

1/6/75

GENERAL INVESTIGATIVE DIVISION

This pertains to the shooting death of Dr. Martin Luther King, Jr., on 4/4/68. James Earl Ray has pled guilty to this murder and presently in local confinement.

The attached from Atlanta Office advises of information furnished by one Leon Owen Powell who, in essence, claims he and his brother Claude Powell, Jr., while in an Atlanta bar in early October - November, 1967, were approached by a mutual friend Ray Godfrey, who asked the Powells' if they were interested in making \$50,000. Godfrey told them he would put them in contact with an individual who would pay them to murder King. Approximately one week later at same bar the Powells were approached by an individual named Ralph (Last name unknown) who said "I guess you know why I'm here" and subsequently opened his briefcase displaying what he said was \$25,000. Powell said they told Ralph they needed time to think it over. Ralph replied "if your mind is not made up now, I can't do business with you". Powell said Ralph never said the money being offered was to kill King. Powell states neither he nor his brother involved in murder of King.

No identifiable information in Bureau files on Leon Owen Powell, Claude Powell, Jr., or Ray Godfrey.

This will be discussed with Civil Rights Division of Department to determine if any investigation warranted.

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Moore
- 1 - Mr. Wannall

HNH:pdh

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 05 1976

TELETYPE

NR001 AT PLAIN

10:53 AM URGENT 1-5-75 LMM

TO: DIRECTOR (44-38861)

FROM: ATLANTA (44-2386) (P)

ATTENTION: GENERAL INVESTIGATIVE DIVISION,
CIVIL RIGHTS SECTION, ROOM 5136, JEH.

Helterhoff

MURKIN.

RE ~~ATLANTA~~ TELCALL TO THE BUREAU, JANUARY 5, 1976.

ON JANUARY 4, 1976, LEON OWEN POWELL, WHITE MALE, CONTACTED ATLANTA OFFICE OF THE FBI ADVISING HE HAD INFORMATION CONCERNING THE SUBJECT MATTER.

DURING PERSONAL INTERVIEW WITH POWELL, HE ADVISED THAT DURING LATE OCTOBER OR EARLY NOVEMBER, 1967, DATE UNKNOWN, DURING THE LATER AFTERNOON HOURS, HE AND HIS BROTHER, CLAUDE POWELL, JR., AKA "SHOTGUN POWELL", A WHITE MALE, WERE HAVING A DRINK IN PETE'S BAR AT MORELAND AND CONFEDERATE AVENUES, ATLANTA, GEORGIA, WHEN THEY WERE APPROACHED BY MUTUAL FRIEND RAY GODREY, A WHITE MALE, APPROXIMATELY FORTY YEARS OF AGE, SIX FEET ONE INCH, TWO HUNDRED TWENTY POUNDS, COUNTRY AND WESTERN SINGER, EMPLOYEE OF THE ATLANTA SANITATION DEPARTMENT, WHO ASKED IF THEY WOULD BE INTERESTED IN MAKING \$50,000. DURING THE POWELL BROTHERS CONVERSATION WITH GODREY, IT WAS DETERMINED THAT GODREY WOULD PUT

END PAGE ONE.

CARBON COPY DO NOT FILE

PAGE TWO (44-2386)

THEM IN CONTACT WITH AN INDIVIDUAL WHO WOULD PAY THEM TO MURDER MARTIN LUTHER KING, JR. POWELL BROTHERS EXPRESSED INTEREST IN THE CONTRACT TO MURDER KING AND THE CONVERSATION WAS TERMINATED WITH GODREY.

APPROXIMATELY ONE WEEK AFTER THE MEETING WITH GODREY, THE POWELL BROTHERS WERE AGAIN DRINKING IN PETE'S BAR, EXACT DATE UNKNOWN, AT APPROXIMATELY FOUR OR FIVE PM, WHEN THEY WERE APPROACHED BY AN INDIVIDUAL NAMED RALPH (LNU), WHITE MALE, HEAVY-SET, SIX FOOT ONE INCH TO TWO INCH, NO ACCENT, WELL-GROOMED, LATE FORTIES, WELL-SPOKEN, DESCRIBED AS "LAWYER-TYPE", WHO WAS IN POSSESSION OF A BRIEFCASE. RALPH (LNU) APPROACHED THE POWELL BROTHERS, PUT HIS BRIEFCASE ON THE TABLE AND SAID, "I GUESS YOU KNOW WHY I'M HERE". THE POWELL BROTHERS NODDED IN ASSENT, AT WHICH TIME RALPH (LNU) OPENED HIS BRIEFCASE, DISPLAYING WHAT HE SAID WAS TWENTY-FIVE THOUSAND DOLLARS AND THEN SAID, "IF YOU DECIDE TO TAKE THE JOB, THERE'S FIFTY THOUSAND DOLLARS MORE WHEN IT'S COMPLETED". "SHOTGUN" POWELL REPLIED TO RALPH THAT HE AND HIS BROTHER NEEDED TIME TO THINK IT OVER, AT WHICH TIME RALPH (LNU) STATED, "IF YOUR MIND IS NOT MADE UP NOW, I CAN'T DO BUSINESS WITH YOU". NOTHING ELSE WAS SAID AND RALPH

END PAGE TWO.

PAGE THREE (44-2386)

CLOSED HIS BRIEFCASE AND LEFT. POWELL ADVISED THAT RALPH NEVER ACTUALLY SAID THAT THE MONEY BEING OFFERED TO THEM WAS TO KILL MARTIN LUTHER KING.

NEITHER HE NOR HIS BROTHERS OBSERVED HOW RALPH (LNU) CAME OR LEFT THE BAR. THEY HAVE NOT SEEN RALPH (LNU) SINCE THAT DATE.

HE HAS NOT BEEN IN CONTACT WITH RAY GODFREY IN APPROXIMATELY SEVEN YEARS AND DOES NOT KNOW GODFREY'S LOCATION. THE ONLY OTHER INDIVIDUALS AWARE OF HE AND HIS BROTHER'S MEETING WITH RALPH (LNU) ARE HIS FORMER WIFE, ANNIE LOIS CONPOS, WHITE FEMALE OF ATLANTA AND PETE DAVIS, WHITE MALE, OWNER OF THE BAR WHERE HE AND HIS BROTHER TALKED WITH RALPH (LNU).

HIS WIFE HAS NO FIRST-HAND KNOWLEDGE OF THE MATTER, SHE IS AWARE OF THE FACTS AS HE DESCRIBED THEM TO HER.

PETE DAVIS ACTUALLY OBSERVED RALPH (LNU) ENTER AND EXIT HIS BAR, BUT NEVER ENTERED THE CONVERSATION BETWEEN RALPH (LNU) AND THEMSELVES.

NEITHER HE NOR HIS BROTHER WERE INVOLVED IN THE KILLING OF MARTIN LUTHER KING, JR. BECAUSE THE WHOLE SITUATION, AS DESCRIBED ABOVE, "SCARED US". HE IS WILLING TO TAKE A POLYGRAPH IN THIS
END PAGE THREE.

PAGE FOUR (44-2386)

MATTER.

HE HAS WAITED NINE YEARS TO CONTACT THE FBI IN THIS MATTER BECAUSE HE RECENTLY OBSERVED A DOCUMENTARY ON TELEVISION WHICH DISTURBED HIS CONSCIENCE AND HE FELT THAT HE HAD TO FURNISH THIS INFORMATION TO THE FBI.

POWELL STATED THAT THE REASON HE BELIEVES HE AND HIS BROTHER WERE CONTACTED BY GODFREY IS BECAUSE HIS BROTHER, "SHOTGUN" POWELL SERVED FIVE YEARS FOR ARMED ROBBERY AND, AT THAT TIME, 1967, HIS BROTHER HAD A REPUTATION FOR BEING AN EXPERT WITH A SHOTGUN. POWELL STATED HIS BROTHER, AT THAT TIME, CONSTANTLY CARRIED A SHOTGUN BECAUSE, "HE HAS AN INFERIORITY COMPLEX".

REQUEST OF THE BUREAU. CONTACT THE DEPARTMENT TO DETERMINE IF ADDITIONAL INVESTIGATION CONCERNING THE ABOVE INFORMATION IS DESIRED AT THIS TIME.

END.

RSP FBIHQ

Tiekus Murkin - Dissemination of Information

XEROX

REVIEWED

6/27 *7/5/77 jmr*

EXCISED & XEROXED

OTHER _____

COMPLETED

Date 7-5-77

The following material has been reproduced
for excising and review at FBIHQ by representatives of
the House Select Committee on Assassinations:

File No. Jaspers Murkin (Dissemination of
Information)

Section _____

Serials _____ through _____

(except following serials not in
file on this date:

Enclosure Behind File or Bulky Enclosure:

No. Copies 2 BY _____

RETAIN THIS FORM AS TOP SERIAL

12-17-68

5-13-69

*Murkin
Dissemination
Folder*

May 13, 1969

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

our

5-8-69

a memorandum
Little Rock

5-6-69

XXX (B) REL:jmv

F B I

Date: 5/6/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____ AIR MAIL
(Priority)

TO: DIRECTOR, FBI (44-38861)
 FROM: SAC, LITTLE ROCK (157-1215) -RUC-
 SUBJECT: MURKIN
 OO: MEMPHIS

Re Memphis airtel to Bureau, 4/8/69, and Little Rock airtel to Butte, 4/21/69.

Enclosed for the Bureau are seven copies; for Butte one copy; and for Memphis two copies of a letterhead memorandum concerning interview with J. GURDON WHITNER, Busch, Arkansas.

For information of the Bureau, referenced Little Rock airtel to Butte merely sets out background information concerning MORRIS R. MC CARVER contained in Arkansas State Penitentiary records, all of which information was obtained by the penitentiary in 1952. No record was contained in the files of the penitentiary in the name of GERDON WHITNER or with the last name of WHITNER.

② - Bureau (44-38861) (Enc. 7)
 1 - Butte (173-2) (Enc. 1)
 2 - Memphis (44-1987) (Enc. 2)
 1 - Little Rock (157-1215)
 JHL/sso
 (6)

CARBON COPY

Approved: _____ Sent _____ M Per _____
 Special Agent in Charge



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to
File No.*

215 U. S. Post Office Building
P. O. Box 1111
Little Rock, Arkansas 72203
May 6, 1969

MURDER OF DR. MARTIN LUTHER KING, JR.

On May 2, 1969, Mr. J. GURDON WHITENER, Busch, Arkansas (located about 10 miles west of Eureka Springs, Arkansas), was located at the Hillbilly Gift Shop in Eureka Springs, Arkansas, which is owned and operated by Mr. WHITENER and his wife, LU RENE WHITENER.

Mr. WHITENER advised that he did at one time work as a guard during the construction of Beaver Dam on the White River near Busch, Arkansas, which was constructed between the years 1961 and 1965, and he said that he worked there from 1963 to 1964. He advised further that an individual named MORRIS MC CARVER is the son of a sister of his mother, and that MC CARVER and his parents, many years ago, lived near Hindsville, Arkansas. MC CARVER's parents have been dead for many years and he, WHITENER, had had no contact with MORRIS MC CARVER for over twenty years when suddenly, possibly a year or year and a half ago, MC CARVER appeared at WHITENER's home at Busch, Arkansas, sometime after dark. Mr. WHITENER said that it is possible that this did take place possibly in November or December of 1967, but he has no way of knowing exactly when it occurred. MC CARVER was alone, and on foot, and had been drinking, and he stayed at the WHITENER home the entire evening with WHITENER and his wife, and no one else was present, and they did not leave the house. They did no drinking while at the house, but MC CARVER definitely had the appearance of having been drinking when he arrived.

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.

MURDER OF DR. MARTIN LUTHER KING, JR.

MC CARVER allegedly slept rather late the next day and sometime, possibly prior to noon, Mr. and Mrs. WHITENER drove MC CARVER into Eureka Springs, Arkansas in their car and dropped him off because Mrs. WHITENER did not desire to have MC CARVER around the house any longer and definitely did not want him to remain for another night.

Mr. WHITENER advised that he recalls MC CARVER was short of money, so he, WHITENER, cashed a \$15 check for him, and MC CARVER said that this would be enough to get him by. The check later bounced. Mr. WHITENER was unable to recall the details of the check or upon which bank it had been drawn.

Mr. WHITENER advised that at no time did he ever make any statements to MC CARVER or anyone else concerning Governor ORVAL FAUBUS of the State of Arkansas or concerning MARTIN LUTHER KING or his activities. Mr. WHITENER denied that he had ever been on a drinking spree of any kind with MC CARVER or anyone else and stated that this one short overnight visit which MC CARVER paid to WHITENER, possibly in December of 1967, is the only time he has seen or heard from MC CARVER in more than twenty years.

Mr. WHITENER advised that he is not certain that MC CARVER left the Eureka Springs area after he and his wife dropped MC CARVER off in Eureka Springs because he had heard later from an unrecalled source that MC CARVER had been somewhere in the area of Eureka Springs and had been drinking. He said he knew none of the details of this and was not interested. He said further that he knows nothing of the personal habits of MC CARVER or where he lives, but he categorically denied information furnished by MC CARVER, stating that it definitely is not true. In addition, he stated that his wife could certainly vouch for the fact that he and MC CARVER never

MURDER OF DR. MARTIN LUTHER KING, JR.

left the house the night MC CARVER was there and that they were not drinking. Mr. WHITENER continued that he felt he was doing MC CARVER a favor by cashing his check, that they had never had any falling out, and actually had never had any close association with each other, there had never been any trouble between them, and he is at a complete loss to understand statements made by MC CARVER.

Mr. WHITENER advised that he recalls MC CARVER did have a younger sister who was mentally retarded and who died when she was about twelve or fourteen years of age. He said that after the check bounced, he and his wife talked this matter over, and they decided between themselves that the bad check was worth it if it would keep MC CARVER from ever returning to their home.

As a matter of background information, Mr. WHITENER advised that he was born January 21, 1905 at Mayfield, Arkansas, and that he and his family moved to the Busch, Arkansas area in 1916. A number of years ago his wife died, and he remarried less than four years ago, and he and his wife have been operating the Hillbilly Gift Shop in Eureka Springs.

LU RENE (Mrs. J. GURDON) WHITENER advised on May 2, 1969, that she recalls MORRIS MC CARVER appeared at her home near Busch, Arkansas at least a year ago and possibly a year and a half ago. He stayed over one night, but he had been drinking, so she and her husband brought him into Eureka Springs the next day and dropped him off as she did not want him to stay another night. She said her husband cashed a small check for MC CARVER which check later bounced.

Mrs. WHITENER advised that MC CARVER and her husband remained at her home the entire time he was there, and her husband did not go out drinking with MC CARVER at any time.

*Dissemination Division
Folder*

May 8, 1969

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

XXXXX a memorandum
Butte

XXXXXXXXXXXXXXXXXXXXX
5-2-69

XXX (B) REL:jmv

5/2/69

AIRTEL

AIRMAIL

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

FROM : SAC, BUTTE (173-2) (P)

SUBJECT: MURKIN
CR
OO: Memphis

ReBuairtel to Butte, 4/23/69.

Enclosed herewith for the Bureau are 4 copies of an LHM containing information voluntarily furnished by MORRIS R. McCARVER, 490 "D" Street, Idaho Falls, Idaho, which information is being paraphrased to protect the source.

Enclosed to Memphis are 2 copies of this LHM.

For the Bureau's information, it is being pointed out that by letter dated 4/18/69, the Kansas City Office reported a check of the medical records, Topeka State Hospital, Topeka, Kansas, reflected that MORRIS R. McCARVER was a voluntarily committed patient at the Topeka State Hospital on 4/8/68. McCARVER went AWOL from that hospital and was discharged from the hospital as AWOL on 6/1/68.

③ - Bureau (Encs. 4) (Reg.) (AM)
2 - Memphis (Encs. 2) (Reg.) (AM)
2 - Butte
BSP/rmg
(7)

BT #173-2

Mr. VIRGIL CROW, Chief of Medical Records, Topeka State Hospital, stated that hospital regulations prohibited him giving further information concerning this patient without written consent of the patient himself.

LEADS

BUTTE DIVISION

AT IDAHO FALLS, IDAHO

Will recontact McCARVER and obtain his written consent to check records at the Topeka State Hospital and reset leads for Kansas City Office to check the records for additional information requested in reairtel.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Butte, Montana. 59701

May 2, 1969

In Reply, Please Refer to
File No.

MURDER OF MARTIN LUTHER KING

A confidential source, who has furnished insufficient information to determine reliability, but who has an arrest record dating back to 1951, advised that in about February, 1968, GERDON WHITNER (Phonetic), who resided in the Eureka Springs, Arkansas, area, and who had been for sometime a "political hack" in Northwest Arkansas, attempted to solicit the services of different individuals in the Eureka Springs, Arkansas, area to eliminate MARTIN LUTHER KING. WHITNER was not successful in his efforts with these individuals, but indicated that KING would die.

The source advised that WHITNER has a strong dislike for Negroes and indicated it would be a service to the community to eliminate KING.

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.

*MURKIN
Dissemination Folder
May 8, 1969*

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

NOTE: There is one copy of Motion to Dismiss filed on behalf of Arthur Hanes, Sr.

5-6-69

AIRTEL

AM

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

MURKIN

Enclosed for the information of the Bureau are two copies of "Motion to Dismiss" filed by ARTHUR HANES, JR. on behalf of his father, ARTHUR HANES, SR., in U. S. District Court for the Middle District of Tennessee, Nashville, Tennessee, on May 1, 1969.

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

7 B 1

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION

FILED

MAY 1 1969

BRANDON LEWIS, Clerk
By *[Signature]* D.C.

JAMES EARL RAY)
Resident of Tennessee)
Plaintiff)
Vs.)
ARTHUR J. HANES, PERCY FOREMAN)
and WILLIAM BRADFORD HUIE)
Defendants)

CIVIL ACTION FILE NO. 5380

MOTION TO DISMISS

Defendant, Arthur J. Hanes, respectfully moves the Court to dismiss the action and as grounds therefor assigns the following separately and severally:

1. The venue is improper and said action is in the wrong Judicial District because (a) the Plaintiff is not a resident of said Judicial District and is within said Judicial District solely by reason of his involuntary confinement within the Tennessee State Penitentiary. (b) No Defendant is a corporation, alien, or resident of said Judicial District, and (c) Said claim is not alleged to have arisen within said Judicial District.

2. Said Petition fails to state a claim upon which relief can be granted.

Arthur J. Hanes, Jr.
ARTHUR J. HANES, JR.
ATTORNEY FOR DEFENDANT, ARTHUR J. HANES
617 Frank Nelson Building
Birmingham, Alabama 35203

C E R T I F I C A T E O F S E R V I C E

I hereby certify that I have this day mailed, postage prepaid, a copy of the foregoing Motion to Dismiss to Honorable Robert W. Hill, Jr., 418 Pioneer Building, Chattanooga, Tennessee, 37402, and Honorable J. B. Stoner, Savannah, Tennessee, 38372, Attorneys for Plaintiff.

This is the 30 day of April, 1969.

Arthur J. Hanes, Jr.

ARTHUR J. HANES, JR.

ATTORNEY FOR DEFENDANT, ARTHUR J. HANES

617 Frank Nelson Building

Birmingham, Alabama 35203

MURKIN
DISSEMINATION
Folder

CIVIL RIGHTS DIVISION

May 5, 1969

ASSASSINATION OF MARTIN LUTHER KING, JR.

XXX (B) REL:jmv

for FBI.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED

APR 29 1963

BRANDON LEWIS, Clerk
By *[Signature]* D.C.

JAMES EARL RAY)

v.)

PERCY FOREMAN,
WILLIAM BRADFORD HUIE,
and ARTHUR J. HANES)

CIVIL ACTION NO. 5380

MOTION TO DISMISS ON BEHALF OF THE DEFENDANTS
PERCY FOREMAN AND WILLIAM BRADFORD HUIE

The defendants move the Court as follows:

(1) To dismiss the action because the complaint fails to state a claim against these defendants upon which relief can be granted.

(2) To dismiss the action on the ground that it is in the wrong district because the plaintiff is not a resident of the Middle District of Tennessee and the Middle District of Tennessee is not the judicial district in which the claim arose.

In support of this motion an affidavit of Tom Y. Richardson, Custodian of Records at the Tennessee State Penitentiary at Nashville, Tennessee, is filed as Exhibit "1" to this motion.

HOOKER, KEEBLE, DODSON & HARRIS

BY *[Signature]*

Attorneys for Defendants

Percy Foreman and William Bradford Huie
900 Nashville Bank & Trust Building

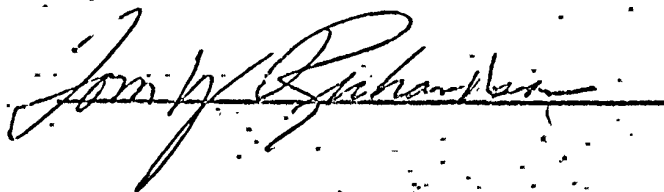
AFFIDAVIT

STATE OF TENNESSEE)

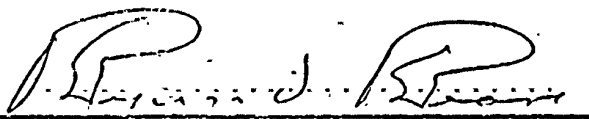
COUNTY OF DAVIDSON)

Mr. Tom Y. Richardson, being first duly sworn, says:

That he is the Custodian of the records at the Tennessee State Prison at Nashville, Tennessee; that according to the records James Earl Ray upon entering the Tennessee prisons gave no legal residence but instead in answer to the questions as to his legal residence gave the answer as unknown; that the only addresses given by James Earl Ray were those of his brothers, John Ray, 1982 Arsenal, St. Louis, Missouri and Jerry Ray, 710 Ann Avenue, St. Louis Missouri.



Sworn to and subscribed before me
this 28th day of April, 1969.


Notary Public

My commission expires: 4-26-1972

Exhibit "1" to Motion to Dismiss

U. S. v. Stabler, 169 F. 2d 995
(3rd Cir. 1948).

Wendell v. Hoffman, 24 F. Supp.
(N. J. 1938).

Stadtmuller v. Miller, 11 F. 2d 732
(2nd Cir. 1926).

The Restatement of Conflict of Laws, Section 21, provides:

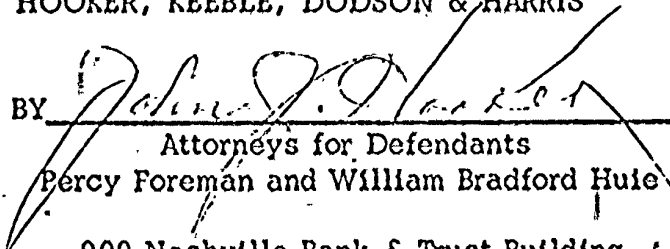
"A person cannot acquire a domicile of choice
by any act done under legal or physical compulsion."

The Proposed Official Draft Part I, of May 2, 1967, of the
Restatement of the Law, Second, Conflict of Laws, Section 17, Subsection
(c), of the Comments, states:

"Under the rule of this section, it is impossible
for a person to acquire a domicile in the jail in which he
is incarcerated."

HOOKER, KEEBLE, DODSON & HARRIS

BY


Attorneys for Defendants

Percy Foreman and William Bradford Huie

900 Nashville Bank & Trust Building
Nashville, Tennessee 37201

CERTIFICATE OF SERVICE

I, John J. Hooker, hereby certify that the foregoing Brief in
Support of Motion to Dismiss has been served on the attorneys for the plain-
tiff by mailing a copy thereof to the Honorable Robert W. Hill, Jr., 418 Pioneer
Building, Chattanooga, Tennessee 37402; and the Honorable J. B. Stoner,
Savannah, Tennessee 38372; by first class mail, this 29th day of April, 1969.


John J. Hooker

FILED

APR 29 1959

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRANDON LEWIS, Clerk
By *[Signature]* D.O.

JAMES EARL RAY

v.

CIVIL ACTION NO. 5380

PERCY FOREMAN,
WILLIAM BRADFORD HUIE,
and ARTHUR J. HANES

BRIEF IN SUPPORT OF MOTION TO DISMISS

The venue of this action is not in the Middle District of Tennessee under Title 28 U.S.C., Section 1391(a), which provides:

"The civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in the judicial district where all plaintiffs or all defendants reside, or in which the claim arose."

According to the averments of the complaint and the amended complaint the claim arose, if the plaintiff has a claim, in the Western District of Tennessee at Memphis.

The plaintiff's incarceration in the penitentiary at Nashville does not make him a resident of this judicial district for venue purposes.

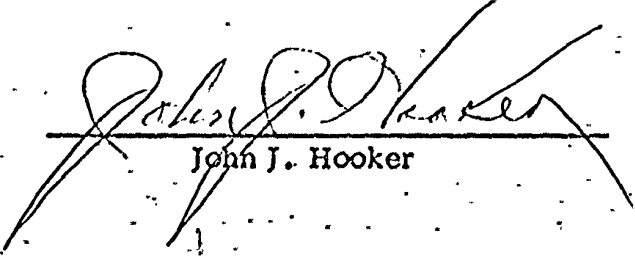
Nobuo Hiramatsu v. Phillips, 50 F. Supp. 167 (S.D. Calif. 1943).

Shaffer v. Tepper, 127 F. Supp. 892 (E.D. Ky. 1955).

Urbano v. New Syndicate Co., Inc., 232 F. Supp. 237 (S.D. N.Y. 1964).

CERTIFICATE OF SERVICE

I, John J. Hooker, hereby certify that the foregoing motion has been served on the attorneys for the plaintiff by mailing a copy thereof to the Honorable Robert W. Hill, Jr., 418 Pioneer Building, Chattanooga, Tennessee 37402; and the Honorable J. B. Stoner, Savannah, Tennessee 38372, by first class mail, this 29th day of April, 1969.


John J. Hooker

MURKIN
Dissemination
Folder
April 28, 1969

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

XXX (B) REL:jmv

4/25/69

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, NEW ORLEANS (157-10673) (RUC)
SUBJECT: MURKIN

Re Los Angeles telto Bureau, 2/5/69; Los Angeles airtel and LHM, 3/4/69; New Orleans airtels to Bureau, 2/7/69, and 2/10/69; and New Orleans airtel and LHM to Bureau, 2/8/69.

Enclosed herewith for the Bureau are five copies of a self-explanatory LHM together with two copies for Memphis and an information copy for Los Angeles.

Trooper Raul Victor Esquivel, Sr., was cooperative with Bureau Agents when interviewed, 4/24/69.

New Orleans is closing its case in this matter.

② Bureau (Encl. 5) (RM)
2-Memphis (Encl. 2) (44-1987) (RM)
1-Los Angeles (Encl. 1) (44-1574) (RM)
1-New Orleans

EJC:mhl
(6)



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

New Orleans, Louisiana
April 25, 1969

JAMES EARL RAY

Raul Victor Esquivel, Sr., was interviewed at his residence, 4524 Persimmons Street, Metairie, Louisiana. Esquivel identified himself as a Trooper with the Louisiana State Police, and stated he had been so employed for the past ten and one-half years. He further advised that he had been assigned to Troop B of the State Police in Metairie, Louisiana, for the past several years.

Esquivel stated that he has resided at his present residence for the past several years, that he built the residence himself, that he has raised his family in that residence, and that at the present time, only he and his wife are residents of the home. He stated that his son, Raul Esquivel, Jr., is married, resides in New Orleans and that he is a grandparent as a result of his son's marriage, his grandson having been named Raul Esquivel, III. Esquivel furnished the following information:

Upon observation of a photograph of Charles J. Stein, Esquivel did not recognize Stein as a person he has ever seen, nor did he recall of having ever heard of the name Charles Stein. Upon observation of three photographs of James Earl Ray, including two front and one right profile, Esquivel recognized Ray for the reason that Ray's photographs were widely publicized following his identification as the individual who assassinated Martin Luther King. Esquivel has never been personally acquainted with Ray and to the best of his knowledge has never personally observed Ray, except by photographs through news media. Esquivel has never visited Canada, Mexico, Birmingham, Alabama, or Memphis, Tennessee. Esquivel has no personal knowledge of James Earl Ray.

According to "Look" magazine articles concerning activities of James Earl Ray, the following dates are noted wherein Ray and his friend "Raoul" are alleged to have been together.

July 18 - August 24, 1967

According to "Look" magazine articles, subject met "Raoul" in Canada on about eight occasions during this period.

August 21, 1967

Subject Ray and "Raoul" were in Windsor, Canada.

August 28 - 30, 1967

Ray met "Raoul" during this period in Birmingham, Alabama.

October 7 - 10, 1967

Ray arrived San Francisco Hotel, Acapulco, Mexico, on October 10, 1967. One or two days prior to that time, he met "Raoul" in Nuevo Laredo, Mexico.

December 17 - 19, 1969

Ray met "Raoul" at New Orleans, Louisiana, and received \$2500 from him.

April 4, 1968

"Raoul" allegedly was in Memphis, Tennessee, and fired the shot at 6:00 PM that killed Martin Luther King.

Prior investigation has disclosed that Trooper Esquivel had worked as follows during the month of August, 1967:.

August 1, 2, and 3:

On Duty; 7:00 AM to 3:00 PM

August 4:

Day Off

August 5:

On Duty; 7:00 AM to 3:00 PM

August 6 and 7:

Off duty due to a death in his family.

August 8 and 9:

On duty; 7:00 AM to 3:00 PM

August 10:

Off Duty.

August 11 through 23:

On duty; 7:00 AM to 3:00 PM.

August 24: Off Duty.
 August 25 and 26: On duty; 7:00 AM to 3:00 PM
 August 27: Off Duty
 August 28, 29, and 30: On duty; 7:00 AM to 3:00 PM.
 August 31: Off Duty.

Further investigation has disclosed that during August, 1967, Esquivel was assigned to duties in different areas of the Troop B responsibility since he was filling in for other troopers on their day's off. During August, 1967, Esquivel worked in the New Orleans area.

Esquivel stated that he has not engaged in any lengthy travel of recent years and noted that for the past three years, a great majority of his off-duty time has been devoted to the building in his garage at home of a small airplane. Esquivel advised that he is a licensed pilot.

Esquivel recalled that during the summer months of 1967, he was performing duties out of Troop B, but that he does not recall any specific activities on any specific dates. He stated that he would also be unable to recall any specific dates of his activities during the months of October and December, 1967, and April, 1968.

Esquivel pointed out that he regards himself as a professional law enforcement officer, that he takes pride in his occupation and that he has nothing whatsoever to hide. He stated that if he did possess any information concerning Ray or the assassination of King, he would not hesitate to furnish same to the FBI.

The following background and descriptive data was obtained by interview and observation:

Name	Raul Victor Esquivel, Sr.
Race	White
Sex	Male
Date of birth	11/17/26
Place of birth	Belize, British Honduras

Nationality	Naturalized as U. S. Citizen during early 1940's (World War II) at Alexandria, Virginia, while a member of the U. S. Army.
Military service	U. S. Army and U. S. Navy during World War II, NSN 1640081 ASN 38622950
Height	5'9"
Weight	175 pounds
Hair	Brown
Eyes	Blue
Build	Stocky.

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.

Routing Slip
0-7 (Rev. 9-25-67)

(Copies to Offices Checked)

TO: SAC,

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<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Washington Field
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<input type="checkbox"/> Birmingham	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Bern
<input type="checkbox"/> Boston	<input type="checkbox"/> Las Vegas	<input type="checkbox"/> Portland	<input type="checkbox"/> Bonn
<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Richmond	<input type="checkbox"/> Buenos Aires
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<input type="checkbox"/> Detroit	<input type="checkbox"/> New Haven	<input type="checkbox"/> Seattle	<input type="checkbox"/> Tokyo
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<input type="checkbox"/> Honolulu	<input type="checkbox"/> New York City		

Date 4-24-69

RE: **MURKIN**

For information Retention optional For appropriate action Surep, by _____

The enclosed is for your information. If used in a future report, conceal all sources, paraphrase contents.

Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

Enc. (2)

Bufile

Urfile

MURKIN
DISSEMINATION
FOUNDER

April 24, 1969

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

XXX(B)REL:jmv

(2)

TRUE COPY

Union, Ontario, Canada.
February 3, 1969

Mr. John Edgar Hoover, Director, F.B.I.
The Federal Bureau of Investigation.
Washington, District of Columbia,
The United States of America

Dear Director M. John Edgar Hoover (The Federal Bureau of Investigation):

I write this letter to you Mr. Hoover because I am certain that the accused: James Earl Raye is not the man who used a rifle to shoot (Dr.) Rev. Martin Luther King, Jr.,; but that it was rather a full brother of his a multiple birth who used a rifle to shoot the Late Martin Luther King Jr., which shooting resulted in Mr. King's death.

I think that "Mrs. King" was expecting a baby at the time of the shooting and that the father (physical) was the man who used the rifle to shoot The Late Mr. King Jr. (Dr. Rev. Martin Luther King Jr.) (who was an adopted son.)

It is possible to suppose that "Mrs. King." told the Late Martin Luther King Jr., to go out on the portch (second floor portch) where he was standing when he was shot.

"Mrs. King," wife of the Late (Dr.) Rev. Martin Luther King Jr., lived in (the city of) St. Thomas, Ontario, Canada, for a time; with the name "Verna Pearson," ----- she was a portrait painter and she had some of her paintings shown in a display of Art, at The St. Thomas Public Library on Mondamin Street, in the city of St. Thomas, Ontario, Canada. at that time her "(Mrs. Pearson's)" address was 52 Hincks Street, St. Thomas, Ontario, Canada.

The father of the baby (an adopted brother) is shown in one of the two newspaper clippings enclosed.

The mother of the baby ("Mrs. King") is shown in the other clipping.

I write this true letter with hope that if not otherwise possible to do so it may save the life of an innocent man in this instance.

Yours Sincerely,

John Douglas Burgess,
Union, Ontario, Canada.

ROYAL CANADIAN MOUNTED POLICE - GENDARMERIE ROYALE DU CANADA

RCMP.GRC 6882

C 237
REV. 1-4-66

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:	DIVISION cc 10 th	DATE 2 APR 69	CMP FILE REFERENCES: REF. DOSSIERS GRC: KQ-702-Q-2-1313 69-0-702-9 69-1-702-4 69-702-4
	SUB-DIVISION - SOUS-DIVISION LONDON		
	DETACHMENT - DÉTACHEMENT LONDON		

RE:
OBJET:

John D. BURGESS,
Union, Ontario.

31 MAR 69

- BURGESS was interviewed with regards to his letter of 3 FEB 69 to the Director, F.B.I. BURGESS could not supply any information regarding the Dr. KING murder. It is the opinion of this investigator that BURGESS is unstable mentally and that most of his letter was his imagination with a small part being information he obtained from local news media.
- BURGESS is 39 years old and resides by himself in a house which was left to him by his parents. The house is very run-down outside and the immediate area is very messy. The interior of the house is very filthy, having numerous piles of garbage and other debris scattered around. BURGESS could be classified as a hermit, although he leaves the house daily and hitch-hikes continually to London and St. Thomas, Ont.
- Prior to the interview with BURGESS, several enquiries were made to try and verify some of the points brought out in the letter. Enquiries conducted with regards to Verna PEARSON proved negative, as no such person had ever resided at 52 Hincks St., St. Thomas. As far back as could be checked, there was no record of Verna PEARSON.
- BURGESS has also written letters to the Ontario Provincial Police and the London City P.D., attempting to assist them in investigations. The London P.D. investigator has also interviewed BURGESS and reached the same opinion as I did.
- At present, BURGESS is in the process of writing another letter to the Director, F.B.I.
- I feel BURGESS would not harm anyone, although I believe he could cause embarrassment to dignitaries visiting in this area. A photograph of BURGESS will be obtained and forwarded under separate cover with all particulars concerning him so that a V.I.F. Surveillance card can be distributed. Report will be submitted under appropriate caption.

CONCLUDED HERE:

(T.S.B.) Sgt.
I/C London Det.

Cst.
(K. C. St. Germain) #25025

MURKIN
Dissemination
Folder

April 23, 1969

CIVIL RIGHTS DIVISION

ASSASSINATION OF MARTIN LUTHER KING, JR.

XXX (S) REL:jmv

4-16-69

AIRTEL

AM

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

Re Memphis Airtel 4-15-69, enclosing copies of order filed in U. S. District Court, Nashville, Tennessee.

For the information of the Bureau and completion of its files, there are enclosed two Xerox copies of amended petition submitted in U. S. District Court, Nashville, 4/15/69. The petitioner in this instance adds the name of ARTHUR J. HANES as a respondent. As of 4/15/69, the U. S. District Court Clerk at Nashville had not served the petition on respondents as he is awaiting a correct address from ROBERT W. HILL, JR., Attorney for the petitioner.

② BUREAU (Enc. 2)(RM)
1 MEMPHIS

RGJ:BN
(4)

TO THE HONORABLE JUDGE WILLIAM E. MILLER OF THE DISTRICT COURT
MIDDLE DIVISION, TENNESSEE

JAMES EARL RAY,
Resident of Tennessee

&

&

NO. 5380-

VS.

&

PERCY FOREMAN, Resident of
Texas, WILLIAM BRADFORD HUIE,
Resident of Alabama, and
ARTHUR J. HANES, Resident of
Alabama

&

&

&

&

AMENDED PETITION

Your petitioner would respectfully show the Court:

That this cause is subject to federal jurisdiction in that there is a diversity of citizenship (see caption) and that the subject matter of this suit is in excess of \$10,000.

That he is presently in the Tennessee State Penitentiary at Nashville serving time under a sentence of 99 years imposed by the Criminal Court of Shelby County, Tennessee, the Honorable Judge Preston Battle (now deceased) then presiding.

That he was imposed upon by the respondents in the following manner: Petitioner first consulted with Arthur J. Hanes, an attorney at law in the State of Alabama, and that they reached a tentative agreement for the said Hanes to defend him on a charge of murder. The petitioner charges that he was before and at all times since in jail without bail and under every restrictive security. Petitioner would show that after the original meeting with Hanes that he and Hanes started a line of discussion relative to Hanes' fee and expenses.

That Hanes revealed to the petitioner that he had been approached by the respondent, Huie, and that Huie would be willing to pay large sums of money for the exclusive rights to the story of your petitioner's life, including any and all facts surrounding the petitioner's alleged involvement in the slaying of Martin Luther King (whom petitioner at that time stood charged with murdering). After being assured by Mr. Hanes that his rights pending the homicide case would not be prejudiced or imperiled, the pe-

petitioner entered into a contract with respondent Hanes and with respondent Huie (a copy of which, together with other material contracts and correspondence, is attached to original petition).

Your petitioner now realizes and so charges that the original and all subsequent contracts were not in any way for the petitioner's benefit; nor were they ever so intended to be. On the contrary, it is charged that respondent Hanes entered into collusion with respondent Huie, each having the specific intent to exploit your petitioner's plight to their own monetary benefit. Your petitioner was under extreme emotional and mental stress, whereby he was made more susceptible to the urgings of the attorney who was allegedly acting in his behalf. Respondent Hanes realized that your petitioner was a stranger to the tangles of the law, and therefore proceeded to "take him in."

Your petitioner would show the Court that he at all times depended wholly upon the advice of Mr. Hanes until such time as Percy Foreman, the lawyer from the Texas Bar, entered into the case. At this point in time, the petitioner released Mr. Hanes and depended fully upon the advice of said Percy Foreman.

Your petitioner would show that he initially entered into a contract with Mr. Hanes, but that through, an amendatory agreement induced by Mr. Percy Foreman, he signed a contract by virtue of which Mr. Hanes was released upon the promise to be paid some \$35,000 by Mr. Huie. Under the amendatory contract, Mr. Foreman was to receive all rights formerly to have been Mr. Hanes'. However, Mr. Foreman was to receive further rights in regard to exclusive stories, motion picture contracts, re-run contracts, television rights, etc. In other words, Mr. Percy Foreman was to receive everything which might otherwise have been the property of James Earl Ray, in return for defending James Earl Ray.

The petitioner believes that the defendant Foreman has some sort of power of attorney so that on the face of said power of attorney, Foreman, if not restrained, will in all probability further act in the name of the petitioner to the petitioner's detriment in these and other matters.

Your petitioner was not versed in the law relative to

contracts in general or, more specifically, contracts between attorney and client. Nor was he sufficiently knowledgeable or informed about the peril of his course, as made obvious by the fact that said agreements could and would adversely affect the defense in his criminal case.

Petitioner charges that the respondent Foreman advised, then cajoled, then pressured him into pleading guilty to the aforementioned charge of murder in the first degree. Among other things, the said Foreman told him that this course was the only way to save petitioner's life - all of this in spite of the fact that petitioner had at all times protested his innocence to Mr. Foreman.

Petitioner now believes and charges that neither respondents ever intended for him to have a fair trial and testify in his own behalf, as this would then make the facts and testimony public property and no one would or could have exclusive rights in the matter.

Petitioner charges that Foreman informed him that the only way to raise enough money to pay his fee was to sign over such rights as he had. Petitioner at this time had full faith in his attorney and acted strictly in accordance with his attorney's advice. He did not know that such acts actually prejudiced his rights in the criminal case and caused to arise a serious conflict of interest which rendered it impossible for Mr. Foreman to well and truly represent him. There was no way for the petitioner to know that Mr. Foreman had, in fact, positioned himself in such a manner as to have a strong monetary interest in having his client found guilty and sentenced to a 99 year term for a crime which he did not commit. Mr. Foreman did not tell the petitioner, nor did the petitioner know, that there have been no executions in this state within the past decade and that the "bargaining" for the 99 year sentence could have easily been done by almost any student fresh out of law school. No ability, experience, or exhaustive research would be necessary to obtain the said results, particularly in view of the fact that petitioner at all times prior thereto proclaimed his innocence.

Petitioner would further show that the presiding judge, Judge Preston Battle, in an effort to keep down unnecessary pub-

licity had enjoined all parties, including the attorneys, from releasing to the Press any statements relating to the petitioner and/or his case. That in spite of this injunction, respondent Foreman released statements to his co-respondent Huie, said statements purported to be from this petitioner. That such statements, even when and if the same were made by the petitioner, were statements of a confidential nature and privileged between client and attorney.

Petitioner charges that there has since appeared in a national magazine an article in which Huie sets forth certain statements purportedly made by the petitioner. Even if such statements were true, which petitioner denies, they could only have been based upon statements made to his lawyer, therefore bringing them under the rule of privilege between attorney and client (a copy of said magazine is filed to the original petition).

Finally, petitioner charges that not only does the above conduct violate the relationship of attorney and client, but also violates Canon No. 6 of the professional ethics set forth by the American Bar Association and which have been adopted by the state. Petitioner avers that the relationship of attorney and client existed at all times whenever he talked with any of his lawyers, but that he was never told, nor did his lawyer explain to him, the true monetary aspects of the case or that the reception of such money under the conditions of the contract hereto attached would imperil petitioner's rights in the homicide case and violate the mandates of the Honorable Judge Preston Battle, now deceased.

From what he has now learned and believes, petitioner charges that his final attorney, Mr. Percy Foreman, was the agent of the co-respondent William B. Huie and was in fact looking out for his own (Foreman's) and his principal's (Huie) monetary interests, rather than the rights of this petitioner.

Petitioner would show in corroboration of his belief and charge that Percy Foreman, who was allegedly representing him, coerced your petitioner into signing some sort of petition for waiver and other unlawful and unconstitutional petitions attached

to this the amended petition. Among those rights which respondent Foreman attempted to coerce your petitioner to waive were 1) his motion for a new trial; 2) successive appeals to the Supreme Court of Criminal Appeals of the Supreme Court of Tennessee; and 3) petition for review by the Supreme Court of the United States, (see page 2 of Voir Dire of Defendant of Waiver and Order).

Petitioner would point out to the court that there is no precedent for such a waiver in law or equity and that as an experienced attorney, Mr. Foreman must have realized not only the impropriety, but the gross injustice he was fostering upon his own client in direct contradiction to all of those legal rights guaranteed him by the constitution of both this state and the United States.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:

1. That he be allowed to file this petition and that proper process issue and be served upon the respondents and/or their agents, requiring them to appear at the earliest day convenient to be set by this Court, and to answer this complaint fully, but not under oath, their oath to the same being waived.
2. That a preliminary injunction issue enjoining the respondents from the further exposure of the alleged facts surrounding the slaying of Martin Luther King, insofar as such alleged facts affect the petitioner, or purport to involve this petitioner with said killing. Petitioner prays that upon the final hearing of this cause that said injunction be made final.
3. That any and all contracts entered into by the parties described above be voided or nullified and that all parties respondent be perpetually enjoined from pursuing their course by reason of any alleged contractual agreements or powers of attorney.
4. That all costs pursuant to petition be taxed against the respondents.
5. That he be granted such other general relief as the equities of this cause may demand.

S. Robert W. Hill
ROBERT W. HILL, JR.
Attorney for Petitioner

J. B. Stoner
J. B. STONER
Attorney for Petitioner

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

I, JAMES EARL RAY, first having been duly sworn, make oath that the matters and facts stated in the foregoing petition are true to the best of my knowledge, information and belief and that owing to my poverty, I am unable to bear the expense of the suit which I am about to bring.

James Earl Ray
JAMES EARL RAY

Sworn to and subscribed before me,
this the 24 day of April, 1969.

James H. Rose
NOTARY PUBLIC

My commission expires 31 - Jan 1970

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS.

NO. 16645

JAMES EARL RAY
DEFENDANT

PETITION FOR WAIVER OF TRIAL AND REQUEST FOR
ACCEPTANCE OF PLEA OF GUILTY

That my true full name is JAMES EARL RAY and I assert that all proceedings against me should be had in the name which I hereby declare to be my true name.

My attorney in the cause is PERCY FOREMAN, who was selected and retained by me, who was appointed by the Court ~~at my request~~, to represent me in this cause. and Hugh Stanton, Sr., Public Defender,

I have received a copy of the indictment before being called upon to plead, and I have read and discussed it with my attorney, and believe and feel that I understand the accusation made against me in this case and in each case listed herein. I hereby waive the formal reading of the indictment.

I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictments, and believe and feel that my attorney is fully informed as to all such matters. My attorney has informed me as to the nature and cause of each accusation against me, and as to any and all possible defenses I might have in this cause.

My attorney has advised me as to the punishment provided by law for the offenses charged and embraced in the indictment against me. My attorney has further advised that punishment which the law provides for the crime with which I am charged in the indictment is as follows:

death by electrocution or confinement in the State Penitentiary for
life or for some period of time over twenty (20) years

and if accepted by the Court and Jury my sentence on a plea of guilty will be:

confinement in the State Penitentiary for ninety-nine years (99).

It has been fully explained to me and I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees and this Court will provide me the right to a speedy and public trial by jury; the right to see and hear all witnesses against me; the right to use the power and process of the Court to compell the production of any evidence, including the attendance of any witness, in my favor; and the right to have the assistance of counsel in my defense at all stages of the proceedings.

In the exercise of my own free will and choice and without any threats or pressure of any kind or promises of gain or favor from any source whatsoever; and being fully aware of the action I am taking, I do hereby in open Court request the Court to accept my plea of guilty to the charges outlined herein. I hereby waive any right I may or could have to a Motion for a New Trial, and/or an appeal.

Witnesses:

Percy Foreman

Hugh Stanton Sr.
Hugh Stanton Jr.

James Earl Ray
Defendant

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS

NO. 16645

JAMES EARL RAY

DEFENDANT

ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING
PLEA OF GUILTY

This cause came on for hearing before the Honorable W. PRESTON BATTLE, Judge of Division III, of the Criminal Court of Shelby County, Tennessee, on the petition of the defendant, JAMES EARL RAY, for Waiver of trial by jury and request for acceptance of a plea of guilty, said petition being attached hereto and incorporated by reference herein; upon statements made in open Court by the defendant herein; his attorneys of record; the District Attorney General, the Assistant Attorneys General representing the State of Tennessee; and from questioning by the Court of defendant and his counsel in open Court; and

IT APPEARING TO THE COURT after careful consideration that the defendant herein has been fully advised and understands his right to a trial by jury on the merits of the indictment against him, and that the defendant herein does not elect to have a jury determine his guilt or innocence under a plea of Not Guilty; and has waived the formal reading of the indictment, AND:

IT FURTHER APPEARING TO THE COURT that the defendant intelligently and understandingly waives his right to a trial and of his own free will and choice and without any threats or pressure of any kind or promises, other than the recommendation of the State as to punishment; and does desire to enter a plea of guilty and accept the recommendation of the State as to punishment, waives his right to a Motion for a New Trial and/or an appeal.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petition filed herein be and the same is hereby granted.

Enter this the 10th day of March, 1969.

W. Preston Battle
JUDGE

VOIR DIRE OF DEFENDANT ON WAIVER AND ORDER

JUDGE "James Earl Ray, stand."

JUDGE "Have your lawyers explained all your rights to you and do you understand them?"

DEFENDANT "Yes"

JUDGE "Do you know that you have a right to a trial by jury on the charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from Death by Electrocution to any time over twenty years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty and the decision of the Jury must be unanimous both as to guilt and punishment?"

In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge? In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States? Do you understand that you have all these rights?"

DEFENDANT "Yes"

JUDGE "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

DEFENDANT "Yes"

JUDGE "Do you understand that you are waiving, which means "giving up", a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases of Pleas of Guilty to Murder in the First Degree?"

Jan

P. J.

By your plea of guilty you are also waiving your rights to (1) Motion for a New Trial; (2) Successive Appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; (3) Petition for Review by the Supreme Court of the United States.

By your plea of guilty you are also abandoning and waiving your objections and exceptions to all the Motions and Petitions in which the Court has heretofore ruled against you in whole or in part, among them being:

1. Motion to withdraw plea and quash indictment
2. Motion to inspect evidence
3. Motion to remove lights and cameras from jail
4. Motion for private consultation with attorney
5. Petition to authorize defendant to take depositions
6. Motion to permit conference with Huie
7. Motion to permit photographs
8. Motion to designate court reporters
9. Motion to stipulate testimony
10. Suggestion of proper name"

DEFENDANT "Yes"

JUDGE "Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty? Has anything else been promised you by anyone?"

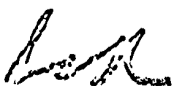
DEFENDANT "No"

JUDGE "Has any pressure of any kind, by anyone in any way been used on you to get you to plead guilty?"

DEFENDANT "No"

JUDGE "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

DEFENDANT "Yes"



Page 3
Vour Dire of Defendant on Waiver and Order

JUDGE -- "Is this plea of guilty to murder in the first degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

DEFENDANT "Yes"

JUDGE "Is this Plea of Guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

DEFENDANT "Yes"

JUDGE "You may be seated."

James Earl Ray

Percy Foreman