

12/20/68

AIRTEL

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

Enclosed for the Bureau are 3 copies of an order entered 12/18/68 before Judge W. PRESTON BATTLE which order appoints the Public Defender of Shelby County to represent the subject, JAMES EARL RAY.

3 - Bureau (Encs. 3)  
② - Memphis  
JCH:gah  
(5)

44-1987-Sub-D-88

*gah*

*[Handwritten signature]*

*llb*

*llb*

*llb*

*[Handwritten mark]*

2/5/69

AIRTEL

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Enclosed for the Bureau are two copies each of five petitions which are to be argued 2/7/69 before Judge W. PRESTON BATTLE regarding instant matter.

On 2/5/69 State Attorney General PHIL CANALE, Shelby County, Tenn., advised that on 2/4/69 he and members of his staff conferred with WILLIAM BRADFORD HUIE in HUIE's hotel room at Memphis, Tenn. HUIE is to be served with a subpoena and is to appear before a Shelby County Grand Jury at Memphis on 2/7/69.

HUIE advised Mr. CANALE that he has no interest in JAMES EARL RAY whatsoever except as a businessman and as a citizen desirous of uncovering and exposing any possible co-conspirators. He said he desires to confer with RAY in hopes of having RAY plead guilty and then testifying against his co-conspirators as a witness for the prosecution. Mr. CANALE said that HUIE gives the impression that he is firmly convinced of RAY's guilt as the murderer of MARTIN LUTHER KING; however, HUIE seems to be genuinely persuaded that others were involved with RAY. Mr. CANALE noted that HUIE readily admits that he has no real evidence of a conspiracy and HUIE admits that he has caught RAY in a number of falsehoods. HUIE is convinced that RAY's story of going over the wall in his escape from the Missouri State Penitentiary is not true and RAY has admitted that the story he told HUIE about the armed robbery of a house of prostitution in Montreal is also a lie. RAY now admits that he committed an armed robbery of a food store in

Airtel

Teletype

3 - Bureau (Encs. 10)

A.M.

2 - Memphis

JCH/ngm

A.M.S.D.

(5)

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Montreal during a visit there in 1967, and he has told HUIE that he robbed another food store in Montreal after the murder and during his flight from Memphis to England. HUIE furnished no additional details and it is presumed that RAY furnished him no additional details regarding these robberies. HUIE advised Mr. CANALE that RAY came to Memphis on 4/3/68, stayed in a motel at Memphis that night, and on 4/4/68 purchased binoculars from a local store. HUIE admits that RAY rented a room in a rooming house and then brought the rifle which was later recovered to the rooming house. He said RAY claims to have been sitting in a white Mustang outside the rooming house when the fatal shot was fired. RAY has told HUIE that an unnamed individual ran out of the rooming house, jumped into the rear seat of the Mustang, pulled a sheet over his head, and RAY then fled the scene in the Mustang. HUIE admitted that RAY has told more than one story concerning the reason he rented the room in the rooming house, but HUIE leaves no doubt that he believes RAY pulled the trigger on the murder weapon.

HUIE stated that following the murder RAY drove to Birmingham, talked with an unnamed individual in Birmingham that same night, and then drove to Atlanta. From Atlanta he went to Gary, Indiana, where he met his brother, JERRY RAY. The subject then went to Toronto and from Toronto to Montreal where he stayed for about nine days prior to leaving for London.

HUIE volunteered the information that RAY had gone to Acapulco, Mexico, prior to the murder and while in Acapulco had made a call to unnamed person or persons at Corpus Christi, Texas. According to HUIE, Mexican police had later come to the hotel and had examined his registration card. HUIE also mentioned that the green bedspread abandoned with the rifle in Memphis had come from some place in California.

HUIE characterized RAY as an individual who is starved for public recognition. He said that RAY and his brothers are most disappointed that the public has not rallied to the subject's support. He said they and the subject had been convinced that GEORGE WALLACE would be successful in his bid for the presidency and they were much disappointed in the outcome of the national election.

**ME 44-1987**

**While HUIE has furnished no positive information which would indicate a conspiracy, it is suggested that the Bureau request the Legat, Mexico, to conduct investigation in Acapulco in an effort to identify any telephone calls the subject might have made from there. It is also suggested that Legat, Canada, contact Montreal police to determine if they can identify the food store robberies in which subject was involved.**

**The Bureau will be promptly advised as to whether or not motions being made by the defense are granted.**

F B I

Date: 2/7/69

Transmit the following in PLAINTEXT  
(Type in plaintext or code)Via TELETYPE URGENT  
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, MEMPHIS (44-1987)

MURKIN

WILLIAM BRADFORD HUIE, NATIONALLY KNOWN AUTHOR WHO HAS WRITTEN ARTICLES FOR "LOOK" MAGAZINE CONCERNING JAMES EARL RAY, THE MURDERER OF DR. MARTIN LUTHER KING, JR., APPEARED BEFORE SHELBY COUNTY, TENNESSEE, GRAND JURY FEBRUARY SEVEN INSTANT AT MEMPHIS, TENNESSEE. FOLLOWING HIS APPEARANCE BEFORE GRAND JURY, HUIE WAS ARRESTED FOR CONTEMPT OF COURT. THIS CONTEMPT CAME AS A RESULT OF ARTICLES PUBLISHED BY HIM CONCERNING THE KING MURDER WHICH PUBLICATION WAS IN DIRECT VIOLATION OF A NO PUBLICITY ORDER WHICH HAD PREVIOUSLY BEEN ISSUED BY THE TRIAL JUDGE IN WHOSE COURT RAY WILL BE TRIED. HUIE POSTED ONE THOUSAND DOLLAR BOND AND WAS RELEASED. UNDER TENNESSEE LAW, CONTEMPT IS A MISDEMEANOR AND CARRIES A MAXIMUM FINE OF FIFTY DOLLARS AND TEN DAYS IN JAIL.

Airtel JAIL.Teletype RESULTS OF MOTIONS ARGUES FEBRUARY SEVEN INSTANT INA.M. RAY CASE BEING FORWARDED TO BUREAU BY SEPARATE COMMUNICATION.A.M.S.D. P END.Spec. Del. JCH/acpReg. Mail (1)Approved: \_\_\_\_\_  
Registered \_\_\_\_\_

Special Agent in Charge

SEARCHED \_\_\_\_\_

SERIALIZED \_\_\_\_\_

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

44-1987-Sub-D-90

Heater

2/8/69  
PLAINTEXT

AIRTEL

TO: DIRECTOR, FBI

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

SUBJECT: MURKIN

On 2/7/69, motions made by the defense were argued in the court of Judge W. PRESTON BATTLE, Memphis, Tennessee. The results of these are as follows:

1. MOTION TO REQUIRE THE RETURN OF A STATE'S  
SUBPOENA TO THE CLERK OF THE CRIMINAL COURT

This motion pertains to the fact that subpoenas for witnesses who had been subpoenaed to testify in the trial that was to start on 11/12/68 have not been returned to the clerk of the court. These are being held by the District Attorney General's Office and it is the contention of the defense that these executed subpoenas are a matter of public record and the names of the witnesses should, therefore, be available to the defense. The defense has previously been furnished a list of persons who might be called in this case; however, this list far exceeds the number of persons for whom subpoenas were actually issued. Judge BATTLE has reserved decision in this matter until such time as he has had an opportunity to fully research the law on what disposition is to be made of these subpoenas.

3-Bureau  
2-Memphis

JCH:PKH  
(5)

44-1987-Sub-C-91

HESTER

**2. MOTION TO PERMIT A CONFERENCE WITH WILLIAM  
BRADFORD HUIE**

Defense attorney PERCY FOREMAN argued that subject RAY has entered into certain contractual agreements with HUIE prior to the time that FOREMAN became RAY's lawyer. He now feels it is necessary for him to advise RAY regarding his dealings with HUIE and he states this can only be done if HUIE is allowed to accompany FOREMAN while he visits RAY in his cell. Judge BATTLE denied permission for this conference stating that he does not trust HUIE to follow the orders of the court regarding publicity in this case.

**3. MOTION TO PERMIT THE TAKING OF EXCLUSIVE PHOTOGRAPHS  
OF THE DEFENDANT**

The defense has argued that they have been offered \$3,000 to \$5,000 for a series of exclusive photos of subject RAY. The defense contends that this sum of money is necessary to the subject's defense and have requested that a photographer of their choosing be allowed to take photos of RAY which would in turn be sold by defense counsel. Judge BATTLE denied this motion stating the court would not let itself be drawn into any scheme whereby RAY might be photographed for personal gain. He offered, however, to allow the sheriff's photographer to take photos of RAY which with the court's approval could be distributed to all news media desiring same. These photos are to be made only if defense counsel is agreeable.

**4. PETITION TO AUTHORIZE DEFENDANT TO TAKE DEPOSITIONS  
OUT OF STATE**

The defense has argued that they have no funds with which to arrange for the interviews of out-of-state witnesses and they request that the state make funds available for this purpose. The defense has indicated they desire SAC FRANK HITT of the Atlanta Division and Mr. J. D. GARNER, 107 14th Street, Northeast, Atlanta, Georgia, be interviewed

regarding the admissibility of evidence. It is pointed out that GARNER is the operator of the rooming house where RAY resided in Atlanta. Judge BATTLE refused to allow depositions to be taken from HITT and GARNER but stated he was agreeable to having HITT and GARNER appear in his court for a pre-trial suppression hearing. The date of this is to be decided by the defense counsel and the prosecution.

Executive Assistant Attorney General ROBERT DWYER has stated he has no reason to believe the search conducted at GARNER's rooming house was illegal and he does not feel that the motion to suppress will be granted.

Judge BATTLE also denied depositions from U. L. BAKER, PETER CHERPES, CLYDE R. MANASCO, Reverend ANDREW J. YOUNG, and GEORGE BONEBREAK as these are all persons who have been subpoenaed by the prosecution and whom defense counsel will ultimately have an opportunity to cross examine. Regarding the other persons named in this petition, Judge BATTLE has stated he will rule on each individual name after having been given in writing an affidavit explaining fully why defense counsel desires such a deposition. At the urging of Mr. FOREMAN, it was also ruled that these affidavits shall not be made available to the prosecution.

Mr. ROBERT DWYER advised that his secretary is making a transcript of WILLIAM BRADFORD HUIE's testimony before the Shelby County Grand Jury and that this testimony will be made available to this office on a highly confidential basis. He said that in a conversation with HUIE, HUIE volunteered certain additional information that was not given to the Grand Jury. This is as follows:

A Dr. SCHWARTZ (phonetic) treated RAY while RAY was in Birmingham, Alabama. RAY and a "fat" bartender in Puerto Vallarta, Mexico, were dealing in marijuana and RAY brought a sizable quantity of marijuana with him to California. RAY



**ME 44-1987**

**spent the night of 4/2/68 in a motel somewhere in Mississippi. The female employee of the Canadian Government with whom RAY was intimate has told HUIE that RAY was very outspoken in his dislike of Negroes and made numerous remarks in this regard.**

**Mr. DWYER has stated he has no particular interest in further investigation of these facts except for the statements made by RAY to the woman in Canada. He has stated it would greatly aid his case in proving a motive if this woman could be prevailed upon to come to Memphis and testify to the statements made by RAY. He has requested that we determine if possible what statements RAY made that she could testify to and also determine her willingness to testify.**

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION THREE

*Filed: Nov. 12, 1968  
J. C. Blackwell, Clerk  
by E. E. Koster, D.C.*

STATE OF TENNESSEE

Vs.

JAMES EARL RAY

Nos. 16,645 and

16,819

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered cause, and files this his SUGGESTION OF PROPER NAME, and says:

I.

That his proper and legal name is JAMES EARL RAY.

II.

That the indictments in the above styled cases carries additional alleged aliases, to-wit: "Alias Eric StarveGalt, alias Jehn Williard, Alias Harvey Lehmeyer".

III.

That the use of the above aliases in the charging part of the indictment is prejudicial and inflammatory, and Defendant prays that they be stricken and not read to the jury nor otherwise referred to in the future hearings on or trial of either of the above cases.

*Percy Foreman*  
Percy Foreman, Attorney for  
Defendant.  
*James Earl Ray*  
James Earl Ray, Defendant.

November 12, 1968.

GRANTED

Refused and exception reserved.

\_\_\_\_\_  
Judge.

44-1987-Sub0-92

SEARCHED.....	INDEXED.....
SERIALIZED <i>lee</i>	FILED <i>lee</i>
FEB 13 1969	
FBI — MEMPHIS	

*[Signature]*

F B I

Date: 2/14/69

Transmit the following in PLAINTEXT  
(Type in plaintext or code)Via TELETYPE URGENT  
(Priority)

TO: DIRECTOR, FBI (44-38861)  
FROM: MEMPHIS (44-1987) (1P)

MURKIN.

DURING A HEARING HELD ON MOTIONS PREVIOUSLY FILED  
HELD THIS DATE IN THE COURTROOM OF W. PRESTON BATTLE, SHELBY  
COUNTY CRIMINAL COURT JUDGE, MEMPHIS, TENN., PERCY FOREMAN,  
COUNSEL FOR JAMES EARL RAY, FILED A "MOTION FOR CONTINUANCE,"  
AND IN OPEN COURT FOREMAN REQUESTED A NINETY-DAY CONTINUANCE  
FROM MARCH THREE NEXT. JUDGE BATTLE, ON HEARING ARGUMENTS  
BY PROSECUTION AND DEFENSE, GRANTED THE DEFENSE A CONTINUANCE  
AND RESCHEDULED THE TRIAL OF JAMES EARL RAY TO COMMENCE MORNING  
OF APRIL SEVEN NEXT.

DISPOSITION OF OTHER MOTIONS ARGUED WILL BE SUBMITTED BY  
SEPARATE COMMUNICATION. P. END.

tel           etyp           to           S. JCH:jap  
(1)J. Del.           tail           ered           roved:           

Special Agent in Charge

Sent           Per

Litigation	DATE	Cancellation	Litigation	Date	Cancellation
2778	3/85	Cancel 8/85			
3223	7/86				
2370		Cancel 4/87			
3433	4/87	cancel 2/88			

Litigation	DATE	Cancellation	Litigation	DATE	CANCELLATION

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*Do not Destroy  
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RAY, JAMES EARL 4-68 44-1987-SUB-B-228

IO 4182

WF #442-A

WM

Age 40 DOB

5'10" 163 to 174

hair brown, possibly cut short

eyes blue

Scars & Marks: small scar on center of forehead

and small scar on palm of right hand

FBI 405 942 G

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615 N. Water St., South Elgin, Ill.

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**S E E N E X T S E C T I O N**