

Rosen to DeLoach Memorandum  
RE: MURKIN

ACTION:

1. It is recommended that SAC, Frank V. Hitt, Atlanta, be instructed to prepare an affidavit and furnish it to the Criminal Court of Shelby County, Tennessee, refuting this allegation in order that the record may be set straight.

2. SAC, Memphis will be instructed to advise Tennessee State Prosecutor of action being taken regarding this allegation.

**CIVIL RIGHTS DIVISION**

**May 1, 1970**

**ASSASSINATION OF  
MARTIN LUTHER KING, JR.  
CIVIL RIGHTS**

**XX(G)EJM/rif**

**NOTE: Enclosed is an affidavit being filed in the Criminal  
Court of Shelby County, Tenn.**

4/28/70

**AIRTEL**

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

Re your airtel 4/21/70.

Enclosed are 2 copies of an affidavit prepared and signed by the SAC, Memphis, refuting the allegations set forth in JERRY RAY's affidavit. The original will be furnished to the Clerk of the Criminal Court of Shelby County, Tennessee, on 5/8/70, UACB.

② - Bureau (Enc. 1)  
1 - Memphis  
JCH:jap  
(3)

Memphis, Tennessee

April 28, 1970

I, ROBERT G. JENSEN, Special Agent in Charge of the Memphis Office of the Federal Bureau of Investigation, being duly sworn, do hereby make the following free and voluntary statement to CLIFTON O. HALTER, Assistant Special Agent in Charge of the Memphis Office of the Federal Bureau of Investigation, regarding allegations made by JERRY RAY in an affidavit filed April 13, 1970, in the Criminal Court of Shelby County, Tennessee, which affidavit is part of a Petition For Post Conviction Relief filed April 13, 1970, styled, "JAMES EARL RAY, Petitioner, vs. State of Tennessee and LEWIS TOLLETT, Warden of State Penitentiary at Petros, Tennessee, Defendants."

JERRY RAY has alleged in his affidavit that during the period that PERCY FOREMAN was the attorney representing the Petitioner JAMES EARL RAY that "the Prosecution and/or the F.B.I. was bribing witnesses, specifically a man by the name of STEVENS who the prosecution was bribing by offering him a large sum of money as a reward."

As the Special Agent in Charge of the Memphis Office during the period of the investigation of the murder

of Dr. MARTIN LUTHER KING, JR., and as the person directly responsible for the overall supervision of this investigation, I am fully qualified to and do state that at no time did the Federal Bureau of Investigation or any of its Special Agents or other employees offer a bribe or a reward to any witness in this investigation.

It is presumed that the witness STEVENS mentioned in JERRY RAY's affidavit is CHARLES QUITMAN STEPHENS, who was a tenant in the rooming house at 422½ South Main Street, Memphis, Tennessee, on the date that Dr. MARTIN LUTHER KING, JR., was murdered. As stated above, no person representing the Federal Bureau of Investigation has ever offered any bribe or reward to obtain testimony from CHARLES QUITMAN STEPHENS.

*Robert G. Jensen*  
1s/ ROBERT G. JENSEN  
Special Agent in Charge  
Federal Bureau of Investigation  
Memphis, Tennessee

Sworn to and subscribed before me on April 28, 1970,  
at Memphis, Tennessee.

*Clinton O. Halter*  
1s/ CLINTON O. HALTER  
Assistant Special Agent in Charge  
Federal Bureau of Investigation  
Memphis, Tennessee

WITNESS:  
*Orville V. Johnson*  
ORVILLE V. JOHNSON  
Special Agent, FBI

*Put in Murkin memo folder*

4/21/70

1 - Mr. McDonough

**AIRTEL**

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

Reurairtel 4/14/70.

SAC, Memphis should prepare an appropriate affidavit refuting the statement set forth in Jerry Ray's affidavit pertaining to the FBI and furnish the original to the Criminal Court of Shelby County, Tennessee, and furnish copies to the Bureau for dissemination to the Civil Rights Division.

EJM:js  
(4)

Mr. DeLoach

April 17, 1970

A. Rosen

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
① - Mr. McDonough  
1 - Mr. Bishop

MURKIN

This is the case involving the murder of Martin Luther King, Jr.

James Earl Ray, the subject who is serving a 99 year sentence in a Tennessee State Prison on his guilty plea to the murder of King, has filed a petition under the Tennessee "Post Conviction Relief Act". This is his last avenue of appeal in State Court as his appeal previously was denied by the Tennessee State Supreme Court.

The bases of his current appeal are the same, namely:

1. He charges conflict of interest by his previous attorneys Arthur Hanes and Percy Foreman and writer William Bradford Huie in connection with the financial returns from publications on Ray's story relative to the King shooting.
2. He was deprived of full and free access to his attorneys while incarcerated in Shelby County (Memphis), Tennessee, Jail.
3. The death of the trial judge, Preston Battle, soon after his trial and sentencing also deprived him of his right to new trial.

Attached to the petition is an affidavit by Jerry Ray, James Earl Ray's brother, which was taken under oath, in which Jerry Ray claims that Percy Foreman stated that the prosecution and/or the FBI was bribing witnesses, "specifically a man by the name of STEVENS who the prosecution was bribing by offering him a large sum of money as a reward."

This undoubtedly refers to Charles Quitman Stephens, who occupied the room adjacent to James Earl Ray at the house in Memphis from which the shot was fired.

EJM:js  
(7)

CONTINUED - OVER

Rosen to DeLoach Memorandum  
RE: MURKIN

There is no basis for Jerry Ray's statement that the FBI bribed Stephens. The Tennessee State Prosecutor has advised SAC, Memphis that there is no basis to Jerry Ray's statement that the prosecution bribed Stephens. The prosecutor indicated that they would answer the petition within the next 30 days.

ACTION:

It is recommended that SAC, Memphis be instructed to prepare an affidavit and furnish it to the Criminal Court of Shelby County, Tennessee, refuting the statement in Jerry Ray's affidavit pertaining to the FBI in order that the record will be set straight.

OK H



4-14-70

AIRTEL

AM

TO: DIRECTOR, FBI (44-38861)  
FROM: SAC, MEMPHIS (44-1987-SUB-0)  
MURKIN

Re Memphis Airtel 3-20-70.

Submitted herewith for completion of Bureau files is copy of a petition for post conviction relief filed by JAMES EARL RAY's attorneys, J. B. STONER and RICHARD J. RYAN. This petition was filed in the Criminal Court of Shelby County, Tennessee, on 4-13-70.

Of possible interest to the Bureau is an affidavit of JERRY RAY, brother of JAMES EARL RAY, which is also attached to the overall petition. JERRY RAY in his petition, under oath, claims that Mr. FOREMAN told him and other members of the family that the prosecution and/or the FBI was bribing witnesses, specifically a man by the name of STEPHENS. Reportedly, the prosecution was bribing STEPHENS by offering him a large sum of money as a reward. The STEPHENS mentioned by JERRY RAY is, of course, CHARLES QUITMAN STEPHENS, who occupied the room adjacent to JAMES EARL RAY at 422½ South Main Street, Memphis. There is, of course, absolutely no basis for JERRY's statement that the FBI was bribing STEPHENS.

Executive Assistant Attorney General LLOYD A. RHODES advised that there is absolutely no basis for the statement that the prosecution was bribing STEPHENS by offering him a large sum of money as a reward. RHODES indicated that although there is no time limit for them to answer the petition they intend to do so within the next 30 days.

Memphis will keep the Bureau advised of developments.

2 BUREAU (Enc.)  
1 MEMPHIS  
RGJ:BN  
(3)

*Just in MURKIN  
MEMO folder  
last Vol.*

Assistant Attorney General  
Civil Rights Division

April 14, 1970

Director, FBI

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

Reference is made to my memorandum dated January 21, 1970, captioned as above, and to your memorandum dated February 9, 1970.

Well-known writers and publications continue to contact the FBI in connection with our investigation which led to the identification and apprehension of James Earl Ray, and we have continued to decline their requests for assistance in publishing a factual account of the investigation.

Please advise if a decision has been reached as to our assisting a reliable writer to prepare a factual account of the King murder case.

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Rosen
- ① - Mr. C. L. McGowan

NOTE: By memorandum dated January 21, 1970, the Director requested the views of the Civil Rights Division as to our assisting an outside writer in the preparation of a factual account of the King murder case. Assistant Attorney General Jerris Leonard replied on February 9, stating that his initial reaction was an affirmative one, but that he wanted to discuss the matter further with others in the Department.

GWG:rog  
(8)

*APR 14 1 03 PM '70*

FBI  
REC'D - CIV RIGHTS

Mr. DeLoach

3/10/70

T. E. Bishop

GEROLD FRANK, AUTHOR  
DESIRE TO DO BOOK ON  
ASSASSINATION OF MARTIN LUTHER KING  
BUFILE 94-63917

*M. DeLoach*

Previous memoranda have been submitted reflecting contacts made by captioned individual concerning his desire to do a book on the assassination of Martin Luther King with the cooperation of the Bureau. His last contact was on 1/6/70, and in each instance Frank has been advised that until all appeal aspects in this case have been completed, it would be premature for the Bureau to consider cooperating with any author in connection with a book on this case. (By letter of January 21, 1970, to the Assistant Attorney General in charge of the Civil Rights Division of the Department, the Director asked for permission to consider assisting a reliable writer in preparing a factual account of the King case. No definite answer has yet been received.)

CURRENT DEVELOPMENT:

On 3/10/70, Frank came by Bishop's Office when in Washington on other business. He stated that he has been working for the past 2 years on the book on the King assassination and has interviewed an extremely large number of people in connection with it, including police, police officials, prosecutor's staff, deceased Judge Battle and many other persons of an official nature in Memphis, Tennessee. In addition, he has traveled to England and Canada doing research on the case, as well as to many parts of the United States. He states he is going to do his book in 3 sections: the first will deal with the assassination, the second will deal with the investigation to determine the assassin and the search for him, and the third section will deal with the prosecutive aspects of the case. Frank stated that he is dropping by the Bureau to let the Bureau know that he is still most desirous of securing Bureau cooperation, especially in connection with the preparation of the second section of his book. He stated that he wants the Bureau to be completely assured that his book, as far as the Bureau is

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Bishop
- 1 - Mr. M.A. Jones

*M. DeLoach*

(CONTINUED - OVER)

TEB:jo  
(5)

Bishop to DeLoach (continued)  
Re: GEROLD FRANK, AUTHOR

concerned, will only be most favorable and will not be critical in any way. He advised that he expects to spend at least another year in the preparation of this book and has been assured by his publisher, Doubleday Company, that it will be a "best seller" which will be very widely distributed.

Frank was advised, as he has been informed previously, that the Bureau is taking no action at this time to cooperate with him or any other author and would not make any decision along these lines until all appeal aspects of the case had been considered and the Department of Justice has given the Bureau permission to cooperate with an author on the book.

RECOMMENDATION:

None. For information.

*Put in MURKIN TS  
last section of memo.*

Director  
Federal Bureau of Investigation

Feb. 9, 1970

Jerris Leonard  
Assistant Attorney General  
Civil Rights Division

Your Memorandum, January 21, 1970  
Assassination of Martin Luther King, Jr.

Please excuse my tardiness in not sooner responding to the above memorandum. Unfortunately it did not come to my attention until just a few days ago. My initial reaction to the request is an affirmative one, however I believe this Division needs to give careful consideration to the possible ramifications of such action.

I shall ask some of my associates to consider the matter and after discussion here we will advise you, hopefully no later than February 16th.

*Put in Murkin  
memo folder - Carl  
Section 1/29/70*

MR. WALTERS

C. S. Voelker

IDENTIFICATION MATTER  
CROSS-EXAMINATION BY FRANK WHITE  
PINELLAS COUNTY PUBLIC DEFENDER'S OFFICE  
CLEARWATER, FLORIDA

*Murkin*

In attached letter from Tampa Division, our attention is called to two recent incidents of cross-examination by Attorney Frank White, Pinellas County Public Defender's Office, Clearwater, Florida, of J. Everett Burke, Identification Technician, Saint Petersburg, Florida, Police Department. Burke is a retired Fingerprint Examiner of our Latent Fingerprint Section in the Bureau and was employed from 6/7/37 to 4/30/68. Attorney White is not identifiable in Bureau files. On these two recent local cases wherein Burke has testified to identification matters, White has concluded his cross-examination of Burke by asking whether Burke is familiar with the Martin Luther King case. Burke replies yes to this question and White then asks, "What about the mistake that was made in the Martin Luther King case?" Burke answers this by saying he did not handle that case and is not familiar with White's reference. White then excuses him from further examination. Burke does not know the meaning of this manner of cross-examination and has so informed the local Prosecutor's Office when asked about it. Burke has brought this to the attention of our Tampa Office as a matter of information, pointing out, of course, that he is not familiar with any mistake that might have been made.

SAC Tampa questions whether the Bureau should furnish information to Burke by which he could better respond to these questions and refute the inference that a mistake was made in the King case.

**OBSERVATION:** While it appears Burke could respond more intelligently to such nebulous questions, particularly inasmuch as he himself had nothing whatever to do with the latent fingerprint examinations in the case involving the murder of Martin Luther King; nevertheless, it is felt unwise to direct

CSV:jmp

(4)

Enclosure

Mr. W. L. Martindale, Room 2712 JB (CONTINUED - OVER)

1 - Personnel File of J. Everett Burke (Out-of-Service)

**Memorandum to Mr. Walters  
REIDENTIFICATION MATTER  
CROSS-EXAMINATION BY FRANK WHITE  
PINELLAS COUNTY PUBLIC DEFENDER'S OFFICE  
CLEARWATER, FLORIDA**

him in the manner in which he should respond to such questions, particularly in view of the nonrelease of any information at all in connection with the case against James Earl Ray which has not been finally adjudicated. There was, of course, no mistake made in latent fingerprint examinations in the King murder case.

**RECOMMENDATION:** That no further action be taken. (General Investigative Division concurs and Tampa Office is taking no action unless advised to contrary by Bureau.)

2/4/70

airtel

To: SAC, Tampa (32-New)

From: Director, FBI

IDENTIFICATION MATTER  
CROSS-EXAMINATION BY FRANK WHITE  
PINELLAS COUNTY PUBLIC DEFENDER'S OFFICE  
CLEARWATER, FLORIDA

Reurlet 1/20/70.

Relet reported that former Fingerprint Examiner J. Everett Burke, retired, now employed as a fingerprint technician for the Saint Petersburg, Florida, Police Department, advised he is required to testify to identifications effected in local cases. On two occasions Frank White, Pinellas County Public Defender's Office, Clearwater, Florida, has wound up his cross-examination of Burke by referring to a "mistake" made in the Martin Luther King Case.

The Tampa Office is instructed to have a mature, experienced Agent contact Frank White and determine what he is referring to when he mentions the "mistake" in the King Case. For your information there was no "mistake" made in the latent fingerprint examinations in the King Case and in fact our examiners contributed outstandingly to the solution of the case. In discussing this matter with White, great care should be taken by the interviewer so as not to be drawn into any discussion that would jeopardize the Bureau's position in this matter. Bear in mind James Earl Ray has not exhausted all appeal possibilities and that Federal process remains outstanding against him. Results of contact with White should be immediately furnished the Bureau.

CSV:jmp

(7)

① - Mr. W. L. Martindale, Rm. 2712 JB

1 - Personnel File of J. Everett Burke (Out-of-Service)

NOTE: Ident reported receipt of information re White's questions of retired Latent Fingerprint Examiner J. Everett Burke and pointed out Burke could respond more intelligently to White's questions. It was further pointed out that no mistake had been made in the latent fingerprint examinations in the King Case. Ident recommended no further action be taken and General Investigation Division concurred. Assistant to the Director DeLoach indicated we should ask White what he was talking about and the Director concurred. Information concerning Ray's status obtained from General Investigative Division.



*Bishop's last version*

Assistant Attorney General  
Civil Rights Division

Director, FBI

*Put in Murkin  
news  
folder*

January 21, 1970

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

On March 10, 1969, James Earl Ray pleaded guilty in Shelby County Criminal Court at Memphis, Tennessee, to the murder of Dr. Martin Luther King, Jr. He received a 99-year sentence.

Soon after his arrival at the Tennessee State Prison at Nashville on March 11, 1969, Ray began maneuvering to have his guilty plea set aside and a new trial declared. On January 8, 1970, the Tennessee State Supreme Court denied a petition by Ray for a new trial.

On January 12, 1970, Mr. Jesse Clyde Mason, Assistant State Attorney General, Shelby County, Tennessee, advised that the only action still remaining to Ray under Tennessee law would be to file a motion under the state's "Post Conviction Relief Act." Mr. Mason said that no such motion has been filed on Ray's behalf; however, no time limit exists for such a motion to be filed.

If Ray should file a motion under the state's "Post Conviction Relief Act"--and if the motion were unsuccessful--he, of course, would still have recourse to the Federal Courts. In other words, despite the fact that he openly acknowledged his guilt in court more than 10 months ago, it is conceivable that he could keep his case before various courts for years to come.

Because Ray pleaded guilty, much important information which the FBI gathered in its investigation of the King murder--data clearly establishing Ray's guilt--was not presented in court. The absence of such authoritative facts and information on the public record has contributed in no small measure to the false rumors, the misrepresentations, and the distortions of fact which continue to prevail in the King murder case.

1 - Mr. DeLoach  
1 - Mr. Bishop  
1 - Mr. Rosen  
① - Mr. McGowan  
GWG:dmc/mjl (9)

See Note Next Page

**Assistant Attorney General  
Civil Rights Division**

Since April, 1968, when we began our investigation which led to the identification and apprehension of James Earl Ray, we have been requested by numerous well-known writers and publications to assist them in publishing a factual account of our investigation. We have declined all such requests for assistance.

As you are aware, the Federal complaint which was filed against Ray (as Eric Starvo Galt) at Birmingham, Alabama, on April 17, 1968, charging him with violating Title 18, Section 241, United States Code, in the King case is still outstanding.

As a result of the Tennessee State Supreme Court's action in denying Ray's petition for a new trial, we have begun to receive more requests for essential facts--facts which would have come out at Ray's trial if he had not pleaded guilty--which will dispel the unfounded rumors and falsehoods that persist in the King murder case and present a potential for exploitation, particularly by individuals and organizations seeking to spread misunderstanding and unrest among Negro citizens.

If you concur, we will consider assisting a reliable writer in preparing a factual account of the King murder case which can serve as an authentic document in refuting the tremendous amount of misinformation about the case which currently exists.

NOTE: See A. Rosen to Mr. DeLoach Memo dated 1/16/70, captioned "Murkin."

*OW*

Assistant Attorney General  
Civil Rights Division

January 20, 1970

Director, FBI

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

On March 10, 1969, James Earl Ray pleaded guilty in Shelby County Criminal Court at Memphis, Tennessee, to the murder of Dr. Martin Luther King, Jr. He received a 99-year sentence.

Soon after his arrival at the Tennessee State Prison at Nashville on March 11, 1969, Ray began maneuvering to have his guilty plea set aside and a new trial declared. On January 8, 1970, the Tennessee State Supreme Court denied a petition by Ray for a new trial.

On January 12, 1970, Mr. Jesse Clyde Mason, Assistant State Attorney General, Shelby County, Tennessee, advised that the only action still remaining to Ray under Tennessee law would be to file a motion under the state's "Post Conviction Relief Act." Mr. Mason said that no such motion has been filed on Ray's behalf; however, no time limit exists for such a motion to be filed.

If Ray should file a motion under the state's "Post Conviction Relief Act"--and if the motion were unsuccessful--he, of course, would still have recourse to the Federal Courts. In other words, despite the fact that he openly acknowledged his guilt in court more than 10 months ago, it is conceivable that he could keep his case before various courts for years to come. In this connection, it is noted that Ray, if unsuccessful in obtaining a new trial under the Tennessee "Post Conviction Relief Act," has recourse through the Federal Courts through habeas corpus action, claiming that his conviction had been obtained in that his plea of guilty to the murder of King was not given voluntarily. There is no evidence, of course, to support these claims.

There is also presently outstanding Federal process charging Ray and another individual who he alleged to be his brother conspired to interfere with a constitutional right of Martin Luther King, Jr.

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Rosen
- 1 - Mr. McGowan

GWG:EJM:mjl/ige (7)

**Assistant Attorney General  
Civil Rights Division**

Jr., namely, the right to travel freely from state to state. We have not developed any information nor has any information been made available to us indicating that such a conspiracy exists. You may desire, therefore, to give consideration to dismissing the Federal process which is still outstanding against Ray under the alias Eric Starvo Galt.

Because Ray pleaded guilty, much important information which the FBI gathered in its investigation of the King murder--data clearly establishing Ray's guilt--was not presented in court. The absence of such authoritative facts and information on the public record has contributed in no small measure to the false rumors, the misrepresentations, and the distortions of fact which continue to prevail in the King murder case.

Since April, 1968, when we began our investigation which led to the identification and apprehension of James Earl Ray, we have been requested by numerous well-known writers and publications to assist them in publishing a factual account of our investigation. We have declined all such requests for assistance.

As a result of the Tennessee State Supreme Court's action in denying Ray's petition for a new trial, we have begun to receive more requests for essential facts--facts which would have come out at Ray's trial if he had not pleaded guilty--which will dispel the unfounded rumors and falsehoods that persist in the King murder case and present a potential for exploitation, particularly by individuals and organizations seeking to spread misunderstanding and unrest among Negro citizens.

If you concur, we will consider assisting a reliable writer in preparing a factual account of the King murder case which can serve as an authentic document in relating the tremendous amount of misinformation about the case which currently exists.

*Jay Mason*

Assistant Attorney General  
Civil Rights Division

*GWG*

January 20, 1970

Director, FBI

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

On March 10, 1969, James Earl Ray pleaded guilty in Shelby County Criminal Court at Memphis, Tennessee, to the murder of Dr. Martin Luther King, Jr. He received a 99-year sentence.

Soon after his arrival at the Tennessee State Prison at Nashville on March 11, 1969, Ray began maneuvering to have his guilty plea set aside and a new trial declared. On January 8, 1970, the Tennessee State Supreme Court denied a petition by Ray for a new trial.

On January 12, 1970, Mr. Jesse Clyde Mason, Assistant State Attorney General, Shelby County, Tennessee, advised that the only action still remaining to Ray under Tennessee law would be to file a motion under the state's "Post Conviction Relief Act." Mr. Mason said that no such motion has been filed on Ray's behalf; however, no time limit exists for such a motion to be filed.

If Ray should file a motion under the state's "Post Conviction Relief Act"--and if the motion were unsuccessful--he, of course, would still have recourse to the Federal Courts. In other words, despite the fact that he openly acknowledged his guilt in court more than 10 months ago, it is conceivable that he could keep his case before various courts for years to come.

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1 - Mr. DeLoach  
1 - Mr. Bishop  
1 - Mr. Rosen  
1 - Mr. McGowan  
GWG:dmc/mjl (9)

See Note Next Page

Assistant Attorney General  
Civil Rights Division

Since April, 1968, when we began our investigation which led to the identification and apprehension of James Earl Ray, we have been requested by numerous well-known writers and publications to assist them in publishing a factual account of our investigation. We have declined all such requests for assistance.

As a result of the Tennessee State Supreme Court's action in denying Ray's petition for a new trial, we have begun to receive more requests for essential facts--facts which would have come out at Ray's trial if he had not pleaded guilty--which will dispel the unfounded rumors and falsehoods that persist in the King murder case and present a potential for exploitation, particularly by individuals and organizations seeking to spread misunderstanding and unrest among Negro citizens.

If you concur, we will consider assisting a reliable writer in preparing a factual account of the King murder case which can serve as an authentic document in refuting the tremendous amount of misinformation about the case which currently exists.

NOTE: See A. Rosen to Mr. DeLoach Memo dated 1/18/70, captioned "Murkin."

Mr. DeLoach

A. Rosen

MURKIN

January 16, 1970

1 - Mr. DeLoach

1 - Mr. Rosen

1 - Mr. Malley

1 - Mr. McGowan

1 - Mr. McDonough

1 - Mr. Bishop 1 - Mr. Mohr

This is the case involving the murder of Martin Luther King, Jr. Set forth hereunder is the current status of prosecutive action relative to the subject, James Earl Ray who is serving a 99 year sentence for murder in the Tennessee State Penitentiary, Nashville, Tennessee.

STATUS OF STATE PROSECUTION:

On January 8, 1970, the Tennessee State Supreme Court denied a petition by James Earl Ray for a new trial. In handing down the unanimous (four judges sitting) decision, the court noted that Ray had knowingly pleaded guilty in State Criminal Court to the slaying of King, that he had been represented by competent counsel and had waived all rights of appeal in entering his plea.

SAC, Memphis has advised that on January 12, 1970, Jesse Clyde Mason, Assistant State Attorney General, Shelby County, Memphis, Tennessee, advised that the only other appeal recourse that James Earl Ray has in connection with his conviction in the murder of Martin Luther King, Jr., is to file a motion under the Tennessee "Post Conviction Relief Act." He stated that attorneys for Ray have not filed such a motion to date; however, he anticipates that such a motion will be filed within the next thirty days. He asserted that there is no time limitation for such a motion to be filed in Ray's behalf; however, the longer that Ray waits to file such a motion hinders his chances of having a successful opinion rendered in his behalf. If such a motion is filed and is declined at the Shelby County Circuit Court level, Ray does have recourse through the Appellate Court and State Supreme Court on this particular issue.

Mason stated that if Ray is unsuccessful in obtaining a new trial under the Tennessee "Post Conviction Relief Act," he then has recourse through the Federal courts by a habeas corpus action claiming that his constitutional rights have been violated in that his plea of guilty to the murder charge was not given voluntarily.

EJM:cs (8)

CONTINUED - OVER

Memo Rosen to DeLoach  
RE: MURKIN

STATUS OF FEDERAL PROSECUTION:

Federal process is still outstanding on Ray charging that he and an individual who he alleged to be his brother conspired to interfere with a constitutional right of Martin Luther King, Jr., namely, the right to travel freely from state to state.

RELEASE OF INFORMATION:

It is noted that consideration was previously given to the release of information regarding the Bureau's outstanding handling of this investigation. Ray currently still has possible avenues of appeals in state courts and through the Federal courts and Federal process is still outstanding on the conspiracy charge which the Department previously declined to have dismissed even though it is within their province to do so. Investigation has indicated that Ray acted alone and no evidence of a conspiracy has been developed and, therefore, the Department is not in a position to proceed on the conspiracy charge. However, inasmuch as he never was tried by a jury and has not exhausted the possibility of an appeal in State court and as Federal process is still outstanding, it is felt that the releasing of any information of a possible evidentiary nature should be taken up with the Department prior to making any such release and assuming such a responsibility.

ACTION:

For information. Any further appellate action by Ray will be closely followed and you will be kept advised.

- 2 -

SEE ADDENDUM P3



Rosen to DeLoach Memorandum  
RE: MURKIN

*McDonough*

ADDENDUM BY C. D. DE LOACH, 1/15/70:

I agree thoroughly that the Department should be consulted prior to any cooperation being given by the FBI to anyone. However, I believe that our chances for good public relations and solid credit in this particular case are being gradually eroded away by those critics who are constantly harping about the wiretap on Martin Luther King as well as his (King's) criticisms against the FBI. Frankly, considerable aspects of this case are already within the public realm. This includes the Reader's Digest article by Jerry O'Leary as well as hundreds of articles which have appeared in the press and programs on radio and television. Consequently, there is not a great deal more that could be said in a book.

Ray can always launch an appeal. He could actually do so ten to twenty years from now. Therefore, we are always faced with this prospect regardless of the circumstances. I believe that a "reasonable time" has elapsed and the consideration should be given at this time to granting the Reader's Digest request that Jim Bishop be allowed to write a book on this case.

Admittedly, Jim Bishop is somewhat pompous, however, he is cooperative, friendly and perhaps the most thorough, exacting author in this particular category of books. As stated above, however, we should get the views of the Department in writing before proceeding.

CDD:amr

(7)

10/20

*values  
put with file*

Mr. DeLoach

October 20, 1969

A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- ① - Mr. McDonough
- 1 - Mr. Bishop
- 1 - Mr. W. C. Sullivan

MURKIN

This is the case involving the murder of Martin Luther King, Jr.

The Internal Security Division of the Department has advised that pursuant to his request, Harold Weisberg, a freelance writer who resides in Frederick, Maryland, was interviewed by a Department attorney 10-8-69. During the course of the interview Weisberg advised that he had recently received a telephone call from J. E. Stoner, National Chairman of the National States Rights Party in which Stoner claimed that two men in his party formerly served as informants of the FBI and these two men are prepared to testify in court that the FBI offered them \$25,000 to frame James Earl Ray for the assassination of Martin Luther King, Jr. Weisberg said the testimony presumably would be furnished in a habeas corpus proceeding.

This is obviously an attempt by Weisberg and Stoner to discredit the Bureau with such unwarranted, scurrilous allegations.

Weisberg is apparently identical with Harold Weisberg an individual who has been most critical of the Bureau in the past. He is the author of several books including one entitled, "Whitewash - The Report of the Warren Report" and has been critical of the FBI, Secret Service, police agencies and other branches of Government. He was one of ten employees fired by the State Department during 1947 because of his loyalty being suspected. He was later allowed to resign. (This is public source data, article in "Washington Post" 11-18-47.) Weisberg by letter in April, 1969, requested information on the King murder case for a forthcoming book. It was approved that his letter not be acknowledged. (100-35139)

J. E. Stoner, one of the present attorneys for James Earl Ray who has petitioned the Supreme Court of Tennessee for a Writ of Certiorari in connection with his motion for a new trial, is a

Enclosure 5

EJM:jmv  
(8)

CONTINUED - OVER

Rosen to DeLoach Memo

RE: MURKIN

notorious segregationist who continually attacks the Bureau and the Director. On the basis of the information furnished, the two alleged former informants referred to cannot be identified in Bureau files.

ACTION:

1. In view of the nature of the information and the background on Weisberg and Stoner it is not felt that they should be interviewed regarding this matter.

2. The Savannah Office which is the office of origin in the case covering the activities of Stoner and the National States Rights Party and the Memphis Office which is office of origin in the James Earl Ray case and is following any appeals are being furnished background information in this matter and are being instructed to be alert for any further information along these lines in order that appropriate action can be taken on any such additional information as warranted.

3. The Memphis Office is being instructed to advise responsible Tennessee state authorities handling the King murder case of the information furnished by the Department and that there is no basis to the allegation that the FBI offered money to anyone to frame James Earl Ray for the King murder. Information furnished Tennessee state authorities will be confirmed in writing by the Memphis Office. Airtel along these lines attached for approval.

4. Attached also as a letter to the National Security Council copy of a report regarding activity of the FBI as well as the allegation against the FBI.

10-21-69

AIRTEL

1 - Mr. McDonough

To: SACs, Memphis (44-1987) (Enclosure)  
Savannah (44-1768) (Enclosure)

From: Director, FBI (44-38861)

MURKIN

Enclosed for each office is a copy of a letter from the Internal Security Division of the Department dated 10-15-69.

For your information Bureau files show that one Harold Weisberg who is probably identical with the Weisberg mentioned in the attached letter, has been most critical of the Bureau in the past. He is the author of several books including one entitled, "Whitewash - The Report of the Warren Report" and has been critical of the FBI, Secret Service, police agencies and other branches of Government. He was one of ten employees fired by the State Department during 1947 because of his loyalty being suspected. He was later allowed to resign. Weisberg by letter in April, 1969, requested information on the King murder case for a forthcoming book. It was approved that his letter not be acknowledged.

J. B. Stoner, one of the present attorneys for James Earl Ray who has petitioned the Supreme Court of Tennessee for a Writ of Certiorari in connection with his motion for a new trial, is a notorious segregationist who continually attacks the Bureau and the Director. On the basis of the information furnished the two alleged former informants referred to cannot be identified in Bureau files.

In view of the nature of the information in the attached letter and the background on Weisberg and Stoner they are not being interviewed regarding this matter.

EJM:jmv  
(6)

SEE NOTE PAGE TWO

*For processing*

Director  
Federal Bureau of Investigation

October 15, 1969

J. Walter Yeagley  
Assistant Attorney General  
Internal Security Division

Harold Weisberg

On June 13, 1969 Harold Weisberg, a free-lance writer who resides at Route 8, Frederick, Maryland, requested an interview with a Departmental attorney.

Later the same day he visited this Division and discussed certain Haitian exile revolutionary activities. He again visited this Division on October 3, 1969 and continued his discussion of Haitian exile activities. The information he furnished regarding those activities was of no value.

During the course of the interview on October 8, 1969, Mr. Weisberg advised that he had/recently received a telephone call from J. B. Stoner, National Chairman of the National States Rights Party. He said that Stoner told him that two men in his Party formerly served as informants of the FBI. Stoner allegedly said that these two men are prepared to testify in court that the FBI offered them \$25,000 to frame James Earl Ray for the assassination of Martin Luther King, Jr. Mr. Weisberg said that the testimony presumably would be furnished in a habeas corpus proceeding. /

This information is being forwarded as a matter of possible interest to your Bureau.

Assistant Attorney General  
Internal Security Division

October 21, 1969

Director, FBI

R(1) - Mr. McDonough

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

Reference is made to your letter dated October 15, 1969, entitled "Harold Weisberg" wherein you advised that Mr. Weisberg, pursuant to his request, was interviewed by a Departmental attorney. According to your letter, during the course of the interview on October 8, 1969, Mr. Weisberg advised that he had recently received a telephone call from J. B. Stoner, National Chairman of the National States Rights Party. He said that Mr. Stoner told him that two men in his Party formerly served as informants of the FBI. Mr. Stoner allegedly said that these two men are prepared to testify in court that the FBI offered them \$25,000 to frame James Earl Ray for the assassination of Martin Luther King, Jr. Mr. Weisberg said that the testimony presumably would be furnished in a habeas corpus proceeding.

In order that the record will be correct, there is no basis to the allegation that the FBI offered money to anyone to frame James Earl Ray for the murder of Martin Luther King, Jr.

I - Assistant Attorney General  
Civil Rights Division  
EJM:jld  
(5)

NOTE:

See Memorandum Rosen to DeLoach 10/20/69, captioned  
"MURKIN!"

10-16



Mr. DeLoach

October 16, 1969

A. Rosen

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
① - Mr. McDonough  
1 - Mr. Bishop

MURKIN

This is the case involving the murder of Martin Luther King, Jr.

The Birmingham Office previously advised that Arthur Hanes, a former attorney for James Earl Ray, the subject of this case, recently stated to an Assistant U. S. Attorney in Birmingham that he, Hanes, believed Ray was involved in a gunrunning conspiracy which was supplying guns to black militants and others when King was shot. Birmingham was instructed to interview Hanes and pin him down for specifics. Hanes is a former Bureau Agent and an individual who will do anything for publicity. He is known to be closely affiliated with the United Klans of America and as an attorney has represented many Klan members.

Hanes on interview entered into a lengthy discourse of his theories concerning the James Earl Ray case and stated that although Ray undoubtedly was involved, it was his theory that Ray had been led or instructed in his actions by other unknown individuals. He stated that he had two theories of groups which may have led Ray; one being the Central Intelligence Agency (CIA), and the other being black militant groups. He had no definite information in this connection whatsoever.

In alleged furtherance of the gunrunning conspiracy theory, Hanes furnished information regarding a local Birmingham burglary of some shotguns and silver service in December, 1968, which involved a client of his who was convicted in August, 1969, in connection with the local burglary. Hanes furnished no information to tie this burglary in with the gunrunning theory and it is noted that King was shot on 4-4-68, eight months before the burglary occurred.

**ACTION:** For information. The information furnished by Hanes is being forwarded to the Civil Rights Division for its information.

EJM:jmv  
(7)

CIVIL RIGHTS DIVISION

October 16, 1969

ASSASSINATION OF MARTIN LUTHER KING, JR.

xxxXX a memorandum  
Birmingham

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
10-10-69

XXX (G) EJM:jmv



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to  
File No.*

Birmingham, Alabama  
October 10, 1969

Re: JAMES EARL RAY;  
DR. MARTIN LUTHER KING, JR. - VICTIM  
CIVIL RIGHTS CONSPIRACY

Assistant United States Attorney R. Macey Taylor, Birmingham, Alabama, advised on September 25, 1969, that he had been in conversation with Arthur Hanes, former defense counsel for subject Ray. Assistant United States Attorney Taylor related certain allegations that Hanes had proposed to him to the effect that one James Robert Blow, a former resident of Cahaba Heights, a Birmingham suburb, may have conspired with other named individuals and subject Ray in interstate transportation of weapons to Memphis, Tennessee, where Hanes believed they were intended for black militant groups.

On October 10, 1969, Attorney Arthur J. Hanes was interviewed at his office, 617 Frank Nelson Building, after the absence of a week from Birmingham. Hanes entered into a lengthy discourse of his theories concerning the James Earl Ray case and stated that although Ray undoubtedly was involved, it was his theory that Ray had been led or instructed in his actions by other unknown individuals. He stated that he had two theories of groups who may have led Ray; one being the Central Intelligence Agency (CIA), and the other being black militant groups. He had no definite information in this connection whatsoever. He also commented that he had, while serving as Ray's defense counsel, observed the bullet which was alleged to have been fired from the rifle involved in this matter, and it was his personal opinion that the bullet was sufficiently intact to be identified as the murder projectile.

Regarding his former client, James Robert Blow also known as Robert Blow, Hanes related as follows.

Re: JAMES EARL RAY;  
DR. MARTIN LUTHER KING, JR. - VICTIM  
CIVIL RIGHTS CONSPIRACY

On December 18, 1968, the residence of Mr. J. E. Woods, III, 2432 Crest Road, Mountain Brook, a residential suburb of Birmingham, had been burglarized, and numerous shotguns, including automatic shotguns together with silver service, had been taken by a local thief, James Warren Carlisle, who is now serving a penitentiary term for burglary. Carlisle had informed Deputy Sheriff Walter Dean, Birmingham, that some of the stolen effects might be located in the residence of James Robert Blow and wife Janice Blow who at that time were living at 3218 Greendale Road, Cahaba Heights. This led to Dean securing a search warrant for the residence and the recovery of the silver service belonging to the Woods family. Blow was subsequently charged with receiving and possessing stolen goods.

Hanes by reference to his file related that on May 15, 1969, he appeared with Blow in the Jefferson County Courthouse at which time Grand Jury action was waived. On that date, Hanes discussed with Deputy Walter Dean possible cooperation of his client Blow in connection with recovery of the numerous guns taken from the Woods residence. Blow agreed to cooperate and in the presence of Deputy Dean and an agent of the Alcohol, Tobacco and Firearms Division of the Treasury Department identified a photograph of one Claude Cockrell of Memphis, Tennessee, as being the owner of a Cadillac into which he had observed Carlisle and Cockrell loading the weapons which were then taken to Memphis, and it was the information of Hanes that Cockrell was later charged by the Alcohol, Tobacco and Firearms Division with having transported automatic weapons from Birmingham to Memphis. Hanes stated that a local Birmingham hoodlum, Bob Loveless, had also assisted in loading the weapons into Cockrell's Cadillac according to information furnished by his client Blow. He stated that it was his opinion also that weapons such as these had been intended for black militant groups in Memphis, who might have intended to use them in King's assassination. It should be noted that all weapons involved in the transportation by Cockrell to Memphis which had been stolen from the Woods residence were shotguns and not rifles.

Re: JAMES EARL RAY;  
DR. MARTIN LUTHER KING, JR. - VICTIM  
CIVIL RIGHTS CONSPIRACY

Mr. Hanes stated that he had read of weapons being brought to the United States through Gulf Coast ports such as Mobile, Alabama, and Pascagoula, Mississippi, and thought possibly some of these weapons may have been intended for use in the murder of Dr. King.

Hanes stated that his client James Robert Blow was arraigned on June 20, 1969, and on August 21, 1969, was sentenced to one year and one day which was suspended and he was placed on probation for two years.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

10/10/69

AIRTEL

AIRMAIL

TO : DIRECTOR, FBI (44-38861)  
FROM: SAC, BIRMINGHAM (44-1740) (P)  
MURKIN

Re Bureau airtel to Birmingham, dated 10/6/69.

Attorney ARTHUR HANES was interviewed by SA HENRY A. SNOW upon HANES' return to Birmingham, stating that he had spent the entire week in eastern North Carolina in the defense of criminal cases there.

During interview, HANES was very indefinite in any of his statements and appeared to merely wish to discuss his theories on the MURKIN case. The information he related as far as gunrunning would appear to in no way relate to JAMES EARL RAY, and for that reason, Birmingham suggests no further action in this matter concerning information furnished by HANES.

2 - Bureau (Enc.4)  
2 - Memphis (44-1987) (Enc.2)  
2 - Birmingham  
HAS: cab  
(6)

10/2  
11/20

Mr. DeLoach

October 2, 1969

A. Rosen

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Halley  
1 - Mr. McGowan  
1 - Mr. McDonough  
1 - Mr. Bishop

MURKIN

This is the case involving the murder of Martin Luther King, Jr.

The Birmingham Office has furnished information received from Assistant United States Attorney (AUSA) Macey Taylor who received it from Arthur Hanes, one of James Earl Ray's former attorneys. Hanes is a former Bureau Agent and an individual who will do anything for publicity. He is known to be closely affiliated with the United Klans of America and as an attorney has represented many Klan members.

AUSA Taylor advised that Hanes contends that Ray was involved in a gunrunning conspiracy with one James Robert Blow, one Bob Lovelace, one Claude Cockrell and one James Carlisle. Hanes claimed that Ray was in Memphis at the time of the shooting of King for the purpose of disposing of these weapons (rifles and other automatic weapons) to black militants in that city and the guns were obtained through Pascagoula, Mississippi, implying that they came from outside the country.

Hanes also told AUSA Taylor that when he reviewed the evidence as Ray's attorney he noted that one rifle slug which had been obtained from the body of the victim was not mutilated beyond comparison purposes but he had been informed that only partial fragments of the fatal bullet were recovered which would preclude possible identification. It is to be noted that only one bullet slug was recovered from King's body and although because of mutilation it cannot be identified as having been fired from the suspect gun, it was the type of projectile which would have been fired from such weapon. No information has been developed to substantiate any conspiracy involving James Earl Ray in connection with the King murder or any so called gunrunning.

ACTION:

Although investigation to date has failed to connect Ray with any gunrunning, it is felt Hanes should be interviewed for any additional details so that it can be appropriately run out.

EJM:jmv  
(7)



9/26/69

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (44-38861)  
FROM: SAC, BIRMINGHAM (44-1740) (P)

MURKIN

On 9/25/69, AUSA R. MACEY TAYLOR, Birmingham, was interviewed, at his request, stating that he had been in conversation with Attorney ART HANES, Birmingham, former defense counsel for subject RAY. AUSA TAYLOR related that the information set forth below, as obtained from HANES, was being passed on for whatever it might be worth.

TAYLOR stated that HANES contends that subject RAY had been engaged in transportation of weapons (rifles and other automatic weapons), and that the reason he was in Memphis was his interest in disposing of such weapons to black militant groups in that city. HANES contends that there had existed a conspiracy in the transportation of such weapons on the part of RAY whom he contends was operating with one JAMES ROBERT BLOW, formerly of Cahaba Heights, a Birmingham suburb, who is supposed to work for some printing company in Birmingham known as the P&L Printing Co., and according to HANES, BLOW had previously been charged in Jefferson County Court, at Birmingham, by Deputy Sheriff WALTER DEAN on some unknown charge, the status of which he does not now know. RAY and BLOW were supposed to have been engaged in their gun transportation details by one BOB LOVELESS, believed from Birmingham, one CLAUDE COCKRELL, believed to be a Memphis resident, and one JAMES CARLISLE, believed to be of Birmingham. According

② - Bureau  
2 - Memphis (44-1987)  
2 - Birmingham  
HAS:bsg  
(6)

BH 44-1740

to HANES' conjectures, BLOW and the others were obtaining these weapons through Pascagoula, Mississippi, implying that they were from out of the country.

Aside from the above, TAYLOR stated that during his conversation with HANES, that individual had mentioned that while he was employed by RAY, he had filed a motion in Memphis to observe the physical evidence, and noted that one rifle slug, which had been obtained from the body of the victim, was not mutilated to such an extent that it could not be identified by laboratory examination, although he had been informed that only partial fragments of the fatal bullet were recovered which precluded any positive identification.

As stated above, AUSA TAYLOR did not consider information furnished by HANES to be of material value, but stated that due to HANES' proclivity for publicity, he did not desire to be placed in the position of not having passed on to authorities any information furnished by HANES. He suggested that the Bureau may consider informing the Alcohol, Tobacco and Firearms Division of the Treasury Department of information relating to instant transportation of weapons on the part of RAY, BLOW and others.

The Bureau is familiar with the fact that HANES is very closely allied with the UKA and previous information has been furnished to the Bureau that he received a sum of \$12,500 as an attorney for Klan members charged in North Carolina, and also met with UKA officials recently in Tuscaloosa, Alabama.

A file review of this matter fails to reflect any reference of individuals mentioned by HANES.

REQUEST OF BUREAU:

Birmingham does not intend to contact HANES or otherwise institute further investigation in this matter UACB. The Bureau is requested to advise Birmingham whether

BH 44-1740

the meager information furnished by HANES regarding instant transportation of weapons on the part of those named by him should be given to the Alcohol, Tobacco & Firearms Division.

9-16

Mr. DeLoach

September 16, 1969

A. Rosen

MURKIN

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malloy  
1 - Mr. McGowan  
① - Mr. McDonough  
1 - Mr. Bishop

This is the case involving the murder of Martin Luther King, Jr.

The Memphis Office has advised that Tennessee Assistant District Attorney General J. Clyde Mason informed that in recent conversation with one of James Earl Ray's attorneys, Richard J. Ryan, it was determined that Ryan intends to appeal this matter to the Tennessee Supreme Court. Ryan has until 10-13-69, to perfect his appeal to that court and Ryan has indicated he intends to meet that deadline. James Earl Ray, the subject in this case, is presently incarcerated in the Tennessee State Penitentiary, Nashville, Tennessee, based on his plea of guilty of murder charges on 3-10-62, for which he received a 99 year sentence.

The basis for the appeal is that under Tennessee law when a judge dies before ruling on a motion for a new trial, the defendant is automatically granted a new trial on the basis that only the trial judge would have been aware of errors in the previous trial and the defendant should, therefore, be entitled to a new trial. The State contends that this law does not apply in the Ray case since Ray was sentenced on a plea of guilty and was never tried. The defense contends that a letter written by Ray to the late Judge Preston Battle, who died of a heart attack several weeks after the sentencing of Ray, constituted a motion for a new trial and since Judge Battle died without ruling on this matter Ray is entitled to a new trial. Mr. Mason further stated that Ryan indicated to him that if Ray is unsuccessful before the Tennessee Supreme Court, they will then attempt to seek relief through some other avenue of appeal.

ACTION:

For information. This will continue to be closely followed.

RJH:jmv  
(7)

9/2

UNITED STATES GOVERNMENT

# Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Bishop	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

*Handwritten initials/signature*

TO : Mr. Mohr

DATE: 9-2-69

FROM : C. L. Trotter *CLT*

*Put in number  
news folder*

SUBJECT: JAMES EARL RAY  
IDENTIFICATION MATTER

On 3-10-69 Ray, who had been charged with the murder of Martin Luther King, plead guilty in Tennessee State Court and was sentenced to 99 years in the Tennessee State Prison at Nashville. In addition, he still has 13 years to serve in Missouri. The judge who sentenced Ray was W. Preston Battle, Criminal Court, Memphis, Tennessee. Battle is dead, the victim of a heart attack in his chambers on 3-31-69. On 4-7-69 Ray filed a motion for a new trial in Memphis and on 5-26-69 Judge Arthur Faquin dismissed this. On 6-16-69 a "prayer for appeal" was denied by Judge Faquin. On 6-25-69 Ray appealed to the Tennessee State Court of Criminal Appeals for a court review of the trial record and this was denied on 7-15-69. There are no court-imposed restrictions on discussing the evidence in this case.

Some very excellent latent fingerprint identification techniques employed in this case resulted in Ray's identification by the Bureau's Identification Division.

### RECOMMENDATION:

That the attached interesting identification be approved for classroom and speech use.

Enc.

*Handwritten initials/signature*

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Rosen

CLT:cay *CLT*  
(5)

*name copy to  
DJD file 9/5/69*

SEE ADDENDUM OF GENERAL INVESTIGATIVE DIVISION  
PAGE 2...

SEE ADDUNDUM OF CRIME RECORDS DIVISION  
PAGE 3...

Although Ray's appeal in Tennessee State Court was denied by the court on 7/15/69, the State Prosecuting Attorney previously advised that Ray can continue his appeals by filing petitions for Writs of Habeas Corpus in State Court and if these are unsuccessful, he can do the same in Federal Court. The prosecuting attorney anticipates that Ray will avail himself of such remedies, although there is no current indication as to when he will do so.

In light of this, it is not felt desirable for the Bureau to comment beyond that which is a matter of public record, that is, what has been publicly testified to in open court.

ADDENDUM CRIME RECORDS DIVISION 9-4-69 TEB:hak

Every convicted person has the privilege of filing a Writ of Habeas Corpus while a prisoner. If we allow the possibility of Ray doing so to prevent us from getting out to the public the story of the excellent work done by the FBI in this case, it will never be possible to get it out so long as Ray is serving his life sentence, if the feelings of the General Investigative Division are followed. In addition, it should be born in mind that the danger of prejudicing a case by publicity only applies prior to and during the actual trial of the case. Publicity cannot prejudice a case in the appeals stage since this stage is concerned only with matters of law rather than fact.

*Have we any legal support of this?*

The FBI has done an outstanding job in this case and we should now start letting the public know of this job through items like the attached, through articles, and through cooperating with a good author like Jim Bishop, who has been commissioned by Reader's Digest to prepare a comprehensive book on this case.

*I agree. The longer we refuse cooperation to good sources the greater our loss from a public relations standpoint.*

*1/2*

*TEB  
I agree with Rosen's and  
9/4 2pm*



**JAMES EARL RAY  
INTERESTING IDENTIFICATION**

Martin Luther King, Jr., was killed on April 4, 1968, while standing on a balcony of the Lorraine Hotel in Memphis, Tennessee. The unknown killer made good his getaway, but in so doing, left behind evidence that would eventually help lead to his identification, apprehension and imprisonment. Items left behind were a .30-06 Remington rifle with attached Redfield telescopic sight, binoculars, and a blue zipper bag containing clothing and personal articles. These items were found in the vicinity of a rooming house across from the Lorraine Hotel. Investigation determined that subject had rented a room at the rooming house using the name John Willard, and it was from the bathroom in this establishment that the fatal shot was fired. The rifle and other evidence was delivered to the FBI Laboratory and Identification Division by a Special Agent of the Memphis Division.

Several latent prints of value were developed on the items submitted. Two of these latent prints, one on the rifle and one on the binoculars, were found to have been made by the same finger, and the position of these prints, as well as the shape and slope of the ridges, indicated the prints were probably from the left thumb.

Thorough investigation developed considerable information relative to the murderer. The rifle had been purchased in Birmingham by an individual using the name Harvey Lowmeyer; the white Mustang believed to be the getaway car was registered to an Eric Starvo Galt, who had spent the night preceding the murder at the Rebel Motel in Memphis. Galt was further traced to a rooming house in Atlanta where additional evidence was recovered, including a map of Mexico. A latent fingerprint developed thereon was identified with the latent prints on the rifle and binoculars. This identification enabled the FBI fingerprint experts to say that this print, in addition to probably being from the left thumb, was an ulnar loop of 12 ridge counts.

The latent prints developed on the rifle, binoculars, the map, and other evidence had been compared during the eleven days following the murder with approximately 400 suspects, had been searched through all sections of the FBI's single fingerprint file and compared with all outstanding FBI identification orders.

Based on the premise that the latent fingerprint recovered from the rifle, binoculars and map of Mexico was probably from the left thumb and was an ulnar loop of 12 ridge counts, a review of the fingerprint records of the 53,000 fugitives on file was undertaken and it was found that approximately 1900 of these fugitives had ulnar loops of 10 - 14 ridge counts in the left thumb. Comparisons were started and on April 19, 1968, 15 days after the crime, the latent fingerprints were identified with the fingerprints of James Earl Ray, an escapee from the Missouri State Penitentiary where he had been serving time for robbery.

The fingerprint identifications with James Earl Ray triggered an intensive man hunt involving law enforcement officers and investigative personnel, not only in the United States, but also Mexico, Canada, England, and other countries.

The possibility that Ray himself might have been killed was not overlooked and all unknown deceased fingerprint cards received by the FBI were referred to the Latent Fingerprint Section for comparison. One case of this type concerned a body found buried on the beach at Acapulco, Mexico. Fingerprints taken by local authorities from this body were examined in the Latent Fingerprint Section but, because of the condition of the body, were of no value. An examiner from the FBI's Latent Fingerprint Section flew to Mexico and on examining the flesh of the fingers was able to determine that the body was not that of James Earl Ray.

Another phase of the investigation led to Canada, and there, following an exhaustive search of passport applications, it was determined that Ray had obtained a passport under the name of Ramon George Sneyd and had taken an airplane flight to London.

Copies of the FBI Identification Order prepared following Ray's identification by latent prints were immediately furnished to Scotland Yard and on June 8, 1969, while attempting to board a flight for Brussels, Belgium, Ray was arrested at London Airport.

Ray was subsequently ordered extradited to Memphis, Tennessee, to stand trial for murder and to Missouri as an escaped felon. On March 10, 1969, Ray plead guilty to King's murder and was sentenced to 99 years in the Tennessee State Penitentiary.