time since I was committed to this to arrange my docket so that I would have time for this case. All of the Courts in Texas both Federal and State have deferred to my responsibilities in this case. However, the first two weeks of the effort from the 12th of November, maybe a few days longer than that, were dedicated to attempting to get the results of the investigation of the counsel in the case ahead of myself. I eventually received a transmittal of what reported to be an investigation accompanied with a letter stating that, of course most of the investigation is in the

63

-1-

EXHIBIT-C

mind of the lawyer and the, regardless of what may have been stated or may have been printed about the case being ready for trial, your Honor, in my experience and my judgment, the case was not and is not and will be a miracle if it is ready for trial on March 3rd. I was furnished a list of some 360 witnesses by the prosecution. I was told that 90 to 95 would probably be all that would be used but I was not given the names of those 90 to 95 so that I am relegated to attempting to contact and I have made arrangements to that end to the best of my ability, your Honor. May it please the Court, there is no money whatever available in this case for either investigating expenses or attorney fees as of now. There have been numerous offers by publications, magazines and writers to underwrite the fees of this defendant but most of them have a hook in them. I am not willing at this late period of my life to prostitute principles that I hold dear in defense of a thorough case to a pandering press and it may be that there will be an arrangement under which these can be available but they did not induce me to come into this case and

EXHIBIT-C

that have to be answered under oath so raise your right hand, "Do you solemnly swear that you will truthfully answer the questions asked you about your indigency at this time?"

DEFENDANT: Yes, Sir.

THE COURT: Alright, you can put down your hand. Do you have any money or property available to make available for the investigation of your case and for the expenses of so investigating?

DEFENDANT: No, Sir.

THE COURT: Alright, you can be seated.

MR. DWYER: Your Honor, do we have the right to ask him any questions about his indigency?

THE COURT: No, Sir, I can handle that myself.

MR. DWYER: Thank you, your Honor.

THE COURT: Mr. Foreman, I think the requirements of this case are peculiar in that as I observed once before we have some 360 potential witnesses. They are scattered over North America and Europe. You as I understand it practice alone.

MR. FOREMAN: Yes, your Honor.

THE COURT: I think that we have here one of the finest Public Defender's Offices as I know anything about. They have the necessary expertise and the necessary policy of any I know of. They don't merely put up a token defense.

EXHIBIT-C

the psychiatrists in Missouri who had examined Ray told me: "From what we know of him it's hard for us to believe he was capable of the initiative required to commit such a crime. We have to believe that he was directed."

So in what I wrote in September I supported conspiracy. My articles were useful in that I presented Ray as a human being, and I revealed places he had been and things he had done which the FBI didn't know about. The FBI didn't even know that he had plastic surgery until I told them. But all that doesn't justify my mistake of plugging conspiracy. Sure there may have been conspiracy in the strictly legal sense that one or two other men may have had prior knowledge. But not in the sense that so many people want to believe, or that I implied.

Now I wish that I had never gone into this case at all. A lot of nonsense is being talked about the value of my rights to "the story." The story is of relatively little value because it's only the story of another Oswald, another Sirhan, another twisted nut who kills a famous man to get on television. That's all there is to it. I'm going to complete a book for what it's worth, and try to present a true picture of a twisted nut and all the damage he can do. But far from making any money, I don't expect to get back what I will have spent.

And speaking of mistakes, I believe you've made one. This is not your sort of case. You let them get you to Memphis where the old fire horse couldn't resist another race to the fire. But a week after you begin trying to work with Ray you'll know that there is no defense, and you'll be as sick of the case as Hanes was. You did Art a favor by replacing him; you just haven't realized it yet.

Mr. Foreman liked my three-way contract with Ray. All he wanted was for Mr. Hanes to get out so he could have what Mr. Hanes had had. "I like the idea of owning 60 percent of one of your books," he said, "while you own only 40 percent. So you get Hanes out and let me in, then, goddam it, get to work and write us a good book and make us a good movie and make us some money."

"I don't mind you having the money," I said. "But your client hasn't met his obligations. I want to know how, why and when he decided to kill Dr. King."

"He may be incapable of telling anybody that," Mr. Foreman

EXHIBIT-D

MAIN AT RUSK

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

CA 4-9321

March 9th, '69

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

Dear James Earl:

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

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

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

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

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

Yours truly,

Percy Foreman

PF-4

James Earl Ray

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EXHIBIT-E

FILED Feb 4, 1968
J. A. BLACKWELL, CLERK
BY B. C. Cohen D. O.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

Division III

STATE OF TENNESSEE

Vs.

No. 16645 and No. 16819

JAMES EARL RAY,

Defendant

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes presently pending on the docket of this Court and files this Motion to Permit a photographer of his selection to take photographs of said defendant for the purpose of obtaining funds with which to prepare for the trial of his case or cases; and, in support of said motion, would respectfully show said Honorable Court:

I.

Defendant is advised that there is a commercial value to a series of pictures if they can be made available as exclusive to a picture magazine and that this value is respectively either \$3,000.00 or \$5,000.00.

II.

That there is insufficient money available to bring necessary witnesses from other States and other Countries, unless this request be granted. That, if granted, all such monies derived from the sale of said pictures, will be expended in the actual preparation for trial and the trial of said case or cases. That Defendant is without funds or monetary resources with which to prepare his case properly for trial, unless these funds be made available.

III.

Defendant says that the taking of a great number of photographs will be necessary in order to obtain the two or three dozen that would comprise the selection for publication, and this would require a considerable period of time for the photographer to pre-

EXHIBIT D

P. 1

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

FILED 2-5-69
J. A. BLACKWELL, CLERK
BY J. A. Blackwell D. C.

STATE OF TENNESSEE

Vs.

NOS. 16645 and 16819

JAMES EARL RAY

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

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes and files this Motion to Designate Court Reporters and to enter an order that will provide for the payment of their fees by the State of Tennessee; and, in support of said motion would respectfully show the Court as follows, to-wit:

I.

Said Defendant has heretofore testified in open court to the fact that he is an indigent person and has been so adjudicated by this Court; and, pursuant to said finding this Court has appointed the Public Defender of Shelby County to act as counsel for said Defendant. Co-counsel, Percy Foreman, admitted for the purpose of appearing in the above cases has received no fee and does not contemplate that he will receive any such fee for his appearance herein.

II.

This motion is filed pursuant to the provisions of the Tennessee Code of Criminal Procedure, Articles 40-2029 through 40-2043, inclusive, the same being Chapter 221 of the Sessions Laws of the Legislature of the State of Tennessee, Acts of 1965, which give the Court the power and authority to grant all of the relief herein prayed for, and, in the opinion of the attorneys for this Defendant, make the granting of such relief mandatory.

III.

Defendant says that Shelby County, Tennessee is a principal metropolitan area of the State of Tennessee, having a population

Exhibit-01
P. 2

description of this defendant at all and would be very material evidence if I were on the jury and I think the Trial Judges and trial lawyers would know that such material testimony would be material and we think we are entitled to produce it the only way that we can. I will get to the \$5,000 in a minute, your Honor.

THE COURT: I imagine we will get to a number of things in a few minutes.

MR. FOREMAN: At any rate, I will dispose of that at this time. Your Honor, that \$5,000 is on deposit in a bank in another, in a trust fund and the expense of this case if it were to come within, from the defense standpoint, if it were to come within the \$5,000, it would be some merit to the argument of Mr. Dwyer but the expense, actual out of pocket expense for the trial of this case, if we are relegated to bringing witnesses here for the defense alone, will run \$50,000 or \$100,000, your Honor, and we intend to report to the Court and to give the Court cancelled checks for every item of expense in this case if the Court will receive and review them because I want it said at the conclusion of this trial that

EXHIBIT G

I did not receive anything for my part of this case and it is true that this \$5,000 that he speaks of was paid. It was due under a previous contract between the previous attorney, the defendant and Mr. Huie and Mr. Huie asked permission to pay it but that's all that has been paid, your Honor, and as of today I have no reason to believe that anything else will be paid. It was already accumulated. It was due under this contract to have been paid December the 12th and it was paid as soon as we would permit Mr. Huie to do it. Now, that's the \$5,000. It will not go anywhere near the compensation. Actually, we already have accumulated alleged bills more than twice what the \$5,000 would amount to. Now, going on to the other witnesses here, we don't, we at least hope this Court does not picking our cue from the argument of the prosecuting attorney, believe that anybody can prove any fact either from the Missouri State Penitentiary or elsewhere that we are relegated to what the prosecution believes will be a favorable witness to prove that fact. We are, we

Feb, 7th.

EXHIBIT-G

2-14-69

to make daily reports turned over to his counsel. I think the State of Tennessee is a lot nearer bankruptcy than anybody realizes, because that will break anybody. I think Court reporters and this is no reflection on anybody, but I think that the reason that we've got machines now, is because they priced themselves out of the market and the available money for reporting cases for indigents, the only way it could be done was by use of these machines. So, I think that we are going to have to clarify and solve the status of Mrs. Otwell. Mrs. Otwell was hired while Mr. Hanes was in the case and while money was freely flowing from Hule to Ray to Hanes. Now, Mr. — since that time, well, Mr. Ray has gotten up in Court and sworn that he was indigent and he had no money to provide for his defense. Since which time it has further been complicated by a payment of \$5,000.00 to you, Mr. Foreman, as I understand it, by -- (INTERRUPTED)

MR. FOREMAN: To my control, your Honor, but not to me, to Mr. Ray. I wouldn't accept it.

THE COURT: I see. Well, that's that and it's further

EXHIBIT-H
P. 34

1 those dates are.

2 Q. Your conversation with Judge Battle where
3 you told him what you wanted to do, was that in his chambers
4 there in Memphis?

5 A. Yes, sir, I met with Judge Battle many ti
6 six or eight times.

7 Q. Now, when did you first receive money fro
8 Mr. Huie through Mr. Ray?

9 A. I didn't receive money from Mr. Huie thro
10 Mr. Ray. I received a check payable to Mr. Ray, I think the
11 29th of January. Wait, I have a copy of my receipt.

12 Q. Was that the first check?

13 X A. There were two checks. I think the first
14 was January 29th and the other in February. If you will wa
15 a minute I will give you the dates. I think I saw them in
16 here, copies of the receipts. Here is one of them. I rece
17 the first \$5,000 check, Mr. William Bradford Huie's check N
18 1540 on January 29, 1969; I received the second check, No.
19 1544, on the 18th of February. Both of them were drawn on
20 Citizen's Bank of Hartselle, Alabama.

21 Q. On what date did James Earl Ray enter hi
22 plea of guilty?

23 A. I think it was March 10, 1969.

24 Q. On what date did Mr. Ray agree to that
25 plea?

EXHIBIT-J

1 + A. He agreed to it verbally between -- around
2 the 25th, 23rd, 24th, 25th or 26th of January. He agreed to
3 it in writing, let me see, I have got -- I mean, sometime be-
4 tween then and the 18th, - February 13, I wrote him a letter
5 February 18th he wrote me a letter asking me to or confirming
6 what we had already agreed on verbally.

7 Q. Did Mr. James Earl Ray ever send you a
8 letter saying you could withdraw from the case if you wanted
9 to because of any political or financial reasons?

10 A. No, nothing was ever said about my with-
11 drawing from the case except after it had got here to Nashvil
12 from having pleaded guilty and his being transferred to the
13 Tennessee State Penitentiary. I received some kind of com-
14 munication from him, I believe, asking me to take no further
15 action as his attorney. I don't know whether it was a tele-
16 gram or a letter.

17 Q. Do you know former Justice Tom Clark?

18 A. Very well.

19 Q. And you know former Attorney General Ramse
20 Clark?

21 A. I know him. Not quite as well as I do Tom
22 I used to room with Tom.

23 Q. Have you ever discussed the James Earl Ray
24 case with either one of them?

25 A. No -- let me see. I don't know if I did

~~EXHIBIT C~~

18.

EXHIBIT - J



Tennessee State Penitentiary

STATION A • NASHVILLE, TENNESSEE 37203

August 1, 1972

MEMORANDUM:

TO:

Mr. James Earl Ray
#65477

FROM:

J. H. Rose, Warden *JHR*
Tennessee State Prison

Robert Moore, Warden *RM*
Brushy Mountain Prison

After reevaluating the decision to release you to the general population, this is to notify you that you will be placed back into protective custody in Unit #6 because of the following reasons:

- (1) You have an attempted escape from Missouri State Penitentiary.
- (2) Attempted escape on two (2) occasions from Brushy Mountain Penitentiary.

When Brushy Mountain is reopened and you are transferred back to that facility, your status will be reevaluated by that institution in regard to letting you into population.

JHR/RM/bjm

cc: Commissioner Luttrell
Assistant Commissioner Bass

EXHIBIT-L



Winfield Dunn
Governor

State of Tennessee

W. Dale Young
Executive Assistant
to the Governor

January 9, 1973

Mr. James Earl Ray
#65477
Confinement
Tennessee State Prison
Nashville, Tennessee

Dear Mr. Ray:

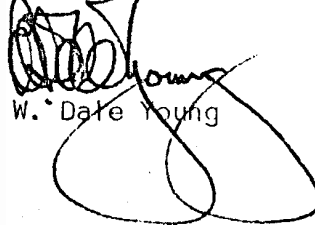
Governor Dunn has asked me to acknowledge the receipt of your letter of January 2, 1973 relevant to your treatment while confined in the State prison system.

Please be advised that the Governor has never personally directed any of the alleged mistreatment you complain of.

The Governor has the utmost faith and confidence in the ability and integrity of his Commissioner of Corrections, the Honorable Mark Luttrell; and he has taken the liberty to forward a copy of your letter to Commissioner Luttrell for his complete and thorough investigation.

With every good wish, I am

Sincerely,


W. Dale Young

ml

EXHIBIT- M

DEPARTMENT OF CORRECTIONS



Tennessee State Penitentiary

STATION A • NASHVILLE, TENNESSEE 37203

June 27, 1973

MEMORANDUM

TO: James Earl Ray 65477
Unit 1

FROM: Robert V. Morford, Deputy Warden *RM*

SUBJECT: Exercise Privileges

Your memorandum of June 24 concerning your recreational privileges has been forwarded to my attention. There are several residents beside yourself who are offered exercise in the smaller enclosure rather than the larger yard, and it is not factual that a different set of rules applies to you specifically. In regards to your statement that "about once every three days" you are offered the opportunity of going to the smaller yard, the facts do not support your statement.

A log is maintained on each resident in Unit 1 to indicate when they exercise or when they are offered the opportunity of exercising. This log book, in regards to your situation, reveals the following:

- 1) On June 1, 2, 4, 5, 7, 8, 20, 21, and 22 you were not offered the opportunity to exercise.
- 2) On June 3, 6, 9, 10, and 11 you did exercise in the smaller yard.
- 3) On June 13, 15, 16, 17, 18, 19, 23, 24, 25, and 26

EXHIBIT-N

Page 2

you were offered the opportunity to exercise and refused to do so.

The fact that you have been restricted to your cell in regards to exercise privileges has been your choice and not the Administration's.

RVM/md

cc: Mr. Robert Childress

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 7 1974	
FBI — MEMPHIS	

12/28/73

AIRTEL

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Re Memphis teletype to the Bureau dated 12/27/73.

Enclosed for the Bureau are two photostatic copies of a Petition for Temporary Restraining Order and two photostatic copies of a complaint, both documents filed in U. S. District Court, MDT, Nashville, Tennessee, on 12/27/73, by JAMES E. RAY.

No other action being taken at this time, however, contact will be maintained with USA, Nashville, and further developments will be properly submitted to the Bureau.

3 - Bureau (Enc. 4)
1 - Memphis
WGR:dls
(4)

743
Matic Reed card
done @ Nashville
Thune
72

SEARCHED _____
SERIALIZED 1/1
INDEXED _____
FILED mp

24-157-Sub A-941

1/9/74

AIRTEL

TO: 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.

3 - Bureau (Enc. 2)
2 - Memphis

MMT:cnc
(5) *cnc*

RV

44-1987-Sub A 828

RECEIVED
2:30 P.
JAN 2 1974
BRANSON LEVIA
By *Michael*

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

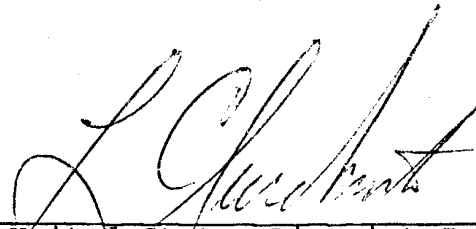
O R D E R

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. Hunt", is written over a horizontal line.

United States District Judge

44-1987 Sub M 829
mp mp

Hester ght



In Reply, Please Refer to
File No.

JK 44-1549

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Jacksonville, Florida
February 8, 1974

UNKNOWN SUBJECTS;
GARY G. GIESECKE - VICTIM

44-1987 Sub-M 830
mp 16 mp
Hester gus

1

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

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

Race	White
Social Security Account Number	<div></div>
Wife	EMMA GIESECKE
Address	4735 Cambridge Jacksonville, Florida
Mother	VEDA MAE GIESECKE Glen Rose, Texas
Sentence	15 years
Charge	Involuntary manslaughter
Previous Arrest Record	None claimed

FEDERAL BUREAU OF INVESTIGATION

Date of transcription February 6, 1974

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. /sjt Date dictated 2/1/74

2

understood at the present time that RAY was appealing his conviction. On several occasions when such information appeared in either newspapers or magazines, he had on occasion discussed the matter with inmates at various prisons where he had been incarcerated. He stated he may have on several occasions stated to several former fellow inmates that since RAY's conviction, he has had an opportunity to think over the matter and he is now of the opinion that possibly more than one individual, other than RAY, was involved in the murder of Doctor MARTIN LUTHER KING. DOWDA stated, however, the reason for this change of mind was not based upon his specific knowledge that any other certain individuals were involved with RAY, forming a conspiracy to murder Doctor KING, but rather on a series of incidents which happened concerning DOWDA which made him feel that perhaps more than one person, other than RAY, might have been involved.

DOWDA stated one specific incident involved a former employer of DOWDA, one E. R. COLLINS, who died of a heart attack approximately two years ago. COLLINS, as General Supervisor of DOWDA, owned the Georgia concessions for the Bonanza Sirloin Pit, and DOWDA was employed as Assistant Manager at one of the restaurants located at Marietta, Georgia. While DOWDA was employed in that capacity, he was arrested on the charge of Larceny and jailed. An agency owned and operated by COLLINS known as Kick or Kich, Incorporated, not only provided a bail bondsman and assisted DOWDA in making bond, but the agency also made restitution on the total amount of money involved in the larceny charge against DOWDA, which was approximately \$1400. As a result, DOWDA, finally instead of being sentenced to two years, as he expected, received five years probation and did no time on the charge. DOWDA stated when he contacted both COLLINS and the Manager of the Bonanza Sirloin Pit at Marietta, Georgia, owned by COLLINS but managed by LLOYD JERNIGAN, both individuals advised him not to worry about re-payment. DOWDA stated as a result he never re-paid any of the money paid by COLLINS' organization or the money put up for the bail bondsman concerning the charge outstanding against DOWDA.

3

DOWDA stated that although he returned to work at the Bonanza Sirloin Pit after he was released from jail, he only remained for approximately one month and then quit the job and still no one ever pressed him for the money he owed COLLINS' agency.

DOWDA stated another thing that aroused his suspicions concerning COLLINS was the fact he received information that supposedly COLLINS was involved in some shady deals, however, DOWDA was not able to furnish any specific information concerning any of them.

DOWDA stated that at the time his bond was paid by the Kick or Kich, Incorporated, some representative of the agency talked to him about RAY and asked him about his relationship and knowledge of RAY's activities.

DOWDA stated that because of the incident described above, he deemed the impression that possibly COLLINS or other individuals known to COLLINS, were of the opinion that DOWDA might have additional information concerning the killing of Doctor KING, and they desired to make restitution for him and pay his bailbondsman, in hope that DOWDA would not furnish any further incriminating information concerning Doctor KING's murder. DOWDA stated, however, he had no such information and the basis for his opinion that there might have been involved in Doctor KING's murder was as stated above. DOWDA stated he was never advised by anyone at any time to keep his mouth shut concerning RAY or RAY's activities.

DOWDA stated he was unable to furnish any additional names or any other information concerning Doctor KING's murder or RAY's involvement in it other than he has previously furnished to the FBI when interviewed shortly after Doctor KING's murder. DOWDA stated he currently had pending in United States District Court, Middle District of Florida, Orlando, Florida, a civil rights complaint against the authorities of the Volusia County Jail at DeLand, Florida, concerning a violation of his civil rights pertaining to the opening of his mail by the Volusia County jail authorities. DOWDA stated he initiated this complaint in November or December, 1972, and it is currently pending before Federal Judge JOHN A. REED, JR.

JK 44-1549

4

The following physical description of
DOWDA was obtained through observation and interview:

Name	LEWIE R. DOWDA
Alias	Lewis R. Dowda
Sex	Male
Race	White
Date of Birth	
Place of Birth	Lecanto, Florida
Height	5'9"
Weight	146 pounds
Hair	light brown
Eyes	blue

JK 44-1549

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.

F B I

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 DIVISIONSubject: 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.

ACTION: UACB:

☒ 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

2 - Bureau

① - Memphis

1 - Jacksonville

JEM:tfr

(4)

44-1987 Sub M 831

SEARCHED <i>map</i>	INDEXED <i>map</i>
SERIALIZED <i>map</i>	FILED <i>map</i>
FEB 10 1974	
FBI - MEMPHIS	

Hester

Approved: _____ Sent _____ M
Special Agent in Charge

Per _____

Indices Search Slip
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK	Date
Subject <i>Lewis Raymond Dowda</i>	Social Security Account #
Aliases	

Address	Birth Date	Birthplace	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
---------	------------	------------	------	---

<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case Files Only	<input type="checkbox"/> Restrict to Locality of _____
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only	
<input type="checkbox"/> Main Subversive Case Files Only	<input type="checkbox"/> Main Subversive (If no Main, list all Subversive References)	
<input type="checkbox"/> Subversive References Only	<input type="checkbox"/> Main Criminal (If no Main, list all Criminal References)	

File & Serial Number	Remarks	File & Serial Number	Remarks
44-1987-832 p3	Lewis "Whitney" Dowda	44-1987-442)	
- 831		- Sub-K-22	
- 832 p2		" - B-441	
- 845A		44-1987-Sub-D-435A	
- Sub-C-686A	Lewis Dowda	44-1987-Sub-D-680p1	
- 686B	Lewis Raymond Dowda	44-1987-Sub-B-835	
- 686C		P4	
686D	Louis Dowda	44-1987-Sub-G-438A	
686E	Louis Dowda		
686F			
Sub- C D-527	Louis Raymond Dowda	44-1987-446B	
671 p88			
- 680 p29, 35, 38			
Sub-K-143A			

Requested by	Squad	Extension	File No. <i>44-1987-Sub M 832</i>
Searched by			
Consolidated by			
Reviewed by			

File Review Symbols

I - Identical	? - Not identifiable
NI - Not identical	U - Unavailable reference

GPO 643-16-81471-1 480-401

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 7 1971	
FBI - MEMPHIS	

UNITED STATES GOVERNMENT

Memorandum

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

DATE: 3/8/74

FROM : SA JOE C. HESTER

SUBJECT: MURKIN
OO: MEMPHIS

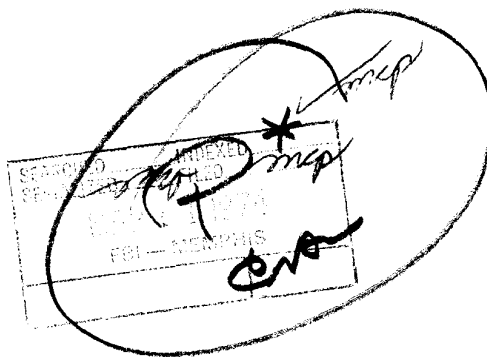
Re Jacksonville airtel to Bureau dated 2/8/74.

LOUIS RAYMOND DOWDA, mentioned in referenced airtel, is a jail-bird who was an inmate with JAMES EARL RAY prior to RAY's escape from the Missouri State Prison. DOWDA was interviewed shortly after the murder of MARTIN LUTHER KING and was unable to furnish any information regarding either RAY's escape or the murder.

The information now being furnished by DOWDA is pure speculation on his part and neither requires nor ~~desires~~ any action by the FBI.
deserves

JCH/mah
(1)

Mal
JEH



44-1987-Sub-M 833



5010-108

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

3/20/74

AIRTEL

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, pre-
viously 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 re-
straining 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 pre-
viously 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)
2-Memphis
PHT:bc
(5) *che*

EW

Thunb

44-1987 Sub M 834

[Signature]

[Signature]

[Signature]

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.

Memphis, Tennessee
April 17, 1974

RE: MURKIN

On March 28, 1968, Mr. D. A. Murphy, Chief, Reservation Section, American Airlines, Memphis, Tennessee, advised Dr. Martin Luther King, Jr., arrived Memphis Municipal Airport from Atlanta, Georgia, at 10:22 A.M. on March 28, 1968.

Lt. E. H. Arkin, Intelligence Unit, Memphis, Tennessee, Police Department, advised on March 28, 1968, that a motorcycle escort provided by the Memphis Police Department escorted Dr. Martin Luther King, Jr., and his party to the intersection of Hernando and Linden Avenue, Memphis, where King joined a massive march of approximately 7,000 persons. This march primarily sponsored by the Memphis sanitation workers had begun at 10:00 A.M. from Clayborn Temple and had proceeded to the intersection of Hernando Street and Linden Avenue when Dr. King joined the march on foot at 10:50 A.M.

Lt. Arkin advised as this march continued at 11:10 A.M. on March 28, 1968, the marchers became completely unruly, store windows were broken, looting began, and at 11:15 A.M. Dr. King made the statement that he had to get out of there.

Lt. M. E. Nichols of the Memphis Police Department advised that at approximately 11:15 A.M. Dr. King, Rev. Ralph Abernathy, and three others of Dr. King's staff ran from the head of this march to Front Street between McCall and Gayoso where they attempted to commandeer a white panel truck in an effort to get away from the march. The driver of the white panel truck refused to help. One of Dr. King's associates then stopped a white Pontiac occupied by two Negro women and they were asked if they would assist in getting King out of danger. One of King's aides slid behind the steering wheel, King and three other members of his staff entered the rear seat of the Pontiac, and the car was driven

44-1987-Sub M-835

5 - Bureau
2 - Memphis (44-1987) (P)
USL:arp
(7)

Crow

[Signature]

[Signature]

MURKIN

to McCall and Front Street, and at this point the car was surrounded by approximately 50 individuals, all black.

Lt. Nichols cleared the crowd from around the Pontiac and asked the driver of the Pontiac where he wanted to go. The driver stated he had Rev. King in the back seat, that he had to get away, and asked the officer to escort them to the Hotel Sheraton-Peabody.

Lt. Nichols explained that due to the rioting they could not get to the Peabody Hotel and asked if they desired to go to another place. The Negro driver stated, "Just get us away from trouble."

Lt. Nichols then escorted the car containing Dr. King to the Rivermont Motel where Lt. Nichols went to the desk clerk and asked if she had space for five Negroes, including Rev. King. The desk clerk told Lt. Nichols the Negroes could remain in the lobby and an effort would be made to obtain a room for them.

Lt. Nichols stated that a room was found for Dr. King and his party of four and that this group checked into the Rivermont Motel at 11:24 A.M. on March 28, 1968.

On March 29, 1968, Lt. E. H. Arkin advised that Dr. Martin Luther King, Jr., spent the night of March 28, 1968, at the Rivermont Motel and at 2:30 P.M. on March 29, 1968, he and his staff were escorted by the Memphis Police Department to the Memphis Municipal Airport where Dr. King left Memphis via Eastern Airlines for Atlanta, Georgia, at 3:20 P.M. on March 29, 1968.

On April 1, 1968, Inspector G. P. Tines, Inspectional Bureau, Memphis Police Department, advised that the following members of the Southern Christian Leadership Conference (SCLC) staff were in Memphis and currently registered at the Lorraine Motel: R. B. Cottonreader, James Orange, Rev. Jesse Jackson, and James L. Bevel.

Hosea L. Williams, Director of Voters Registration, SCLC, advised Inspector Tines on April 1, 1968, that Rev. Martin Luther King, Jr., would arrive in Memphis April 2, 1968, staying at the Lorraine Motel and that a mass march would be held April 5, 1968, led by Dr. King.

MURKIN

On April 3, 1968, Lt. E. H. Arkin advised that Rev. Martin Luther King, Jr., and his aides Ralph D. Abernathy, Bernard Lee, and Andrew M. Young arrived at Memphis Municipal Airport at 10:15 A.M. from Atlanta, Georgia, via Eastern Airlines. According to Lt. Arkin, Dr. King was met by local SCLC leaders James Morris Lawson and Mrs. Thomas Matthews.

According to Lt. Arkin, a security detail of the Memphis Police Department was on hand to escort Dr. King; however, upon approaching Mrs. Thomas Matthews this security detail was informed that the SCLC had not requested police protection and that the security detail was not welcome. This security detail contacted Rev. Lawson and asked as to Dr. King's schedule so that security could be arranged, and Lawson stated that he did not know what Dr. King's schedule was.

Dr. King and his group were taken by private car to the Lorraine Motel where they were registered.

Lt. Arkin advised Dr. King spent the night of April 3, 1968, at the Lorraine Motel and was at this motel at the time he was shot at approximately 6:00 P.M., April 4, 1968.

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.

4/17/74

AIRTEL

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

Re Bureau telephone call to Memphis, 4/16/74.

Enclosed for the Bureau are original and 4 copies of LHM dated and captioned as above.

No local dissemination is being made of this LHM.

As set forth in enclosed LHM, information contained in Memphis files reflect that for several days prior to 4/3/68, the date of KING's arrival in Memphis, members of his staff were registered at the Lorraine Motel, and KING himself upon his arrival at Memphis went directly to the Lorraine Motel and registered. There is no indication whatsoever that he was registered at the Holiday Inn Rivermont or that he had any intention of staying at the Holiday Inn Rivermont on his 4/3/68 trip to Memphis.

3 - Bureau (Encs. 5)
2 - Memphis
HSL:arp
(5)

H E S T E R

44-1987-Sub M-836

SEE NEXT
Section