

"I'VE HAD HALF A DOZEN DECISIONS," RAY SAID. "I TAKE THINGS AS THEY COME."

"I THINK THINGS LOOK PRETTY GOOD," HE ADDED. "WE WANT TO GET EVERYBODY ON THE WITNESS STAND AND GET EVERYTHING CLEARED UP ONCE AND FOR ALL."

THE HEARING WILL CENTER ON RAY'S CLAIM THAT HE WAS COERCED INTO PLEADING GUILTY BY ONE OF HIS FORMER ATTORNEYS, PERCY FOREMAN OF HOUSTON. RAY CLAIMED FOREMAN DID NOT WANT THE FACTS ABOUT THE CASE BROUGHT OUT IN OPEN COURT BECAUSE FOREMAN STOOD TO PROFIT BY A BOOK ON THE ASSASSINATION BY ALABAMA AUTHOR WILLIAM BRADFORD HUIE. RAY HAS BEEN ASSISTING HIS NEW ATTORNEYS IN PREPARATION OF HIS CASE. DURING MONDAY'S INTERVIEW, A TOP BUNK OF HIS CELL WAS CRAMMED WITH LETTERS, A TYPEWRITER, BOOKS AND OTHER ITEMS. THE LOWER BUNK WAS COVERED WITH WHAT APPEARED TO BE LEGAL DOCUMENTS.

RAY SIDESTEPED MANY OF THE QUESTIONS.

"I WOULDN'T WANT TO SAY ANYTHING THAT WOULD HURT MY CHANCES FOR A NEW TRIAL," HE TOLD BRINTON. "I'LL ANSWER ALL OF THOSE QUESTIONS IN COURT."

ASSISTANT STATE ATTORNEY GENERAL HENRY HAILE SAID THE HEARING FOR RAY WILL BE HELD BEFORE FEDERAL COURT JUDGE ROBERT MCRAE IN MEMPHIS, PROBABLY SOMETIME IN LATE SUMMER OR EARLY FALL.

"THEY MIGHT GET INTO THE CONSPIRACY ANGLE," HAILE SAID. "IT DEPENDS ON THE JUDGE. I'M SURE THEY WILL TRY."

HAILE SAID THE HEARING WILL "GIVE RAY ANOTHER CHANCE TO SPOUT OFF BEFORE THE PRESS. I DOUBT SERIOUSLY IF IT WILL BE IN THE PUBLIC INTEREST."

DUPLICATE TO B-WIRE POINTS

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UPIO 52

(RAY)

NASHVILLE (UPI) -- JAMES EARL RAY SAID FROM HIS SOLITARY CONFINEMENT CELL YESTERDAY 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 SNIPER-SLAYING OF THE CIVIL RIGHTS LEADER IN MEMPHIS.

THE SUPREME COURT'S UNEXPLAINED REJECTION YESTERDAY OF AN APPEAL TO REVERSE A DECISION THAT RAY DESERVED THE HEARING BROKE THE TEMPORARY ROADBLOCK TO WHAT COULD LEAD TO A NEW TRIAL FOR RAY.

U.S. DISTRICT JUDGE ROBERT MCRAE SCHEDULED A PRE-HEARING CONFERENCE FOR ATTORNEYS INVOLVED IN THE RAY EVIDENCIARY HEARING FOR JUNE 14.

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HARTSELLE, ALA. (UPI) -- AUTHOR WILLIAM BRADFORD HUIE SAYS HE DID NOT BELIEVE A LAWYER COERCED JAMES EARL RAY TO PLEAD GUILTY TO THE ASSASSINATION OF DR. MARTIN LUTHER KING JR., BUT HE IS GLAD THE SUPREME COURT CLEARED THE WAY FOR A NEW TRIAL FOR RAY.

"THE SUPREME COURT HAS PROBABLY GIVEN ME \$50,000," SAID HUIE, WHO WROTE THE BOOK "HE SLEW THE DREAMER" ABOUT RAY.

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"BUT THE IDEA OF JAMES EARL RAY BEING COERCED BY ANY LAWYER ON EARTH IS PURE FOOLISHNESS," HE SAID.

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REACTION 6-3

WITH RAY

NASHVILLE, TENN. (UPI) -- UNSHAVEN JAMES EARL RAY, SITTING IN A CLITTERED PRISON CELL, SAID MONDAY HE WOULD PROBABLY TESTIFY FOR "THREE OR FOUR DAYS" AT A HEARING TO DETERMINE WHETHER HE WILL RECEIVE A NEW TRIAL IN THE ASSASSINATION OF DR. MARTIN LUTHER KING JR.

"I'M GOING TO TAKE THE STAND," RAY TOLD NASHVILLE BANNER REPORTER LARRY BRINTON. "I'LL PROBABLY TESTIFY THREE OR FOUR DAYS, BUT I DON'T PARTICULARLY WANT TO."

BRINTON, WHO INTERVIEWED RAY THROUGH THE HEAVY BARS OF HIS MAXIMUM SECURITY CELL AT THE TENNESSEE STATE PENITENTIARY, SAID RAY WAS WEARING A SWEATSHIRT, PRISON TROUSERS AND WAS STANDING ON THE CONCRETE FLOOR IN HIS STOCKING FEET.

RAY ACCEPTED ALMOST STOICALLY HIS CLEARANCE BY THE U.S. SUPREME COURT TO SEEK WITHDRAWAL OF HIS GUILTY PLEA IN THE 1968 SNIPER-SLAYING OF KING.

"I'VE HAD HALF A DOZEN DECISIONS," RAY SAID. "I TAKE THINGS AS THEY COME."

"I THINK THINGS LOOK PRETTY GOOD," HE ADDED. "WE WANT TO GET EVERYBODY ON THE WITNESS STAND AND GET EVERYTHING CLEARED UP ONCE AND FOR ALL."

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RAY 6-4

DAY LD

NASHVILLE, TENN. (UPI) -- 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 SNIPER-SLAYING OF THE CIVIL RIGHTS LEADER IN MEMPHIS.

THE SUPREME COURT'S UNEXPLAINED REJECTION MONDAY OF AN APPEAL TO REVERSE A DECISION THAT RAY DESERVED THE HEARING BROKE THE TEMPORARY ROADBLOCK TO WHAT COULD LEAD TO A NEW TRIAL FOR RAY.

RAY, 46, SERVING A 99-YEAR TERM FOR HIS MARCH 10, 1969, CONFESSION WILL GET THE SPECIAL HEARING OF EVIDENCE IN MEMPHIS' FEDERAL COURT BY LATE SUMMER OR FALL.

U.S. DISTRICT JUDGE ROBERT MCRAE AT MEMPHIS MONDAY SCHEDULED A PRE-HEARING CONFERENCE FOR ATTORNEYS INVOLVED IN THE RAY EVIDENCIARY HEARING FOR JUNE 14.

"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 MEMPHIS ATTORNEY 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."

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.

LIVINGSTON AND RAY CLAIMED TWO WEEKS AGO THAT AN INTERMEDIARY FOR THE ALLEGED HIRED GUNMEN IN THE KING DEATH CONTACTED THEM, REVEALED DETAILS OF THE APRIL 4, 1968, ASSASSINATION AT THE LORRAINE MOTEL, AND REQUESTED IMMUNITY IN EXCHANGE FOR FUTURE TESTIMONY.

BUT LIVINGSTON SAID THE ALLEGED CONSPIRACY WON'T ENTER INTO THE EVIDENCIARY HEARING.

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HUIE 6-4
WITH RAY

HARTSELLE, ALA. (UPI) -- AUTHOR WILLIAM BRADFORD HUIE SAID MONDAY HE DID NOT BELIEVE A LAWYER COERCED JAMES EARL RAY TO PLEAD GUILTY TO THE ASSASSINATION OF DR. MARTIN LUTHER KING JR., BUT HE IS GLAD THE SUPREME COURT CLEARED THE WAY FOR A NEW TRIAL FOR RAY.

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"BUT THE IDEA OF JAMES EARL RAY BEING COERCED BY ANY LAWYER ON EARTH IS PURE FOOLISHNESS," HE SAID. "THE WHOLE DAMN THING IS REDICULOUS."

THE COURT MONDAY ORDERED A LOWER COURT TO HEAR RAY'S CHARGE HE WAS COERCED INTO PLEADING GUILTY TO THE 1968 ASSASSINATION OF KING AT MEMPHIS BY LAWYERS MORE INTERESTED IN BOOK ROYALTIES THAN HIS CONSTITUTIONAL RIGHTS.

"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 SLOVAK" AND OTHER BOOKS.

A FORMER RAY ATTORNEY, ARTHUR J. HANES OF BIRMINGHAM, SAID, "I THINK IT'S A JUST DECISION.

"I'VE MAINTAINED THE POSITION ALL ALONG THAT JAMES EARL RAY SHOULD BE GIVEN A TRIAL," HANES SAID. "IN THE ENTIRE TIME I WAS ASSOCIATED WITH THE CASE, HE WAS ADAMANT THAT HE WANTED A TRIAL. HE NEVER WANTED TO GO FOR A PLEA.

"I WAS PREPARED TO GO TO TRIAL," HANES SAID, BUT TWO DAYS BEFORE RAY WAS SCHEDULED TO GO ON TRIAL NOV. 12, 1968, RAY FIRED HANES AND HIRED PERCY FOREMAN AS HIS ATTORNEY.

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UPI035

(RAY)

WASHINGTON (UPI) -- THE SUPREME COURT CLEARED THE WAY TODAY FOR JAMES EARL RAY TO WITHDRAW HIS GUILTY PLEA TO THE 1968 KILLING OF MARTIN LUTHER KING. RAY CLAIMS HE WAS INFLUENCED BY THE INTEREST OF HIS ATTORNEYS IN PROFITS FROM A BOOK ABOUT THE SLAYING.

THE ACTION COULD MEAN RAY EVENTUALLY WILL BE RETRIED FOR THE KING SLAYING AFTER A PLEA OF INNOCENT.

THE SUPREME COURT REFUSED TO HEAR APPEALS BY TENNESSEE THAT RAY'S ORIGINAL PLEA WAS VOLUNTARY AND INTELLIGENTLY MADE AND THEREFORE HE SHOULD NOT BE GIVEN A CHANCE TO HAVE IT CHANGED.

THE 6TH U.S. COURT OF APPEALS ORDERED A HEARING TO DECIDE WHETHER RAY'S CONSTITUTIONAL RIGHTS TO DUE PROCESS AND ASSISTANCE OF COUNSEL WERE VIOLATED AND IF HE CAN CHANGE HIS PLEA TO INNOCENT.

RAY WAS SENTENCED TO 99 YEARS IN THE TENNESSEE STATE PRISON AFTER PLEADING GUILTY IN 1969 TO KILLING THE CIVIL RIGHTS LEADER IN MEMPHIS.

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UPI037

ADD 1 RAY, WASHINGTON

SHORTLY AFTER SENTENCING, RAY CLAIMED HE HAD BEEN COERCED INTO PLEADING GUILTY BY HIS ATTORNEY, PERCY FOREMAN, WELL KNOWN CRIMINAL LAWYER FROM HOUSTON, TEX.

FOREMAN TOOK OVER THE CASE AT RAY'S REQUEST AFTER RAY DISMISSED HIS FIRST LAWYER, ARTHUR HANES. HANES HAD SIGNED A CONTRACT ON RAY'S BEHALF WITH AUTHOR WILLIAM BRADFORD HUIE TO WRITE A BOOK ABOUT THE KILLING, WITH HANES GETTING 30 PER CENT OF THE ROYALTIES.

WHEN FOREMAN TOOK OVER, HE CHANGED THE AGREEMENT SO THAT HE WOULD RECEIVE 60 PER CENT OF THE ROYALTIES.

RAY CONTENDED THAT HE WAS ADVISED TO PLEAD GUILTY BY FOREMAN SO THAT INFORMATION ABOUT THE CASE WOULD NOT BE MADE PUBLIC IN OPEN COURT AT THE FULLSCALE TRIAL, THUS ASSURING THE EXCLUSIVE NATURE OF THE BOOK.

U.S. DISTRICT COURT JUDGE L. CLURE MORTON DENIED RAY'S MOTION FOR A HEARING ON WHETHER HIS PLEA WAS VOLUNTARY. MORTON AGREED WITH THE STATE AND CITED THE PLEA RECORD. IN ACCEPTING THE ORIGINAL PLEA, JUDGE W. PRESTON BATTLE QUESTIONED RAY THOROUGHLY AND THE DEFENDANT SAID HIS PLEA WAS KNOWLEDGEABLE AND VOLUNTARY.

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UPI035

(RAY)

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UPI094

(RAY)

NASHVILLE, TENN. (UPI) -- AN ATTORNEY FOR JAMES EARL RAY SAID TODAY HIS CLIENT WAS SET UP AS THE "FALL GUY" TO TAKE THE BLAME FOR THE SLAYING OF DR. MARTIN LUTHER KING JR.

ROBERT LIVINGSTON, OF MEMPHIS, SAID RAY WAS WILLING TO TAKE A LIE DETECTOR TEST TO BACK UP HIS CLAIM THAT HE DID NOT ASSASSINATE THE CIVIL RIGHTS LEADER.

LIVINGSTON'S COMMENTS WERE IN A TAPED INTERVIEW BROADCAST ON THE STAN SIEGEL SHOW ON WLAC TV.

LIVINGSTON SAID HE GOT HIS INFORMATION FROM A MAN SEEKING TO GAIN IMMUNITY FOR THE REAL KILLER.

LIVINGSTON SAID THE MAN WHO SHOT KING WAS A HIRED KILLER WHO WAS TO BE PAID \$250,000. LIVINGSTON SAID THE MAN ACTUALLY WAS PAID \$100,000, AND THAT HE BELIEVES HE IS STILL IN THE COUNTRY.

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MAY 5-17

BY ANITA MARIE LAPHAM

MEMPHIS, TENN. (UPI) -- JAMES EARL RAY'S ATTORNEY HOPES THE U.S. SUPREME COURT WILL DECIDE BY JULY WHETHER THE CONFESSED ASSASSIN OF MARTIN LUTHER KING JR. WILL GET A HEARING THAT COULD LEAD TO A NEW TRIAL.

THE 6TH U.S. CIRCUIT COURT OF APPEALS HAS ALREADY RULED IN FAVOR OF THE HEARING FOR RAY, WHO SAYS HE WAS COERCED INTO PLEADING GUILTY IN THE APRIL 4, 1968, SLAYING OF THE CIVIL RIGHTS LEADER. RAY IS SERVING 99 YEARS IN THE STATE PRISON AT NASHVILLE, TENN.

TENNESSEE OFFICIALS APPEALED THE CIRCUIT COURT'S RULING TO THE SUPREME COURT, AND RAY'S ATTORNEY, ROBERT I. LIVINGSTON, SAID THURSDAY HE HOPES THE HIGH COURT WILL RULE WITHIN TWO MONTHS.

IF THE SUPREME COURT UPHOLDS THE CIRCUIT COURT'S DECISION, RAY WOULD BE ALLOWED TO PRESENT EVIDENCE IN AN EFFORT TO PROVE HE WAS COERCED INTO THE GUILTY PLEA. THE HEARING WOULD BE HELD IN MEMPHIS.

"WE FEEL THE APPEALS COURT'S OPINION IS SO STRONG THAT THE SUPREME COURT IS GOING TO DENY THE STATE'S WRIT OF CERTIORARI," SAID LIVINGSTON, RAY'S CHIEF TENNESSEE COUNSEL.

"WE HOPE IT WILL TAKE PLACE BETWEEN NOW AND THE FIRST OF JULY AND WE HOPE TO HAVE THE EVIDENTIARY HEARING IN JULY AS SOON AS U.S. DISTRICT JUDGE ROBERT MCRAE CAN GET TO IT," LIVINGSTON SAID.

RAY ALSO CONTENDS THE ADVERSE CONDITIONS IN WHICH HE WAS KEPT DURING HIS EIGHT MONTHS AT THE SHELBY COUNTY JAIL DID NOT ALLOW HIS "FREE AND VOLUNTARY" DECISION TO CONFESS MARCH 10, 1969 -- HIS 41ST BIRTHDAY.

"PRISONERS TELL ME THEY CALL IT 'A TANK,'" LIVINGSTON SAID. "RAY WAS KEPT THERE WITH NO NATURAL LIGHT, UNDER THE WATCH OF CIRCUIT TELEVISION CAMERAS AND WITH TWO GUARDS IN THE ROOM FOR EIGHT MONTHS.

"A MAN CAN'T MAKE A RATIONAL, INTELLIGENT DECISION UNDER THOSE CIRCUMSTANCES," LIVINGSTON SAID.

INSPECTOR B.J. SMITH, OF THE SHELBY COUNTY JAIL, FLATLY DENIED LIVINGSTON'S ACCUSATION THAT "A BLOCK" IS CURRENTLY USED AS A PUNISHMENT CELL FOR PRISONERS.

"IT'S NOT USED FOR PUNISHMENT," SMITH SAID. "IT'S A MAXIMUM SECURITY SECTION."

"THERE ARE FIVE PEOPLE IN THERE NOW," SMITH SAID. "TWO OF THEM ARE THERE BECAUSE THEY REQUESTED TO BE IN THERE. IT'S AIR CONDITIONED FOR ONE THING -- AND IT ALSO WAS LESS NOISE."

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RAY 3-16
 NASHVILLE, TENN. (UPI) -- A HEARING WHICH MIGHT LEAD TO A NEW TRIAL FOR THE CONVICTED ASSASSIN OF DR. MARTIN LUTHER KING WAS TRANSFERRED TO FEDERAL COURT AT MEMPHIS FRIDAY BECAUSE MOST OF THE WITNESSES ARE FROM THAT AREA.

JUDGE L. CLURE MORTON SAID ALL FURTHER PROCEEDINGS IN THE CASE INVOLVING JAMES EARL RAY'S CHARGES THAT HE WAS COERCED INTO PLEADING GUILTY WOULD BE HEARD IN MEMPHIS, "BECAUSE MOST OF THE WITNESSES ARE FROM SHELBY COUNTY."

THE 8TH U.S. CIRCUIT COURT OF APPEALS HAS ORDERED AN EVIDENTIARY HEARING INTO CHARGES BY RAY THAT HE WAS TALKED INTO PLEADING GUILTY BY TWO OF HIS FORMER ATTORNEYS, ARTHUR HANES OF BIRMINGHAM AND PERCY FOREMAN OF DALLAS, AND ALABAMA ATTORNEY WILLIAM BRADFORD HUIE.

"I THINK WE GOT SHAFTED," SAID ROBERT LIVINGSTON OF MEMPHIS, ONE OF RAY'S ATTORNEYS.

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RAY 3-6

MEMPHIS, TENN. (UPI) -- A FEDERAL JUDGE TUESDAY DISMISSED A CIVIL DAMAGE SUIT FILED BY THE CONFESSED ASSASSIN OF DR. MARTIN LUTHER KING JR. ON THE REQUEST OF THE PLAINTIFF.

U.S. DISTRICT JUDGE HARRY W. WELLFORD GRANTED THE REQUEST BY JAMES EARL RAY, WHO IS NOW SERVING 99 YEARS IN JAIL FOR THE ASSASSINATION, AFTER THE JUDGE RECEIVED A LETTER FROM RAY MONDAY.

WELLFORD HAD ALREADY DISMISSED TWO OF RAY'S CLAIMS IN THE SUIT WHICH ACCUSED AUTHOR GEROLD FRANK AND PUBLISHER DOUBLEDAY & CO., INC., OF NEW YORK, OF LIBELING RAY IN THE BOOK ENTITLED "AN AMERICAN DEATH."

THE THIRD CLAIM, FOR WHICH RAY REQUESTED A DISMISSAL, INCLUDED RAY'S EARLIER CONTENTION THAT DOUBLEDAY "FRAUDULENTLY" ACQUIRED RAY'S PERSONAL PROPERTY OR EVIDENCE THAT MIGHT HAVE BEEN HELPFUL TO HIS DEFENSE IN THE MURDER CASE.

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MEMPHIS, TENN. (UPI) -- A FEDERAL JUDGE TUESDAY DISMISSED A CIVIL DAMAGE SUIT FILED BY THE CONFESSED ASSASSIN OF DR. MARTIN LUTHER KING JR. ON THE REQUEST OF THE PLAINTIFF.

U.S. DISTRICT JUDGE HARRY W. WELLFORD GRANTED THE REQUEST BY JAMES EARL RAY, WHO IS NOW SERVING 99 YEARS IN JAIL FOR THE ASSASSINATION, AFTER THE JUDGE RECEIVED A LETTER FROM RAY MONDAY.

WELLFORD HAD ALREADY DISMISSED TWO OF RAY'S CLAIMS IN THE SUIT WHICH ACCUSED AUTHOR GEROLD FRANK AND PUBLISHER DOUBLEDAY & CO., INC., OF NEW YORK, OF LIBELING RAY IN THE BOOK ENTITLED "AN AMERICAN DEATH."

THE THIRD CLAIM, FOR WHICH RAY REQUESTED A DISMISSAL, INCLUDED RAY'S EARLIER CONTENTION THAT DOUBLEDAY "FRAUDULENTLY" ACQUIRED RAY'S PERSONAL PROPERTY OR EVIDENCE THAT MIGHT HAVE BEEN HELPFUL TO HIS DEFENSE IN THE MURDER CASE.

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WASHINGTON CAPITAL NEWS SERVICE

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UPI040

(RAY)

NASHVILLE, TENN. (UPI) --THE STATE OF TENNESSEE WILL ASK THE U.S. SUPREME COURT LATER THIS MONTH TO REVERSE A RULING GRANTING JAMES EARL RAY A HEARING WHICH COULD LEAD TO A NEW TRIAL.

ASSISTANT STATE ATTORNEY GENERAL HENRY HAILE, CALLING RAY A "PUBLICITY HOUND," SAID FRIDAY THE STATE WOULD FILE THE APPEAL WITHIN 30 DAYS. THE HEARING WAS GRANTED EARLIER THIS YEAR BY THE 6TH U.S. CIRCUIT COURT OF APPEALS.

"HE (RAY) STOOD UP AND SAID HE WAS GUILTY TWO, THREE TIMES IN OPEN COURT--THAT OUGHT TO BE ENOUGH," SAID HAILE. HE SAID THE SUPREME COURT MAY RULE WHETHER OR NOT TO HEAR THE APPEAL AT THE END OF ITS CURRENT TERM.

RAY WAS SENTENCED TO 99 YEARS IN PRISON IN MARCH, 1969, FOR THE SNIPER SLAYING OF CIVIL RIGHTS LEADER DR. MARTIN LUTHER KING JR. ON A MEMPHIS MOTEL BALCONY. HE IS BEING HELD IN THE STATE PRISON HERE.

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WASHINGTON CAPITAL NEWS SERVICE

UPI 1037

(RAY)

NASHVILLE, TENN. (AP) -- U.S. DISTRICT COURT JUDGE L. CLURE MORTON HAS THROWN OUT A \$500,000 LAWSUIT FILED BY JAMES EARL RAY, CONVICTED ASSASSIN OF DR. MARTIN LUTHER KING JR.

MORTON SAID RAY'S COMPLAINT THAT HIS SOLITARY CONFINEMENT IN THE TENNESSEE STATE PRISON HERE WAS AFFECTING HIS HEALTH HAD BEEN PREVIOUSLY REJECTED IN ANOTHER CASE IN FEDERAL COURT.

ANOTHER ISSUE IN THE CASE, IN WHICH RAY SOUGHT \$500,000 DAMAGES FROM CORRECTIONS COMMISSIONER MARK LUTTRELL AND OTHER STATE OFFICIALS, WAS RAY'S OBJECTION TO A PROPOSED TRANSFER TO THE FEDERAL PRISON SYSTEM.

MORTON RULED JAN. 2 THAT HE DID NOT HAVE AUTHORITY TO INTERFERE WITH THE ADMINISTRATION OF THE STATE PENAL SYSTEM, IN THE ABSENCE OF ALLEGATIONS THAT RAY'S CONSTITUTIONAL RIGHTS WERE BEING VIOLATED.

THE THIRD ISSUE IN THE CASE WAS RAY'S CONTENTION THAT HIS ATTORNEYS, PARTICULARLY PERCY FOREMAN, SOLD HIM OUT FOR FINANCIAL GAIN IN URGING HIM TO PLEAD GUILTY IN 1969.

MORTON SAID THOSE ALLEGATIONS WILL BE CONSIDERED AT A HEARING ORDERED BY THE SIXTH U. S. CIRCUIT COURT OF APPEALS RECENTLY.

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WITH RAY

BY ANITA MARIE LAPHAM

MEMPHIS, TENN. (UPI) -- JAMES EARL RAY, CONFESSED ASSASSIN OF MARTIN LUTHER KING, WILL TAKE THE STAND AT AN EVIDENTIARY HEARING IN A "PERSONAL CONFRONTATION" WITH ATTORNEY PERCY FOREMAN, ONE OF RAY'S PRESENT ATTORNEYS SAID TUESDAY.

THE U.S. CIRCUIT COURT OF APPEALS RULED TUESDAY RAY DESERVED THE SPECIAL HEARING IN NASHVILLE FEDERAL COURT DUE TO FINANCIAL LINKS CEMENTED BETWEEN RAY AND FOREMAN THE NIGHT BEFORE RAY PLEADED GUILTY TO THE SLAYING.

"WE CONTEND THAT THE SO-CALLED GUILTY PLEA WAS NOT FREELY AND VOLUNTARILY GIVEN," ATTORNEY ROBERT I. LIVINGSTON SAID.

RAY HAS CLAIMED SINCE THE DAY AFTER HIS GUILTY PLEA, MADE MARCH 10, 1969, THAT HE WAS "COERCED" INTO THE PLEA BY FOREMAN'S LURE OF DECREASED ATTORNEY FEES FOR DEFENDING RAY.

"RAY WILL HAVE TO TAKE THE STAND," LIVINGSTON SAID. "IT WILL BE A PERSONAL CONFRONTATION OF JAMES EARL RAY AND PERCY FOREMAN TO DETERMINE WHETHER OR NOT THE GUILTY PLEA WAS FREE AND VOLUNTARY AND WHETHER HE (RAY) HAD FREE CONTROL OF HIS FACULTIES AND WHETHER THERE WERE CONFLICTS OF INTEREST INVOLVING PERCY FOREMAN AND OTHER INDIVIDUALS," LIVINGSTON SAID.

LIVINGSTON SAID RAY'S DEFENSE INTENDS TO SUBMIT AT THE HEARING A LETTER ON FOREMAN'S LETTERHEAD THAT OUTLINED A FINANCIAL AGREEMENT TO BE EFFECTIVE SHOULD RAY CONFESS TO THE APRIL 4, 1968, SLAYING OF THE CIVIL RIGHTS LEADER AT THE LORRAINE HOTEL.

"PERCY FOREMAN'S GOT THIS MAN ALL TIED UP IN CONTRACTS THAT IF HE (RAY) HAD ANY HOPE OF MAKING MONEY OUT OF BOOKS OR TELEVISION OR ANYTHING ELSE FOREMAN WOULD GET ANY PROCEEDS.

"THIS SEEMS TO BE A CLEAR CONFLICT OF INTEREST ON THE PART OF RAY'S ATTORNEY (FOREMAN)," LIVINGSTON SAID.

LIVINGSTON SAID RAY'S CURRENT DEFENSE ATTORNEYS WOULD CONTEND THAT RAY'S CONTAINMENT AT THE SHELBY COUNTY JAIL FOR EIGHT MONTHS BEFORE HIS TRIAL MADE RAY A VICTIM OF CRUEL AND UNUSUAL PUNISHMENT "LIKE NO PRISONER IN THE HISTORY OF TENNESSEE HAS EVER SEEN."

"WE CONTEND MR. RAY WAS NOT ABLE TO MAKE AN INTELLIGENT AND RATIONAL DECISION IN THE PLEA OF GUILTY.

"HE WAS PLACED FOR EIGHT MONTHS IN THIS IRON VAULT THE SHERIFF PREPARED FOR HIM AND HE DID NOT EVEN SEE THE SUN RISE FOR EIGHT SOLID MONTHS BECAUSE THERE WERE NO WINDOWS IN HIS CELL.

"THE CELL WAS EQUIPPED WITH CLOSED CIRCUIT TV OBSERVING HIS EVERY MOVE. ARMED GUARDS IN THE CELL WERE WITH HIM AT ALL TIMES. THERE WERE MICROPHONES IN THE CELL WHERE HE COULDN'T EVEN CONFER WITH HIS ATTORNEY WITHOUT THE FEAR OF BEING RECORDED."

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RAY 1-30
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BY FRED L. SEDANL

WASHVILLE, TENN. (UPI) -- ASSISTANT STATE ATTORNEY GENERAL WILLIAM H. HAILE SAID TUESDAY HE DOESN'T THINK A SPECIAL HEARING ORDERED BY THE U.S. 6TH CIRCUIT COURT OF APPEALS WILL AFFECT THE CONVICTION OF JAMES EARL RAY FOR THE ASSASSINATION OF DR. MARTIN LUTHER KING JR. "IT LOOKS LIKE WE MAY HAVE A HEARING, BUT I DOUBT IF IT WOULD HAVE ANY EFFECT ON THE OUTCOME" OF RAY'S TRIAL, IN WHICH HE PLEADED GUILTY AND RECEIVED A 99-YEAR PRISON SENTENCE, SAID HAILE.

"THE GUY STOOD UP IN OPEN COURT AND REPEATEDLY ADMITTED KILLING MARTIN LUTHER KING UNDER CIRCUMSTANCES THAT WARRANT A CONVICTION FOR FIRST-DEGREE MURDER," HAILE SAID.

THE FEDERAL APPEALS COURT IN CINCINNATI TUESDAY ORDERED AN EVIDENTIARY HEARING FOR RAY BECAUSE OF THE FINANCIAL ARRANGEMENTS BETWEEN RAY AND HIS ATTORNEY, PERCY FOREMAN, THAT PRECEDED HIS GUILTY PLEA.

"WE CONTEND THAT THE SO-CALLED GUILTY PLEA WAS NOT FREELY AND VOLUNTARILY GIVEN," SAID RAY'S PRESENT ATTORNEY, ROBERT I. LIVINGSTON. RAY HAS CONTENDED THAT HE WAS "COERCED" INTO THE PLEA BY FOREMAN'S LURE OF FINANCIAL GAIN.

"PERCY FOREMAN'S GOT THIS MAN SO TIED UP IN CONTRACTS THAT IF HE (RAY) HAD ANY HOPE OF MAKING MONEY OUT OF BOOKS OR TELEVISION OR ANYTHING ELSE, FOREMAN WOULD GET ANY PROCEEDS," SAID LIVINGSTON, WHO ADDED THAT A NEW TRIAL WOULD FEATURE A "PERSONAL CONFRONTATION" BETWEEN RAY AND FOREMAN.

HAILE SAID HE DIDN'T THINK RAY WOULD FARE ANY BETTER IN A NEW TRIAL BECAUSE THE TRIAL EVIDENCE AGAINST HIM IN THE APRIL 4, 1968, SLAYING OF KING AT MEMPHIS, TENN., WAS "REALLY OVERWHELMING."

"ANYBODY WHO READS THAT RECORD CAN'T COME AWAY BUT FEELING THAT HE (RAY) IS GUILTY," SAID HAILE.

HE SAID RAY'S FINGERPRINTS WERE ON THE MURDER WEAPON AND STRANDS OF HIS HAIR WERE FOUND IN THE ROOM FROM WHICH THE FATAL SHOTS WERE FIRED. "HE SIGNED THE 57-PARAGRAPH STIPULATION AND ADMITTED PULLING THE TRIGGER. I BELIEVE HE ACTED ALONE."

ASKED IF HE THOUGHT U.S. DISTRICT COURT COULD ORDER A FULL-SCALE TRIAL, HAILE REPLIED:

"I DON'T SEE ANY WAY UNLESS PERCY FOREMAN CAME IN HERE AND SAID, 'YEAH, I BEAT HIM EVERY DAY BEFORE BREAKFAST AND TOLD HIM HE WOULD GO TO THE ELECTRIC CHAIR IF HE DIDN'T PLEAD GUILTY'."

UPI 01-30 02:11 AED

Ray Appeals Conviction in King Murder

Associated Press

James Earl Ray, convicted killer of civil rights leader Dr. Martin Luther King Jr., asked the Supreme Court yesterday to review his case, claiming he was "set up to take the rap for a crime he didn't commit."

Ray's appeal said he was "framed by the FBI and local police, and then coerced by his own attorney to plead guilty against his will."

James H. Lesar, the Washington attorney representing Ray, wrote in asking the court to review Ray's conviction: "The charge is that those who did kill Dr. King are still at large, protected in part by the unwillingness of the courts to face these unpleasant facts."

The petition did not mention an investigation recently begun by the House into the assassinations of King and President Kennedy.

King was killed by a rifle blast as he stood on a motel balcony in Memphis in 1968.

Ray was arrested in London and brought back to the United States to stand trial. He pleaded guilty.

In his petition, Ray, now an inmate serving a life term in the Tennessee state penitentiary, said a thorough review of his conviction is needed because potential conflicts of interest between two of his attorneys denied him "effective assistance of counsel." Ray was represented originally by attorneys Arthur Hanes and Percy Foreman.

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Date 10/9/76

James J. Kilpatrick

Again, those unexplained assassination details

Just before it closed up shop for the year, the House of Representatives created a select committee to investigate the assassinations of John F. Kennedy and Martin Luther King. On balance — on very close balance — the venture may prove a useful undertaking.

Especially in the case of Kennedy, and to a lesser extent in the case of King, unanswered questions abound. These are questions of pervasive public interest. Nearly 13 years have passed since Kennedy was slain in Dallas; more than eight years have passed since King was slain in Memphis. The questions may be unanswerable. But if the House investigators cannot tie up all the loose ends, they may be able to settle some of the doubts. It is worth a try.

The House committee will be headed by Congressman Thomas N. Downing of Virginia. I happen to have known Tom Downing for 30 years. He is a man of exceptional integrity and common sense. He is not altogether unbiased in the matter of Kennedy's assassination. "I am convinced," he says, "that there was a conspiracy involved." But Downing is perhaps as unbiased as any person who has become fascinated by the Kennedy mystery. Downing is a lawyer, a former judge, a low-profile veteran of 18 years in the House. He is retiring at the end of this term, and has no political interest to promote.

Downing's 12-member committee will have a budget of \$150,000 to finance its

work until the 95th Congress convenes in January. Richard A. Sprague, of Philadelphia, an experienced federal prosecutor, has signed on as chief investigator. No one expects the inquiry to be completed in the next three months. By voting 280-65 to authorize the investigation, the House implicitly promised to renew its approval next year. So the committee will have time and money to make a responsible quest.

What are they searching for? Says Downing, with disarming simplicity, "the truth." He is satisfied that the original commission on Kennedy's assassination, headed by the late Chief Justice Earl Warren, never found the truth. For reasons that remain unclear to this day, the commission's staff never cleared up doubts that arose at the time; the Warren investigators obviously were unable to examine evidence that has developed in the ensuing years.

Some of the questions go directly to events that November day in Dallas. For one example, what kind of rifle was found on the sixth floor of the Textbook Depository Building? The rifle officially identified as the murder weapon, now in the National Archives, is a Mannlicher Carcano, a 6.5 Italian carbine. You can inspect it yourself. Yet the gun first identified in the Dallas press was a 7.65 bolt action Mauser. The three officers who found the gun have confirmed that identification in statements under oath. It seems incredible

that police officers, familiar with weapons, could have seen the words "Made in Italy Cal. 6.5," and read them as "7.65 Mauser."

Questions involving the rifle, the "miracle bullet," and the autopsy findings are the relatively easy questions. Downing's committee wants to explore the tangled, shadowy trail of events over a span of three years preceding the November day. Who was Lee Harvey Oswald? Who was he really? How many "Oswalds" were floating around? Out of the mists of conspiracy and intrigue arising from the dark waters of the Bay of Pigs, grotesque possibilities emerge.

The truth may never be found. Downing recognizes that discouraging prospect; he recognizes, too, that it may be impossible ever to satisfy the conspiracy cult that has swarmed around the Kennedy assassination. In the whole of the Washington fruitcake, there are no nuttier nuts than the Kennedy nuts.

What troubles me is the precedent this select committee may set. Legislative committees have no authority to function as grand juries. Their only authority is to investigate in areas of specific legislative interest.

The sole purpose of this investigation is to satisfy a gnawing national curiosity. I have not supposed this to be a function of the legislative branch, but it may be capacious to complain. Onward, Downing! And leave no stone unturned.

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Full Inquiry Vowed on JFK, King

By Mary Russell

Washington Post Staff Writer

Richard Sprague, sworn in yesterday as the acting counsel and director of the House select committee investigating the assassinations of John F. Kennedy and Martin Luther King Jr., promised that "no document" and "no witness" would be beyond the reach of his investigation into the murder of the two American leaders.

Sprague said the committee had given him virtually carte blanche to look into the Kennedy and King deaths.

House committee chairman Thomas Downing confirmed that the committee members would retain only the right to "veto" Sprague's actions, but would not interfere with his investigation and were giving him total control of hiring and firing staff.

Sprague, 51, built a reputation as a determined prosecutor when he served as assistant district attorney in Philadelphia from 1958 to 1974. He won convictions in more than 60 first degree murder cases, losing only one. He is best known for the conviction of United Mine Workers president W. A. (Tony) Boyle in the murder of Joseph Yablonski, a union opponent.

Sprague said yesterday he was asking immediately that a meeting be set up between himself and the heads of the Justice Department, the FBI and the CIA.

He said if the CIA or FBI attempted to withhold material, he hoped Congress would be asked to back up the committee with contempt citations and "then we could go to the courts."

Sprague emphasized that he was "entering the investigation with a completely open mind," and added, "I start assuming nothing. I start from ground zero."

He said he would attempt to find out who did the killings, what individuals were involved and whether "any individual or agency attempted to thwart" the investigations.

A Senate select intelligence committee report recently revealed that the Warren Commission was not told of attempts by the CIA to assassinate Cuban Prime Minister Fidel Castro. There have been other revelations that the FBI destroyed a note from Lee Harvey Oswald. In King's death, Frank C. Holloman, the Memphis police chief and a former FBI official, pulled off King's black security guard and transferred two firemen from a station across the street from where King was killed on the day of King's death.

Sprague said he would conduct the investigations of the King and Kennedy deaths simultaneously. He refused to put a deadline on the investigations, saying he would have to go back to witnesses many times and it could take a "space of years."

The select committee, formed only a few weeks ago, dies at the end of the year and must be reconstituted at the beginning of the next Congress in January.

Rep. Henry Gonzalez (D-Tex) is expected to be the new committee chairman. Downing is retiring from Congress at the end of the year.

Sprague, who is now in the private practice of law, said he would be paid the top salary for a congressional staff person, about \$38,000 or \$39,000.

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 The National Observer _____
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Date 10-8-76

The Washington Post
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Associated Press

Richard Sprague answers reporters' questions after being sworn in as counsel in assassination inquiry. With him Del. Walter Fauntroy (D-D.C.) and Rep. Thomas Downing (D-Va.), House committee chairman.

Lawyer Says He Thinks Ray 'Covering Up for Someone'

MEMPHIS, June 9 (AP)—One of James Earl Ray's attorneys said Thursady that he was convinced his client was not acting alone in the 1968 slaying of the Rev. Dr. Martin Luther King Jr. Robert I. Livingston said that Mr. Ray's only hope for freedom from a 99-year prison sentence was to tell all and hope for executive clemency. "I'm convinced he's covering up for someone," Mr. Livingston said in a telephone interview.

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The FBI And King

THERE IS NO QUESTION but that the full review of the FBI investigation of the murder of Martin Luther King must be thorough and open.

The burden on Atty. Gen. Edward Levi is heavy. He already is under criticism from blacks for refusing to go outside the Justice Department to find an inquiry team.

The suspicions are understandable. Historically we in Memphis have seen such suspicion mount from the moment in April, 1968, that King was shot while standing on a balcony of the Lorraine Motel. We watched as law-enforcement instantly snapped shut every source of information, as agents of the Federal Bureau of Investigation took command under a shield of "no comment." Even the question of who had ordered "no comment" was met by "no comment."

Many black leaders already felt King had been harassed by the FBI. Today we know that was so. The late J. Edgar Hoover, from his powerful position as FBI director, displayed hostility toward the black civil rights leader. As one Justice Department official now says, "Instances were found indicating that the FBI undertook a systematic program of harassment of Dr. King in order to discredit him and harm both him and the movement he led."

That bitter fact still leads many black people to question whether the FBI can be trusted to investigate itself in this matter, and whether the U.S. attorney general can be believed when he says the FBI is clean.

IT IS NOW EIGHT YEARS since King was murdered. Hoover is dead. The FBI has undergone much house-cleaning since the days of Watergate. The record of its present director, Clarence M. Kelley, is unsullied. Atty. Gen. Levi, too, has proved that is is not politically beholden. The day of attorneys general such as Robert F. Kennedy and John Mitchell is past.

It is vitally important that this nation and all its people — white and black, majority and minority — have confidence in the Justice Department and the FBI. We cannot do without them. They cannot operate without public trust.

And that is why it is essential that once and for all the Justice Department remove any doubts about possible FBI conspiracy to do harm to King, or to cover up such action.

Levi has named Michael E. Shaheen, a former Mississippian, to retrace all FBI activity in the King death through the voluminous files in Washington and certain field offices, including the one in Memphis. Although the clamor for an outside commission, including civil rights leaders, to run such an inquiry is strong among blacks, Levi rejects this. Shaheen, who has been in charge of overseeing security and conduct within the Justice Department, should be a capable chief for this job.

But if it takes somebody from outside, looking over Shaheen's shoulder in order to achieve full confidence in the inquiry's outcome, so be it. The perception by blacks of misfeasance and/or mischief is as serious to the ultimate effectiveness of the FBI as would be the reality. Both must be thoroughly dispelled by an investigation that leaves no unanswered questions or room for dispute.

This issue must be resolved. The nation should not have to keep rehashing assassinations years after the solutions are supposed to have been found and justice is supposed to have been done.

Blind and worshipful trust of the FBI is a thing of the past. But the people must be convinced it is telling the truth, and that its methods are above reproach.

KELLEY AND Levi appear to be doing admirably in a difficult time. But until black leaders are satisfied that is so, the necessary confidence in the law-enforcement arm of federal government will not be strong enough.

Persons rising to places of power often speak of taking on a job because it is challenging. None could be more challenging that this one.

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Section 6

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: MAY 2, 1976

Edition:

Author:

Editor: MICHAEL GREHL

Title: MURKIN

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Submitting Office: MEMPHIS

☐ Being Investigated

FBI Labeled King 'Communist' in '62

By George Lardner Jr.
Washington Post Staff Writer

The FBI secretly categorized the late Martin Luther King Jr. as a "Communist" months before it ever started investigating him, the staff of the Senate intelligence committee reported yesterday.

Chronicling what it described as the FBI's "vicious vendetta" against King, the 102-page study disclosed that the campaign to discredit him not only continued after his death in 1968 but also included a proposed scheme to harass his widow.

The concerted undercover campaign against the slain civil rights leader was first laid out at a Senate intelligence committee hearing last November, but yesterday's report added stark details.

The Senate investigators, however, shied away from any firm conclusions on the touchy issue of whether the late Attorney General Robert F. Kennedy was aware of the FBI's repeated bugging of King's hotel rooms for information about his "private activities."

The staff report said there is no evidence that Kennedy was ever "expressly informed" of the microphones hidden in King's hotel and motel rooms over a two-year period. However, a Dec. 15, 1966, memo from the files of the FBI's Domestic Intelligence Division pointed out that Kennedy had been furnished in 1964 with a top secret, eight-page summary of

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the fruits of electronic eavesdropping on King's activities at the Willard Hotel in Washington, the Hilton Hawaiian Village in Honolulu and the Hyatt House Hotel in Los Angeles.

The wording of the top secret report to Kennedy, the 1966 FBI memo stated, was "couched in such a manner that it is obvious that a microphone was the source."

According to the study, the effort to destroy King was "marked by extreme personal vindictiveness," especially on the part of the late FBI Director J. Edgar Hoover. As early as February, 1962, the report showed, Hoover, for reasons that are not entirely clear, jotted down on an FBI memo that crossed his desk the conclusion that "King is no good."

Some three months later, in May, 1962, the FBI included King on a secret list—known as "Section A of the Reserve Index"—of individuals who were to be rounded up and detained in the event of a national emergency.

The bureau did not begin an investigation of alleged Communist influences on King or his Southern Christian Leadership Conference until October, 1962.

The so-called FBI "action memorandum" putting King on the list of potential detainees stated that his name should be "placed in Section A of the Reserve Index and tabbed Communist." According to Senate investigators, the index itself had been known as the "Communist Index" until 1960 when it was renamed and expanded to include "influential" persons deemed likely to "aid subversive elements" in an emergency because of their "subversive associations and ideology."

Others on the list, an earlier Senate committee report showed, included author Norman Mailer as well as "a professor who merely praised the Soviet Union to his class."

The subsequent FBI investigations of King and the Leadership conference soon escalated into a smear campaign that lasted for years, the staff study showed.

In April, 1969, a year after King's assassination in Memphis, the FBI's Atlanta bureau drafted a plan that it forwarded to Washington "in the event the bureau is inclined to entertain counter intelligence action against Coretta Scott King and/or the continuous projection of the public image of Martin Luther King."

Hoover turned the proposal down in a reply memo stating simply that "the bureau does not desire counterintelligence action against Coretta King of the nature you suggest at this time."

The FBI director, however, apparently was more receptive to an effort to stop Congress from declaring King's birthday a national holiday.

Alerted that members of the House Internal Security Committee might be contacting the bureau for a briefing on King in light of the proposed holiday, the FBI's Crime Records Division recommended such a session because, a March 18, 1969, memo stated, the members of Congress were in a position to keep the bill bottled up if "they realize King was a scoundrel."

Top-ranking Hoover aide Cartha DeLoach, the Senate report said, advised that such a briefing "is a delicate matter but can be handled very cautiously." Hoover, in must be handled very cautiously."

The report does not indicate whether the briefings were held. Congress has yet to vote on a Martin Luther King birthday bill.

The report on the FBI's campaign against King is one of 13 staff studies to be released this week and next as a windup of the Senate committee's 15-month investigation of the domestic work of Nation's intelligence community.

Chairman Frank Church (D-Idaho) told reporters at a briefing this week that the detailed studies were being published to inform the public of "the extent of the crimes that took place" under the cloak of national security and to encourage Congress to enact reforms.

Renewing his call for an independent special prosecutor to assess all the evidence, compiled by the committee in various cases, Church also emphasized his chagrin at the Justice Department's inaction over the past year.

Church acknowledged that prosecution of many incidents might be barred because of the five-year statute of limitations, but he made plain his dissatisfaction with Attorney General Edward Levi's standard comment that the Justice

Department is still "investigating."

"Months ago, we began turning over material to the Justice Department," Church protested. "I am only aware that up to now no indictments have been issued ... and no criminal proceedings initiated by any agency against anybody."

The FBI's investigation of King and the SCLC began in October, 1962, as a so-called "Cominfil" inquiry. An acronym for Communist infiltration, the label was used to describe investigations of legitimate non-Communist organizations that the FBI believed to be influenced by Communist Party members. The investigations were to determine the extent of alleged Communist influence.

Senate investigators said the inquiry stemmed from allegations that first appeared in an FBI report to Attorney General Kennedy on Jan. 8, 1962, calling one of King's advisers "a member of the Communist Party." Within a few months, the Senate study added, FBI reports were describing another of King's associates as a "member of the National Committee of the Communist Party."

Although the names of both men have been public knowledge for years, the study referred to the two men—Stanley Levison and Jack O'Dell—only as "Advisor A" and "Advisor B" respectively. O'Dell's name was even deleted from footnotes and passages in the report, which cites past congressional public testimony and newspaper headlines.

The Senate investigators said they were "unable to reach a conclusion concerning the accuracy of the FBI's charges" about the two advisers. The report noted FBI files "to obtain information that Adviser A and Adviser B had been members of the Communist Party at some point" before October, 1962, but not afterward.

The report added that the FBI refused to provide the committee with the basis for its charges on the grounds that to do so "would compromise informants of continuing use to the bureau."

At the same time, there was no indication in the report that the Senate committee staff secured the testimony of either Levison or O'Dell in an effort to clarify the issue. Levison, a semi-retired New York businessman and civic leader publicly stated in an interview with The Washington Post last December that he was the victim of "guilt by association"—compounded by allegations of an ex-business associates who falsely named other persons as "secret Communists" in order to clear himself.

The Senate staff report emphasized that "in any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a Communist or connected with the Communist Party."

Yet instead of pursuing the alleged Communists themselves, the report noted, "the bureau adopted the curious tactic of trying to discredit the supposed target of Communist Party interest—Dr. King himself."

The investigation turned rapidly into a smear campaign after the 1963 March on Washington which established King at the head of the civil rights movement. At a December, 1963, anti-King strategy meeting at FBI headquarters here, high-ranking officials discussed a long list of proposals, including "placing a good looking female plant in Dr. King's office."

Asked if this were a
More than 20 reels more
practice, former FBI Assist-
ant Director William Sulli-
van, told the committee in
hitherto secret testimony
that it was "No holds were
barred," he said. "This is a
rough, tough business."

Some two weeks after the
December strategy session,
the first of at least 16 bugs
was planted in King's room
at the Willard Hotel here,
yielding 19 reels of tape.

More than 20 reels more
were obtained from King's
visits the next month to
Honolulu and Los Angeles.

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The FBI and Martin Luther King

IT IS QUITE CLEAR, as Attorney General Edward H. Levi has recognized, that the questions about the relationships between the FBI and the late Dr. Martin Luther King can be answered only by a full investigation of FBI files across the country. Enough is already known from the files in Washington to raise substantial doubts about the legality of some of the operations the agency mounted against Dr. King. The real question, however, is whether the Department of Justice has sufficiently straightened itself out under Mr. Levi's direction to be able to win public confidence in the integrity of an internal investigation.

We are sympathetic to what Mr. Levi is attempting to do in keeping the investigation internal as distinct from naming a commission of prominent citizens to conduct it. He has taken this opportunity to demonstrate his belief that the department has recovered from its unsavory recent past. He may well be right. But whether he is right in thinking the public can be persuaded to share that belief may depend not only on the quality of the investigation he has ordered,

but also on the results it produces. In a perverse way, it seems likely that the more dirt the investigation uncovers, the more confidence it will generate in its own integrity.

Mr. Levi could have chosen a far easier course by asking outsiders to survey the files and run the investigation. And he—or his successor—may still have to do that if the internally generated report even seems to have an unpersuasive ring to it by any reasonable test. The hard fact is that reputations, once lost, are hard to restore. Moreover, Mr. Levi did not have an easy choice; it is worth keeping in mind that the country's experience with commissions named to investigate such situations has been far from satisfactory. A good many people have never accepted the findings of the commission that investigated the assassination of President Kennedy, and there is no assurance that any new inquiry conducted from within the Justice Department or from outside of it will be able to satisfy all those who are troubled about the way the FBI treated Dr. King.

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Levi Orders F.B.I. Files on Dr. King Reviewed in a Broadening of Inquiry

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, April 29—

Attorney General Edward H. Levi has ordered an internal Justice Department review of some 2,500 files compiled by the Federal Bureau of Investigation on the Rev. Dr. Martin Luther King Jr., both before and after his assassination in 1968.

In a statement released today, Mr. Levi said that his order for an expanded investigation issued last Monday, had been based on a recommendation from lawyers in the department's civil rights division who have spent the last five months studying both the King assassination and the F.B.I.'s campaign to harass and discredit him in the six years before his death.

The initial finding conveyed to Mr. Levi by J. Stanley Pottinger, head of the civil rights division, was that no evidence had been found to suggest either that the F.B.I.'s harassment program contributed to the civil rights leader's death or that the bureau's investigation of his murder was less than thorough.

Mr. Pottinger said at a news conference later that he believed it was "possible" that evidence to contradict this finding might turn up in the 2,500 files believed to contain more than 200,000 documents in

F.B.I. field offices around the country.

Interviews With Agents

The expanded investigation, which will be conducted by the Justice Department's new office of professional responsibility, will also include interviews with present and former agents involved in the harassment campaign of the assassination investigation, a department spokesman said.

Mr. Pottinger's conclusions were based only on an examination of the 96-volume central, or "core" file, here, summarizing the bureau's investigation that led to the arrest of James Earl Ray, who pleaded guilty to Dr. King's murder but has since attempted to renounce that plea.

The core file also contained some details of what Mr. Levi termed "a systematic program of harassment of Dr. King in order to discredit him and harm both him and the movement he led."

The Attorney General said he had ordered that the new, broader investigation provide conclusive answers to the questions addressed by Mr. Pottinger and furnish him with any evidence there might be that "the nature of the relationship between the bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action" by the Justice Department.

Mr. Levi ordered the Pottinger inquiry last fall, after dis-

closures by the Senate intelligence committee that the F.B.I. bugged Dr. King's hotel rooms, sent tape recordings of his sexual activities to his wife, Coretta, mailed him an anonymous note that he interpreted as a suggestion that he commit suicide and sought to replace him as head of the civil rights movement with a black leader of the bureau's own choosing.

Mr. Pottinger's report to Mr. Levi containing the recommendation for an expanded inquiry reportedly also suggested that the Attorney General appoint an independent commission of prominent American citizens to review the full F.B.I. record, along the lines of the commission, under the late Chief Justice Earl Warren, that investigated the Assassination of President Kennedy.

No explanation of why Mr. Levi chose to keep the King investigation inside the Justice Department was immediately forthcoming, however.

The Rev. Ralph David Abernathy, who succeeded Dr. King as head of the Southern Christian Leadership Conference, said in Atlanta today that he continued to lack faith in the bureau's investigation of Dr. King's death.

Mr. Abernathy said he would "not be satisfied" until President Ford assigned the task of producing a final verdict on Dr. King's death to "a special committee of distinguished American citizens who owe no allegiance to anyone except to

their country and to justice and to truth."

Lawyer Sees 'Cover Up'

MEMPHIS, Tenn., April 29 (PI)—A lawyer for James Earl Ray, convicted slayer of Dr. King, said today that the investigation by the Justice Department was merely "another coverup."

Robert N. Livingston said that neither he nor his client, who is serving a 99-year sentence at the Tennessee State Prison in Nashville, expected anything from the five-month inquiry of the slaying of the civil rights leader.

Mr. Livingston said, "I don't think the truth will ever be known until the investigation is put into the hands of a body completely disassociated with the Department of Justice."

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The FBI and Martin Luther King

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The Washington Post
 5-4-76
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Examine King case from all sides

The recent four-month U.S. Justice Department review of the circumstances surrounding the assassination of Rev. Martin Luther King turned up no evidence that the FBI or any other government agency was involved in the murder. But that was reassuring only as far as it went.

Recent revelations that Dr. King was subjected to wiretapping and harassment by the FBI have deepened the suspicions that were first raised about the original government investigation of the assassination.

Clearing away those suspicions demands not only that the government again review the case, as it has now done, that the murder be examined from outside. So it's encouraging to learn that the Justice Department's Civil Rights Division is about to recommend the appointment of such an independent committee.

It's to be hoped that the recommendation is both made and accepted. The shooting of Dr. King may never be satisfactorily explained, but it's essential that nothing be left undone in the search for possible motives and conspiracies. The memory of a great man demands nothing less.

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☐ Being Investigated

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Independent Probe On King Proposed

By John M. Goshko and Warren Brown
Washington Post Staff Writers

The Justice Department's Civil Rights Division next week will recommend that Attorney General Edward H. Levi appoint a committee of persons outside of government to study the 1968 assassination of the Rev. Dr. Martin Luther King Jr.

Informed sources said the recommendation by Assistant Attorney General J. Stanley Pottinger will argue that an independent inquiry is necessary even though a four-month Justice Department review of the King case found no evidence that the FBI or other government agencies were involved in the killing of the black civil rights leader.

Suspensions have been raised about the initial government probe of the murder

because of recent revelations that the FBI subjected King to wiretapping and harassment. Questions also have been raised about whether the motives and activities of the convicted assassin, James Earl Ray, have been fully explained.

For these reasons, the sources said, Pottinger, who headed the review, feels that an independent inquiry is necessary to resolve the questions still surrounding the April 4, 1968, shooting of King in Memphis.

The inquiry would determine whether a full-scale investigation of the assassination should be resumed. And, the sources said, Pottinger's report will recommend that for reasons of credibility it should be conducted by persons independent of the Justice Department, which has policy control over the FBI.

See KING, A9, Col 1

KING, From A1

According to the sources, Pottinger is recommending that the committee of inquiry look into such questions as whether there was any FBI complicity in King's death, whether the FBI violated any laws or policy guidelines in its dealings with King, and whether any conspiracy, say, of persons outside government, was connected to the murder.

The sources said the study committee, as envisioned in Pottinger's report, would have no prosecutorial function. Instead, it would review the record, hear new evidence, if any, and advise the Attorney General whether it believes that there are grounds for pursuing the King case, technically never closed, with a renewed investigation.

Questions about the King case have been growing since last November when the Senate intelligence committee hearings revealed that the late FBI director, J. Edgar Hoover, had inspired

a secret, six-year campaign to harass and try to discredit King. Agents bugged Dr. King's telephone conversations and sent him an anonymous letter containing defamatory information about his personal life.

Ray, who has told a murky and contradictory story about his involvement in the murder, is now seeking to overturn his 99-year prison sentence and win a new trial. His lawyers have said that if his appeal is granted, Ray will attempt to prove that he was coerced into pleading guilty to the killing.

These developments caused Levi to direct the Civil Rights Division, which is headed by Pottinger, to review federal records relating to the assassination for any additional light they might shed on the FBI's campaign against King and its pursuit of Ray.

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review federal records relating to the assassination for any additional light they might shed on the FBI's campaign against King and its pursuit of Ray.

Inquiry on Dr. King Death Finds No Plot or U.S. Role

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, March 23—The Justice Department's civil rights division, after a four-month study of Federal records relating to the assassination of the Rev. Dr. Martin Luther King Jr., has found no evidence of government complicity or of a tangible conspiracy in the black leader's death, according to department sources.

But Assistant Attorney General J. Stanley Pottinger, who headed the review of files compiled at the time of Dr. King's death in 1968, is nevertheless expected by some Justice officials to recommend a new inquiry into the assassination in hopes of resolving persistent questions about the motives and activities of James Earl Ray, the convicted assassin.

One source noted that Mr. Pottinger's report on the matter, described as "quite lengthy," would not be sent to Attorney General Edward H. Levi until late this week or early next and that a recommendation to begin a full-scale field investigation of the Memphis assassination had not yet been committed to paper.

But the source said that a new investigation would be "the most credible way to handle" the renewed public concern that resulted from disclosures last November by the Senate Intelligence Committee of a secret, six-year effort by the Federal Bureau of Investigation to harass and discredit Dr. King.

Those disclosures prompted Mr. Levi to ask the civil rights division to review both the F.B.I.'s covert attempt to dis-

rupt Dr. King's civil rights campaign and the volumes of evidence gathered by the bureau in its search for Mr. Ray, who was sentenced to 99 years in jail after confessing his guilt as Dr. King's murderer.

There was initial concern among past and present Justice lawyers familiar with the King case that the F.B.I. might have contributed directly or inadvertently to Dr. King's death or might have failed to warn him of a plot against his life.

Although the civil rights lawyers reportedly have found no hint that the F.B.I. played a role in Dr. King's death, or that Mr. Ray was only a part of a larger assassination conspiracy, they apparently have concluded that a new new F.B.I. investigation of the murder would prove or disprove, once and for all, Mr. Ray's allegations.

Mr. Ray is now seeking a new trial, and his case is before the United States Court of Appeals for the Sixth Circuit in Cincinnati. If his appeal is granted, his lawyers say, he will attempt to show only that he was coerced into admitting his guilt and will not help identify the "real" assassin.

Mr. Ray admits to having been in Memphis on April 4, 1968, the day that Dr. King was felled by a high-powered rifle bullet fired from a rooming house near his hotel. But the prisoner has since told a tangled and sometimes contradictory story that makes him out to be a pawn in a larger plot to murder Dr. King.

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Justice Finds No FBI Link to King Death

Justice Department lawyers have found no evidence of FBI involvement in the assassination of Dr. Martin Luther King Jr. and are satisfied that the FBI's investigation of King's death was handled "thoroughly and efficiently," informed sources report.

The assessment was based on a review of the FBI's voluminous file on the black civil rights leader.

The findings and possibly a recommendation for a full-scale probe of the FBI's harassment campaign of King are expected to be turned over to Atty. Gen. Edward H. Levi soon. Levi ordered the inquiry last November following disclosures by the Senate Intelligence Committee that the FBI sought to destroy King as a leader.

But the source said that a new investigation would be the more precise way to determine whether the FBI had been in Memphis on April 4, 1968, the day that Dr. King was killed. The source said that the FBI had been in Memphis on April 4, 1968, the day that Dr. King was killed. The source said that the FBI had been in Memphis on April 4, 1968, the day that Dr. King was killed.

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Justice Dept. Review of His File

No FBI Tie to King Death Found

By Jerry Oppenheimer
Washington Star Staff Writer

Justice Department lawyers have found no evidence of FBI involvement in the assassination of Dr. Martin Luther King Jr. and are satisfied that the FBI's investigation of King's death was handled "thoroughly and efficiently," informed sources said yesterday.

The assessment was based on a nearly completed review of the FBI's voluminous file on the black civil rights leader.

The findings and possibly a recommendation for a full-scale probe of the FBI's harassment campaign of King are expected to be turned over to Atty. Gen. Edward H. Levi by the end of next week or early next week.

Levi ordered the inquiry last November following disclosures by the Senate Intelligence Committee that the FBI sought to destroy King as a leader.

LEVI SAID HE wanted to determine through the inquiry if the campaign had been related in any way to the assassination of King or to the outcome of the FBI's investigation of the slaying.

A number of black leaders have charged that the disclosures of efforts to discredit and harass King supported their theory that the April 1968 assassination was part of a conspiracy that possibly involved the FBI.

But one source familiar with the scope of the inquiry said that "every possible lead, allegation

and rumor" has been tracked down and "there is nothing to suggest that James Earl Ray did not work alone."

Ray, said to have refused interviews with Justice lawyers because he is seeking a new trial, was arrested for the King murder, pleaded guilty and was sentenced to 99 years in prison.

THE REVIEW of the King files, it was said, showed "an unwarranted and excessive intrusion" into King's personal life by the FBI. One official said that, "I don't think they (the FBI) will come out smelling like roses" in the report.

The files showed that the late FBI Director J. Edgar Hoover "simply had an irrational preoccupation with King," it was said.

But one of the key ques-

tions investigators hope to answer in their report is whether, in fact, any of King's constitutional rights were violated. However, sources indicated yesterday that it was doubtful any prosecution would be recommended because the statute of limitations on alleged illegal acts had run out and some of those involved in the FBI campaign were now deceased.

Under consideration, but still not decided yet by the Civil Rights division lawyers involved in the inquiry, is whether a broad investigation into the FBI's activities involving King should be recommended to Levi. One possibility, it was said, was for the formation of a blue-ribbon committee of persons outside government to look at all aspects of the case.

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Ray Maintains Innocence In Plea for New Trial

By CHARLES DURFEY
Special to The Press-Scimitar

CINCINNATI, Ohio. — James Earl Ray did not kill Dr. Martin Luther King Jr. and for that reason he should be given a new trial, attorneys for Ray told the U.S. Sixth Circuit Court of Appeals today.

While questioning of James Lesar, one of Ray's Washington, D.C., attorneys this morning, members of the three judge-panel focused on "apparent lies," told by Ray during his original trial.

Judge Anthony J. Celebrezze asked Lesar if Ray was now contending that he didn't shoot King.

Lesar said, "That is correct."

"Then he lied twice," said Celebrezze, citing Ray's guilty plea in Shelby County Criminal Court and in a document presented to that court.

Hearing the legal arguments in addition to Celebrezze were Chief Judge Harry Phillips and Circuit Judge William E. Miller.

After asking whether Ray "understood what he was doing when pleading guilty," Celebrezze answered the question himself, saying "He probably knew more law than his attorney, he's been in and out of jail so much."

Judge Miller was interested in whether Percy Foreman of Houston, Ray's former attorney, adequately represented Ray in the case.

Lesar contended Foreman improperly advised Ray to plead guilty because Foreman did not conduct an independent investigation of the case and stood to profit from a book about Ray.

Lesar asked the three-judge panel to overturn Ray's first degree murder conviction and order a trial so the evidence can be brought out in public.

The hearing today was to review U.S. Dist. Judge Robert M. McRae's denial of the new trial request last February. The Memphis judge decided after eight days of hearings that Ray's 1969 confession to the murder of Dr. Martin Luther King Jr. was voluntarily made on the advice of competent attorneys.

Ray, who has served seven years of a 99-year prison sentence at the Nashville

state penitentiary, claims his former attorneys, Foreman and Arthur Hanes of Birmingham, pressured him to plead guilty and compromised his interests by signing contracts for royalty rights to a book on the slaying.

Lesar claimed that Judge McRae failed to conduct a "full scale judicial inquiry" into the assassination as ordered by the Cincinnati based appeals court in 1974.

Attorneys from the Tennessee Attorney General's office opposed Ray's request for a new trial and said that McRae did conduct a detailed investigation.

Ray "admitted his guilt" to the first degree murder of Dr. King with full knowledge of the direct consequences, Asst. State Atty. Gen. Joe Haynes said.

Each side had been allocated 20 minutes for arguments, but the three judge panel allowed Lesar to argue for 45 minutes to the state's 20.

A decision is not expected for several weeks.

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Memphis Press-Scimitar

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Editor: MILTON R. BRITTEN
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CBS Is Denied Ray Evidence

NASHVILLE (AP) — The Court of Criminal Appeals has rejected a request by CBS News that it be permitted to conduct scientific tests on some of the evidence used in the murder trial of James Earl Ray.

The court held that neither the public nor the news media has an absolute right to photograph or conduct scientific tests on evidence in a criminal case.

CBS made the request while working on an hour-long documentary, shown last month, examining theories that Ray did not act alone in the assassination of civil rights leader Dr. Martin Luther King Jr.

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

PAGE 3

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: JAN. 30, 1976

Edition:

Author:

Editor: MICHAEL GREHL

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

(Mount Clipping in Space Below)

Ray Denies He Slew King

By MARVIN BEARD
Enquirer Reporter

James Earl Ray did not kill Dr. Martin Luther King Jr., Ray's lawyer said in Cincinnati Tuesday.

James H. Lesar, the lawyer, argued before the U. S. Court of Appeals for the Sixth Circuit that Ray—who pleaded guilty in 1969 to killing Dr. King—should receive a trial. He said Ray was coerced into his guilty plea, and was framed.

After the 90-minute session before the appellate court, Lesar spoke briefly with newsmen.

"Are you saying that Ray did not kill Dr. King?" he was asked.

"Yes," Lesar responded.

"Are you saying that Ray did not fire that shot from a rooming house bathroom that struck Dr. King as he stood on a motel balcony in Memphis in 1968?"

"Yes."

LESAR SAID that if there was any conspiracy in the killing of Dr. King, perhaps the foremost civil rights leader of his day, then "the conspiracy was to frame James Earl Ray."

If Ray did not kill Dr. King, then who did, Lesar was asked. "You know I could not respond to that question, even if I thought I knew the answer," he said.

Dr. King was killed April 4, 1968. Ray was arrested in England later that year and on March 10, 1969.

pleaded guilty in a Tennessee court to murder. He was sentenced to 99 years.

Ray's attorney at the time of his plea was Percy Foreman.

"FOREMAN HAD money riding on whether Ray pleaded guilty," Lesar told the appellate court Tuesday, referring to money the lawyer might earn from publication rights concerning the case.

Lesar, who said he has been one of the lawyers representing Ray for five years, told the court that Foreman did not conduct an adequate investigation into the case, induced Ray improperly into pleading guilty, and coerced him into doing so.

William J. Haynes Jr., a Tennessee assistant state attorney general, arguing the other side, said Foreman did conduct an extensive investigation.

"And he found nothing to refute the state's case (against Ray)," Haynes said.

And, he said, despite what Ray might have said since 1969, "he never controverted (one part of a stipulation that Ray initialed) that he, and he alone, fired the shot that killed Dr. King."

Haynes said that Foreman advised Ray to plead guilty "to save his (Ray's) life."

Judge Anthony Celebrezze, one of the three judges hearing Ray's appeal, noted that Ray had initialed every page of the stipulations containing the statement that he had shot Dr. King, but now was denying the shooting.

"Then he is lying, either then or now," Celebrezze said.

The court took the appeal under advisement. It will rule later.

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

D-1 Cincinnati Enquirer
Cincinnati, Ohio

Cincinnati Post
Cincinnati, Ohio

Citizens Journal
Columbus, Ohio

Columbus Dispatch
Columbus, Ohio

Journal Herald
Dayton, Ohio

Dayton Daily News
Dayton, Ohio

Date: 2/4/76
Edition: Final
Author: Marvin Beard
Editor: William J.
Title: Keating

James Earl Ray
Character:
or
Classification: 157-1893
Submitting Office: CINCINNATI
☐ Being Investigated

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FBI - CINCINNATI

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Date 2/6/76

(Mount Clipping in Space Below)

Ray's attorneys say he didn't kill King

BY CHARLES DURFEY

James Earl Ray did not kill Dr. Martin Luther King, his attorneys told judges of the Sixth Circuit Court of Appeals here today.

The attorneys are seeking to have Ray's 99-year first degree murder sentence canceled and a new investigation into the case and trial ordered.

"From the very first this case has been sabotaged with abuse of power," a brief filed by Ray's attorneys with the Sixth Circuit Court of Appeals says, adding that Ray has been victimized by "massive and repeated illegalities."

James H. Lesar, a Washington D. C. attorney representing Ray, asked the three-judge panel to overturn Ray's first degree murder conviction and order a trial so that the evidence in the case can be brought out in public.

"I think its the only way for the matter to be cleared up," Lesar said in an interview yesterday. "For the past eight years every attempt that has been made outside the court room has caused worse confusion."

LESAR TOLD the court that Ray deserves a new trial because his former attorneys coerced him into pleading guilty, failed to adequately investigate the King assassination and had a conflict of interest which kept them from representing him properly.

He also contended that U. S. District Court Judge Robert M. McRae, of Western Tennessee, failed to conduct a "full-scale judicial inquiry" into the assassination as ordered by the Cincinnati-based appeals court in 1974.

IN QUESTIONING of Lesar this morning, members of the three-judge panel focused on apparent lies by Ray, now 48, during his original trial.

Judge Anthony J. Celebrezze asked Lesar if Ray was now contending that he didn't shoot King. Lesar said that was correct.

"Then he lied twice," said Celebrezze, citing Ray's guilty plea in Shelby County, Tenn. Criminal Court and in a document presented to that court.

Asking whether or not Ray understood what he was doing in pleading guilty," Celebrezze added, "He probably knew more law than his attorney, because he's been in and out of jail so much."

Judge William E. Miller focused on questions about whether or not Percy Foreman, Ray's former attorney, adequately represented Ray in the case.

Lesar contended Foreman improperly advised Ray to plead guilty because Foreman did not conduct an independent investigation of the case and because the attorney stands to profit from a book on Ray.

IN HIS OPENING statement, Lesar called Ray's case "unique and bizarre beyond belief."

Attorneys from the Tennessee Attorney General's office opposed Ray's request for a new trial and said that McRae did conduct a detailed investigation.

Ray "admitted his guilt to the first degree murder of Dr. King with full knowledge of the direct consequences," the attorney general's brief said.

KING WAS SLAIN by a sniper's bullet on April 4, 1968, as he stood on the balcony outside his room at the Lorraine Motel in Memphis, Tenn., where he had gone to support a municipal garbage workers strike.

Ray was arrested at London's Heathrow Airport on June 8, 1968, and brought back to the United States, where he pleaded guilty to a charge of murdering King on March 10, 1969, in Shelby County (Tenn.) Criminal Court.

He is now serving a 99-year sentence in the Tennessee State Penitentiary and won't be eligible for parole until 2018 when he will be 90 years old. Ray, who could have faced the death penalty, was given the prison term in exchange for the guilty plea.

SHORTLY AFTER pleading guilty, Ray fired his attorney at the time, Foreman, a well-known Houston, Tex.,

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

—Cincinnati Enquirer
Cincinnati, Ohio

21

—Cincinnati Post
Cincinnati, Ohio

—Citizens Journal
Columbus, Ohio

—Columbus Dispatch
Columbus, Ohio

—Journal Herald
Dayton, Ohio

—Dayton Daily News
Dayton, Ohio

Date: 2/3/76
Edition: 8 Star Final
Author: Charles Durfe
Editor: Walter
Title: Friedenberg

James Earl Ray
Character:
or
Classification: 157-1893
Submitting Office: CINCINNATI

☐ Being Investigated
☒ INDEXED

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1-6-8 1976

FBI-CINCINNATI

Copy to Bureau

Date 2/6/76

criminal lawyer, and began trying to withdraw his guilty plea.

RAY'S CASE was taken up in 1970 by Lesar; Bernard Fensterwald Jr., a Washington lawyer and former Senate investigator; and a group known as the Committee to Investigate Assassinations (which has dubbed itself the CIA). They have been providing Ray with free legal help and investigating the assassination.

Ray's attorneys contend he was coerced into pleading guilty by what Foreman called "overwhelming" evidence.

LESAR'S BRIEF argues that Foreman inadequately represented Ray by telling him the evidence against him was "overwhelming."

In truth, Lesar's brief states, the evidence compiled against Ray included these defects:

- Police could not prove that Ray was at the scene of the murder.
- Scientific ballistics tests failed to link the bullet that killed Dr. King with the rifle bearing Ray's fingerprints.

Also, Lesar's brief said, Ray was had insisted to an attorney who preceded Foreman on the case that he did not kill Dr. King.

They also said they both Foreman and Hanes could not represent Ray objectively because they stood to profit from a book written by William Huie that was to detail the King assassination based on interviews with Ray and help raise funds for Ray's defense. Ray consented to give exclusive information to Huie while remaining silent to boost potential sales.

Lesar contends in his brief that Foreman only talked with Ray for an hour and fifty-three minutes during his first 70 days on the case, and that a public defender who has also represented Ray did not interview him during the first 34 days on the case and didn't talk to any witnesses during his first 48 days.

Tennessee officials also hurt the defense case because they kept close surveillance on him while he was in jail and censored his mail, including correspondence with his attorneys, Lesar said.

HE ALSO pointed out to the judges that McRae could not have complied with the appeals court order to conduct an indepth investigation because they were not permitted to cross-examine Ray's attorneys, Arthur Hanes and he disagreed with official statements in court that there was no conspiracy to kill King.

They also said that the late Selby Circuit Court Judge Preston Battle failed to asked Ray what he meant when he disagreed with official statements in court that there was no conspiracy to kill King.

State attorneys argue there is no evidence that Ray's guilty plea was coerced and that he made it because he had no defense. They called the story that there was a conspiracy to kill King "fictitious" in their brief.

"A desire to avoid the death penalty does not vitiate the voluntariness of the plea, nor does the protestation of innocence render the guilty plea involuntary," their brief said.

Ray had been a small-time thief all his life and knew the consequences of his guilty plea, they said.

RAY WAS KEPT under close surveillance, including the use of closed circuit television because he was an escape artist and because there was a possibility that someone might try to storm his cell and kill him, Tennessee officials have said.

In arguing Ray's case, Lesar said he was doing so because "We think a tremendous injustice has been done and Ray is entitled to a trial."

Lesar said yesterday the actions by public officials and Ray's previous attorney are a poor reflection on the integrity of the legal profession.

The appeal was argued before Chief Judge Harry Phillips and Circuit Judges Anthony J. Celebrezze and William Miller. It could be several months before a decision is reached.

RAY ASKS FOR TRIAL IN DR. KING'S DEATH

CINCINNATI, Feb. 3 (UPI)—James Earl Ray contends he did not shoot the Rev. Dr. Martin Luther King Jr. He says his guilty plea was illegally coerced and wants a trial, an attorney for Mr. Ray argued before a Federal appeals court Tuesday.

A three-judge panel of the Federal Court of Appeals for the Sixth Circuit, which questioned Mr. Ray's attorney, James H. Lesar, in unusually long, 75-minute oral arguments, is expected to take several weeks before deciding if Mr. Ray will get a trial.

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The Washington Post _____
 Washington Star-News _____
 Daily News (New York) _____
 The New York Times _____
 The Wall Street Journal _____
 The National Observer _____
 The Los Angeles Times _____

Date 2.5.76

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Eaves' King Conspiracy Probe Is Old to FBI

By BARRY HENDERSON

The "new information" on a conspiracy theory in the 1968 death of Dr. Martin Luther King Jr. announced by Atlanta Public Safety Commissioner A. Reginald Eaves in a June 20 statement has turned out to be information investigated in 1971 by the Atlanta FBI office and, apparently, discarded.

Atlanta police sources confirmed Tuesday that the leads they were investigating at Eaves' suggestion came from Robert Byron Watson, 21, a twice-convicted violator of federal narcotics laws, who is incarcerated in the federal youth center at Ashland, Ky., just beginning a five-year sentence.

James B. O'Keefe, assistant to the special agent in charge of the Atlanta FBI office, said, "We had the (Watson) story in 1971, and it was referred to the Justice department, and we have not been advised to investigate it further since that time."

Watson, in a lengthy statement attributed to him by his mother, Mrs. R. W. Watson, described a conversation he overheard among men in an anteroom of a

Buckhead Art gallery where he was working in March, 1968, a week to the day before the April 4, 1968, King slaying. James Earl Ray was convicted and later sentenced to life imprisonment for the killing.

The statement said Watson heard a television news broadcast from the room describing Dr. King's leadership of a Memphis garbage workers' strike and heard one of the men in the room say he was "going to shoot that damn King in the head and frame a jailbird, just as they had Kennedy."

Another voice from the room set the date for King's killing at a week from that day, the Watson statement continued.

Mrs. Watson, who said she picked up her son at the gallery after the alleged conspiracy was hatched, said he told her about the date specified. And when it came true, they were both too frightened of a "syndicate" of dope smugglers and assassins they thought were involved in the incident to come forward.

At the time, Robert Watson was a 14-year-old freshman at North Fulton High

school, whose interest in ancient artifacts had led him to work in the shop, she said.

Contending that her and her son's guilty pleas in 1972 to heroin importation charges were the result of pressure from the so-called syndicate, whose members purportedly included "people high in the government," Mrs. Watson said threats on her son and herself had intensified when, in 1970, they flew to Washington at their own expense to try to bring the conspiracy directly to the attention of former President Nixon.

The Watson statement said the mother and son "spent several hours" being interrogated by Secret Service agents, who concluded the youth "must be crazy."

Watson has subsequently been convicted, on a nolo contendere plea in DeKalb County state court, of violating the Georgia Controlled Substances Act (marijuana possession), and in an Atlanta U. S. District Court trial of possession and distribution of cocaine, both while on federal parole from the 1972 sentence. His statement described both charges as "frames," and his mother said the federal case, decided May

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

Page 1-A

THE

ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 7-9-75
Edition: Morning
Author: Barry Henderson
Editor: Reg Murphy
Title: MURKIN

Character:

or

Classification: 44-2386
Submitting Office: ATLANTA

☐ Being Investigated

23, 1975, is being appealed.

Capt. K. E. Burnette, head of Atlanta police intelligence investigations, declined to comment on the conspiracy investigation while commissioner Eaves is in Boston, attending the U. S. Conference of Mayors.

But, a police investigator who had handled the material said the probe had "not been able to verify that there was a conspiracy, nor to prove that there wasn't."

Since the first few days of the investigation of Dr. King's death, when a Ford Mustang believed used by James Earl Ray turned up abandoned in Atlanta's Capitol Homes housing project, there has been broad but unsubstantiated speculation that a conspiracy in the civil rights leader's death was hatched here.

Young Watson's father, Robert Willard Watson, was a former Atlanta policeman and was a Fulton County sheriff's deputy at the time of his death on the last day of 1966. He was killed in the line of duty in a south Georgia auto crash while transporting a prisoner back to the Fulton Jail, according to Sheriff Leroy Stynchecomb.

KING DEATH 'PLOT'

Pusher Tipped Police

By CLIFF GREEN
and ED JAHN

A twice-convicted drug dealer is the source of a Dr. Martin Luther King Jr. assassination theory under investigation by the Atlanta Bureau of Police Services, The Atlanta Journal has learned.

The investigation has received national publicity since Public Safety Commissioner A. Reginald Eaves turned the report over to FBI Director Clarence Kelley last week.

However, the same story was given to the Atlanta office of the FBI four years ago. "We had the story in 1971, checked it out and forwarded the information (to Washington)," a spokesman for the office said.

The spokesman said the Atlanta office did nothing on the newest tale, because "the information had been previously received."

On June 20, The Journal reported Eaves was investigating a conspiracy plot in the 1968 King assassination and that the commissioner considered his information "strong."

Newsweek magazine this week reported Eaves handed Kelley a 60-page summary of the police investigation,

which was subsequently turned over to the Justice Department.

The Journal has learned that the source of the story is 21-year-old Robert Byron Watson, who has been convicted twice on federal drug charges.

Essentially, Watson claims he overheard several Atlanta men discuss a plot to kill King the day before the civil rights leader was gunned down in Memphis, Tenn.

Eaves, who is in Boston attending the U.S. Conference of Mayors, refused to confirm or deny Watson is the source of the story. But he did say his investigators had "authenticated" part of the story.

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

Page 1-A
THE ATLANTA JOURNAL
Atlanta, Georgia

Date: 7-8-75
Edition: Evening
Author: Green/Jahn
Editor: Jack Spalding
Title: MURKIN

Character:

or

Classification: 44-2386
Submitting Office: ATLANTA

☐ Being Investigated

Other police sources said they were developing the information from Watson in hopes of gathering information on other possible criminal activities.

Watson and his mother were convicted in 1972 on federal charges relating to the importation of heroin. The 18-year-old was sentenced to imprisonment in a federal penitentiary and his mother, Mrs. R. W. Watson, was placed on probation, according to court records.

While on parole, Watson was charged in DeKalb County on one count of possession of less than one ounce of marijuana and creating a turmoil, records show.

In addition, his parole was jeopardized for a time because of an allegedly unauthorized trip to Chile last year.

Two months ago, Watson was convicted in U. S. District Court here on a charge of conspiracy to distribute six ounces of pure cocaine. The conviction is being appealed, according to court records.

An early Watson statement, now in The Journal's possession, claims the assassination plot was overheard at a now-defunct business on Peachtree Road near Buckhead.

Watson, whose father is dead, said he used to hang around the place because the firm imported pre-Columbian artifacts and he was interested in archeology, according to the statement.

Upon entering the business the day before King was shot, Watson said in the statement, he overheard one of the men involved in the business say he was "going to shoot that damn bastard King in the head and frame a jailbird..."

Watson said in the statement that he and his mother flew to Washington in June 1970, and tried to give the information to President Nixon and his aides. In addition, they saw FBI agents there, who recommended the information be turned over to the Atlanta office.

Mrs. Watson said Tuesday the statement currently under investigation is "not the statement you have."

The latest document, which is more than 40 pages long, "goes into more detail," she said.

Mrs. Watson said the information was given to Eaves by Lamar J. Singleton, whom she described as an assistant to state Rep. Hosea Williams.

Singleton could not be reached for comment.

(Mount Clipping in Space Below)

Eaves Still Stands By King Material

By CLIFF GREEN

Atlanta Public Safety Commissioner A. Reginald Eaves said Friday he will continue probing "new" material on the assassination of Dr. Martin Luther King Jr. despite FBI claims that the theory is at least four years old.

Eaves two weeks ago gave FBI Director Clarence Kelley a 60-page summary of the Bureau of Police Services' investigation into what was described as new material on Dr. King's death.

The Atlanta Journal Tuesday revealed that the material was drawn from a lengthy statement made by Robert Byron Watson, 21, who has been convicted twice on federal drug charges.

In addition, The Journal story quoted a spokesman for the Atlanta FBI office as saying the agency had investigated the material in 1971.

Eaves said Friday some of the information contained in the statement is as recent as last year. "So they couldn't have had it four years ago."

But this was immediately disputed by the FBI.

James B. O'Keefe, assistant to the special agent in charge of the Atlanta FBI office said the material is "identical" to that investigated in 1971.

"I will stick by that original statement," O'Keefe added.

After the initial investigation, the FBI forwarded a report of its probe to Washington, but never received orders to pursue the investigation further.

Watson, who has been convicted of importing heroin and conspiracy to distribute six ounces of cocaine, said in his statement he overheard several men discussing the plot to assassinate King just before the killing.

According to his statement, Watson claims he heard one of the men say he was "going to shoot that damn bastard King and frame a jailbird...."

Watson, who was 14 years old at the time, claims his "frames," convictions are "hatched by 'the syndicate' and high government officials to keep him silent about the murders of both King and President Kennedy.

The plot was allegedly overheard at a now-closed art gallery near Buckhead.

Eaves said he never expressed confidence in the material, but "indicated some of it was convincing."

Other police sources say they are using the Watson statement to lead them to

other information on possible criminal activities, primarily drugs.

But Eaves said he would not abandon any of the probe at this point.

"I expect my staff to brief me on the investigation Monday," he said. "Then we'll make a determination on whether to pursue the probe any further."

McDonough

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

Page 2-A
THE ATLANTA JOURNAL
—Atlanta, Georgia

Date: 7-11-75

Edition: Evening

Author: Cliff Green

Editor: Jack Spalding

Title: MURKIN

Character:

or

Classification: 44-

Submitting Office: ATLANTA

☐ Being Investigated

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Defense Brief Says Ray 'Framed' In King Killing

An attorney for James Earl Ray claimed in a written argument in federal court yesterday that Ray was "framed" as the murderer of Dr. Martin Luther King Jr.

James H. Lesar of Washington said proof presented at Ray's evidentiary hearing here removes even the "shadow of a doubt" that Ray participated in the slaying.

"In fact, all the evidence now points to the fact that James Earl Ray was framed of a crime he didn't commit. The evidence increasingly indicates that law enforcement officials, both state and federal, have covered up the evidence of this frameup."

Lesar based his contention on testimony by a firearms expert who testified in Ray's behalf, claiming the bullet removed from King could have been traced to a specific rifle. An FBI firearms expert who examined the bullet shortly after the slaying had concluded it could not be traced to a particular gun.

Testimony at the hearing before U.S. Dist. Judge Robert M. McRae Jr. showed that police recovered the rifle on the sidewalk next to a boarding house on South Main from which the fatal shot supposedly was fired. Police concluded the rifle was the slaying weapon and accidentally was dropped on the sidewalk as Ray fled the scene. Lesar and his co-counsel claimed the rifle was left on the sidewalk by another person — a man named "Raoul" — who deliberately dropped the rifle in a

calculated, successful attempt to implicate Ray.

Taken together, Lesar said in his argument yesterday, the evidence indicates "that the bullet removed from Dr. King is traceable to a rifle other than the one left on South Main Street."

Without further elaboration, Lesar argued: "This means that there was a conspiracy to kill Dr. King. It also eliminates any reasonable belief that James Earl Ray was part of that conspiracy."

Lesar's argument was in response to the state's final written arguments filed Dec. 2.

McRae has taken the arguments under advisement, promising a ruling "as soon as possible" on whether Ray is entitled to withdraw his guilty plea and stand trial for the King slaying.

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

PAGE 25

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 12-18-74

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

(Mount Clipping in Space Below)

Ray Was Framed, Lawyers Contend

MEMPHIS (AP) — Attorneys for James Earl Ray said Tuesday there was a conspiracy to kill Dr. Martin Luther King Jr. but that evidence "eliminates any reasonable belief" that Ray was part of it.

In a brief filed in U.S. District Court, the attorneys said "evidence now points to the fact that James Earl Ray was framed for a crime he didn't commit."

"The evidence increasingly indicates that law enforcement officials, both state and federal, have covered up the evidence of this frameup," Ray's attorneys said.

"...There was a conspiracy to kill Dr. King...but evidence eliminates any reasonable belief that James Earl Ray was part of the conspiracy."

Ray's attorneys, James Lesar and Bernard Fensterwald, Washington, D.C., based

their allegation of a frameup on their claim that the bullet taken from King's body could be traced to a rifle other than one found on the street near a downtown rooming house from which authorities say the fatal shot was fired April 4, 1968. Police have said the rifle discovered near the slaying scene bore Ray's fingerprints and was the murder weapon.

An FBI firearms expert has said the fatal bullet fragment was so mutilated that he could not say to the exclusion of all other similar weapons that it came from the gun found on the street.

Ray has claimed he was lured to the rooming house by a person named "Raoul" and that he did not kill the civil rights leader.

His attorneys made their arguments in response to a brief filed by the state contending that Ray made a "reasoned and reasonable" decision to plead guilty to killing King in order to avoid the death penalty.

U.S. District Court Judge Robert M. McRae Jr. held an eight-day hearing two months ago on whether Ray is entitled to withdraw his guilty plea and stand trial for murder. Ray, now serving a 99-year prison sentence, says he was pressured into the guilty plea on March 10, 1969.

McRae is expected to rule within a month.

In their brief, Lesar and Fensterwald said: "A Water-gatetype cover-up of the assassination of Dr. King continues until this day. That and that alone explains the frenzied efforts of the state to obstruct an examination of the physical evidence by petitioner's investigator and counsel."

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Director Sec'y _____

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

Page 8-C
THE ATLANTA JOURNAL

Date: 12-18-74
Edition: Evening
Author: AP
Editor: Jack Spalding
Title: JAMES EARL RAY

Character:

or

Classification:

Submitting Office: ATLANTA

☐ Being Investigated

Asst. Dir. ☒
 Dep. AD Adm. ☒
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 Intell. ☐
 Laboratory ☐
 Plan. & Eval. ☐
 Spec. Inv. ☐
 Training ☐
 Legal Coun. ☐
 Telephone Rm. ☐
 Director Sec'y ☐

Murkin T

Michael
 L. J.

Questions on Dr. King's Murder Likely to Remain, Whether or Not Ray Wins Current Plea for 2d Trial

By MARTIN WALDRON

A Federal Court judge in Memphis is nearing a decision on James Earl Ray's petition for a new trial in the killing of the Rev. Dr. Martin Luther King Jr. But whatever form the decision takes, it is not likely to answer many of the questions that have lingered ever since the 1968 assassination.

Following a two-week hearing that ended on Nov. 1 before Judge Robert M. McRae Jr., attorneys for both sides filed briefs this week. Counsel for Mr. Ray contended that his conviction should be set aside; the state of Tennessee said he had pleaded guilty of his own free will.

Judge McRae has given the opposing lawyers until Dec. 13 to file their final arguments before he decides whether Mr. Ray, serving 99 years in prison for the murder, should be given a new trial.

Those who have doubted that James Earl Ray shot the civil rights leader had their doubts reinforced by the evidence given at the hearing.

Dr. King was slain on April 4, 1968, as he stood on the balcony of a motel in downtown Memphis. James Earl Ray was arrested in London on June 8, 1968, and charged with the murder. He pleaded guilty on March 10, 1969, and received the 99-year sentence.

Although the hearing earlier this fall was called to help Judge McRae determine whether Mr. Ray was treated fairly by the prosecution and by his defense, attorneys six years ago the judge allowed some questions about the assassina-

tion itself. He ruled that because Mr. Ray was contending that his lawyers had virtually abandoned him, it was germane to know what Mr. Ray had told his attorneys while they were preparing to defend him.

Mr. Ray said he had consistently told his attorneys that he did not fire the shot that killed Dr. King. But he said he did not tell them the entire story. He said he had witnesses who could establish that he was nothing more than an unknowing accomplice in the murder, but that he had withheld their names because he did not want them harassed by agents of the Federal Bureau of Investigation.

The story that Mr. Ray told in the hearing does not differ materially with that pieced together by newsmen in the months after the 1968 assassination, except for some details.

Mr. Ray escaped from the Missouri State Penitentiary in April, 1967, after serving seven years of a 20-year sentence for robbery. He lived in Canada for several months and then in Birmingham, Ala., and in Mexico before establishing himself with a new identity in Los Angeles.

During these months, he said, he was given several thousand dollars by a mysterious benefactor, a "Latin" with reddish blond hair and the code name of "Raoul."

The Washington Post _____
 Washington Star-News _____
 Daily News (New York) _____
 The New York Times 58
 The Wall Street Journal _____
 The National Observer _____
 The Los Angeles Times _____

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Mr. Ray said that in return for the money, he smuggled several small packages into the United States from Canada and smuggled an automobile tire into Mexico. Most of the time, he said, he sat around waiting for instructions from "Raoul," who had promised him \$12,000 and a forged passport.

After leaving Mexico in late 1967 and setting himself up in Los Angeles, Mr. Ray took a course in ballroom dancing, attended a school for bartenders and had plastic surgery on his nose. He said that he had wanted to alter his features so that he would not resemble the picture on the wanted poster issued after his escape from the Missouri prison.

On March 15, 1968, Mr. Ray abruptly checked out of the resident hotel where he had been living in Los Angeles and drove eastward in the white Mustang automobile he had bought in Birmingham, Ala., some six months previously. He said that the \$1,995 that the car cost came from "Raoul."

Mr. Ray told Judge McRae that when he left Los Angeles, he was supposed to meet "a party" in New Orleans, but that when he arrived in the Louisiana city, "the party" had gone to Birmingham and Mr. Ray was told to meet him there.

William Bradford Huie, the Alabama author who wrote articles for Look magazine in October and November, 1968, based on information Mr. Ray supplied him from jail, has said that Mr. Ray was "stalking" Dr. King on that trip eastward from Los Angeles.

Mr. Huie cited as evidence of this assertion the fact that Mr. Ray had spent the night of March 22, 1968, in Selma, Ala., while Dr. King was scheduled to make a civil rights speech in a town some 30 miles away. Mr. Ray told the judge he spent the night in Selma because he had gotten lost on the way from New Orleans to Birmingham and had detoured through Selma by mistake.

Mr. Ray said that on March 23 in Birmingham, "I met another party and went to Atlanta." It was not clear from his testimony, but apparently Mr. Ray was saying that the "party" rode with him to Atlanta, where Mr. Ray rented a room.

In Atlanta, he said, he discussed going to Birmingham to buy a gun. He had an Alabama driving license under an assumed name and he thought he might have to show identification if he bought a rifle.

Mr. Ray did not explain to the judge why he wanted a gun, but his new lawyers have said that Mr. Ray contends that he thought he was going to join a gun-smuggling ring in Memphis and that the other "party" wanted him to buy a heavy rifle to show the gun runners the variety that he might steal for them.

Gave False Name

On March 29, Mr. Ray drove to Birmingham and bought a .243-caliber rifle and when he was not asked for identification, he gave the name Harvey Lowmeyer.

Mr. Ray said that the first rifle he bought "was the wrong type. I had to take it back and get another." The second rifle was a .30/06-caliber rifle. Mr. Ray said he also "got" a .38-caliber revolver during that two-day trip to Birmingham.

Mr. Ray said that after exchanging the rifle, he drove back to Atlanta and spent the night. The next day, he started driving to Memphis, he said.

On April 2, he arrived in Memphis and registered at a motel and said that on that night he gave the rifle to "Raoul."

He said that "Raoul" told him to rent a room at a dingy rooming house at 422½ South Main Street in Memphis.

The back of the house had a view of the motel where Dr. King was staying.

Reports Being Lost

Mr. Ray said that he was supposed to be at the rooming house at 3 P.M. on the afternoon of April 4, but that he got lost and put his car in a parking lot and had to walk seven or eight blocks to the rooming house, where he paid for a week's rent on a room.

Then, still under orders from "Raoul," Mr. Ray went to a nearby gun store to buy an infrared telescope for a rifle. The store did not have one, so Mr. Ray bought a pair of binoculars instead.

The story varies somewhat at this point, depending on who is telling it.

The version related to the judge by Arthur Hanes Jr. of Birmingham, who with his father were among Mr. Ray's original attorneys, was that "Raoul" told Mr. Ray to go get the car after he had delivered the binoculars, and to park the car in front of the rooming house and to have a beer or two while "Raoul" shaved and changed clothes in the room which Mr. Ray had rented.

Mr. Ray drank several beers at a nearby tavern and came back to the rooming house to see why "Raoul" was late. Mr.

Hanes said. While Mr. Ray was standing on the sidewalk in front of the rooming house, he heard a shot and saw "Raoul" rush down the stairs from the second floor of the rooming house and throw the rifle into Mr. Ray's suitcase in an alcove leading into the Canipe Amusement Company, a small specialty store.

Mr. Ray knew he was in trouble and fled, Mr. Hanes said.

Details as Given by Ray

Mr. Ray's version, as related on the witness stand and through his new attorneys, is that he had been stopped by the Tennessee Highway Patrol the night before because one of his tires was low.

After buying the binoculars and delivering them to "Raoul" at the rooming house, Mr. Ray said he went to the parking lot, got his Mustang and took it to a service station to have the tire fixed.

By the time he got back to the rooming house, the shooting had already occurred and the street was swarming with police. Mr. Ray said he did not even slow down. He drove to Atlanta, he said, abandoned the Mustang at a housing project and caught a bus to Cincinnati.

In addition to the details of Mr. Ray's story, two new bits

of information came out in the hearing. A roomer at the house told police that she had seen "a little bitty" man in the bathroom shortly before Dr. King was shot. The police believe that the civil rights leader was killed by someone in the bathroom of the house.

When F.B.I. agents and Memphis policemen searched Mr. Ray's car after it was retrieved from the housing project parking lot, they found in the trunk an extra small Army jacket that Mr. Hanes said "James Earl Ray couldn't have gotten his big toe into."

Chances of Acquittal

Mr. Hanes and his father said that because of "the holes" in the state's case against Mr.

Ray in 1968, they thought chances of acquitting him of the actual murder were good. He said that those holes included:

¶ The lack of a witness.

¶ A statement by F.B.I. ballistics experts that they could not say that the bullet that killed Dr. King came from the rifle found on the street.

¶ A statement by customers in Canipe's that the rifle and Mr. Ray's luggage were abandoned at least five minutes before the police arrived. The police have said they picked up the rifle and the suitcase within 90 seconds of the shooting.

¶ Statements by several observers that the fatal shot appeared to have been fired from the parking lot of the motel where Dr. King was staying.

The hearing was ordered by the United States Sixth Circuit Court of Appeals, which had said there was serious question about the way Mr. Ray had been treated before his guilty plea.

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MURKIN

Ray Hearing

MEMPHIS — The state said yesterday in a brief to U.S. district court that James Earl Ray is not entitled to a new trial because

he pleaded guilty "freely and intelligently" in 1969 to the assassination of the Rev. Martin Luther King Jr.

The civil rights leader was killed in April, 1968. Ray pleaded guilty in exchange for a 99-year sentence. His attorneys now contend that he was pressured into the plea by two of his lawyers, among with author William Bradford Huie, too bolster royalties from two books on the King death.

The state brief said the plea was made "with the effective assistance of counsel, the best money could buy."

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The Washington Post C-4
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 The New York Times _____
 The Wall Street Journal _____
 The National Observer _____
 The Los Angeles Times _____

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