

3/20/74

AIRTEL

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Re Memphis airtels to Bureau, 12/28/73 and
1/9/74.

Enclosed herewith for the Bureau are 2 copies of a petition for a writ of habeas corpus filed in U. S. District Court, Nashville, Tennessee, on 12/4/72. Also enclosed for Bureau is a newspaper article appearing in "Nashville Banner" 3/15/74.

For information of the Bureau, the complaint, previously forwarded to the Bureau by referenced Memphis airtel dated 12/28/73, charging Tennessee State Penitentiary warden JAMES H. ROSE with violation of JAMES EARL RAY's civil rights, and which complaint was filed with the USDC, Nashville, Tenn., on 12/27/73 at the same time the petition for temporary restraining order, which also was previously furnished to the Bureau by airtel, 12/28/73, has now been acted upon by USDCJ L. CLURE MORTON.

As the Bureau was previously advised by referenced Memphis airtel to the Bureau dated 1/9/74, Judge MORTON did act on the restraining order filed by JAMES EARL RAY and he then took the complaint under advisement and as was previously reported did not make any action on that complaint during the month of January in view of his being on annual leave for the entire duration of January, 1974.

3-Bureau (Encs.3)
2-Memphis
PHT:bc
(5)

ME 44-1987

On 2/8/74, the complaint referred to above was determined by Judge MORTON as being identical in nature to their previous complaint filed on 12/4/72, which action was still pending in the district court. Judge MORTON thereafter dismissed the complaint referred to above, stating that the same issues are involved in civil action number 6800.

With respect to the enclosed petition, civil action number 6800, the following chronological actions have been taken:

On December 4, 1972, JAMES EARL RAY filed the enclosed petition for writ of habeas corpus alleging violations of his Constitutional rights under the 5th, 6th, 8th and 14th Amendments of the U. S. Constitution. He further alleged irreconcilable conflicts of interest with his attorney, PERCY FOREMAN; dishonesty, coercion and negotiations with trial judge.

On 3/30/73, Judge MORTON ruled that "factual allegations taken as true are insufficient to justify holding that the petitioner's plea was not voluntary, knowing, and intelligent; or to justify holding that petitioner was denied his Constitutional rights leading up to his plea. Accordingly, this petition is denied and dismissed."

On 4/25/73, JAMES EARL RAY filed a notice of appeal in the above action.

On 4/26/73, Judge MORTON ordered that "there is probable cause for appeal" and "petitioner is allowed to proceed in forma pauperis."

On 2/25/74, the Sixth Circuit Court of Appeals issued a decision stating that the "Judgments of the District Court is reversed" and the case was thereafter remanded back to the U. S. District Court, Middle District of Tennessee.

On 3/15/74, Judge MORTON transferred this civil action to U. S. District Court in Memphis, Tennessee stating, "Most of the witnesses are from Shelby County."

ME 44-1987

For additional information of the Bureau, JAMES EARL RAY has several additional motions filed with the USDC, MDT, Nashville, Tennessee, all of which involve his denial of access to the mean prison population. These motions have been merged into one civil action which is currently pending in the District Court at Nashville.

UACB, no coverage has been afforded to RAY's efforts to gain access to the general population of the Tennessee State Penitentiary.

LEADS:

MEMPHIS DIVISION

AT MEMPHIS, TENN.

Will advise the Bureau of developments in the new trial which will be scheduled shortly in Memphis, Tennessee.

IN THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

FILED

DEC 4 - 1972

BRANDON LEWIS, Clerk
BY Brandon Lewis D.C.

.....
JAMES EARL RAY,

Petitioner,

v.

No. 6800

MR. J. H. ROSE, WARDEN,
Tennessee State Penitentiary
Nashville, Tennessee,

Respondent
.....

PETITION FOR A WRIT OF HABEAS CORPUS

1. Comes the petitioner, JAMES EARL RAY, by and through his attorneys, BERNARD FENSTERWALD, JR., ROBERT I. LIVINGSTON, and JAMES H. LESAR, and petitions this court for a writ of habeas corpus pursuant to 28 U.S.C. 2254.

2. Petitioner is currently serving a sentence for 99 years for First Degree Murder imposed by Judge Preston W. Battle on March 10, 1969 in Division III of the Criminal Court of Shelby

Ray's New Trial Case To Memphis

By GEORGE ENE

James Earl Ray's request for a new trial in the slaying of Dr. Martin Luther King Jr. was transferred to Memphis federal court today.

"I think we got shafted," Memphis attorney Robert I. Livingston told reporters outside the courtroom of U.S. Dist. Court Judge L. Clure Morton.

Instead of having a scheduled pretrial conference on Ray's habeas corpus case, Morton filed Ray's motion for relief from solitary confinement with another case and transferred his main case to Memphis.

A hearing has been set for Monday in Nashville on Ray's motion that he be allowed to mix with the other inmates at State Prison here.

Transfer Reasons Given

Morton transferred Ray's main case to Memphis because "most of the witnesses are from Shelby County."

Before Ray entered his guilty plea, Morton said the confessed slayer of the civil rights leader was incarcerated in a Memphis jail under conditions which possibly deprived him of his mental capability.

The only thing that Morton retained in Nashville were several different cases which he combined into one which concerned attempts by Ray to get out of solitary confinement.

"If you get out of solitary confinement, you automatically get the right to get to the library, get exercise, have a regular diet and things of that type," Bernard Fensterwald, Ray's Washington attorney, said.

Ray contends in his main case that his guilty plea was not voluntarily made, that he should be able to withdraw it and have a trial.

"We've been in this case for about four years now," Fensterwald said. "And we figure the way things are going, it may be another few years before we get to trial."

Ray's attorney said they were going to the prison in Nashville to talk to Ray today and "tell him what we

bumped into today (in federal court)."

The 6th U.S. Circuit Court of Appeals in Cincinnati, citing two letters written to Ray by Percy Foreman of Dallas, then his attorney, remanded the main case to Morton in January for a review of Ray's guilty plea.

The letters revealed arrangements for Foreman to receive \$165,000 from royalties on publications and movies based on Ray's case and his 1959 trial in Memphis. The letters also indicated that Ray's share of the money would be delivered only on his plea of guilty with "no embarrassing circumstances to take place in the courtroom."

Dr. King was fatally struck down by a rifle shot in Memphis on April 4, 1968. Ray, who pleaded guilty to avoid the death penalty, claimed he was unlawfully coerced into making an involuntary plea.

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Morton Moves Ray's New Trial Case To Memphis

By GEORGE ENE

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PAGE 1

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CRIMINAL DIVISION

2/22/74

JAMES EARL RAY
MURKIN

3/21

2/8/74

XXXXXXXXXXXXXXXXXXXX an LHM
JACKSONVILLE

xx H JCLdm

1

F B I

Date: 2-8-74

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

To: Director, FBI

ATTENTION:

From: SAC, JACKSONVILLE
(44-1549) (C)☐ CIVIL RIGHTS SECTION
☒ GENERAL INVEST. DIV.
☐ INTELLIGENCE DIVISION

Subject:

UNSUBS;
GARY G. GIESECKE - VICTIM
CR

Re Bureau airtel dated 1-22-74.

☒ CR ☐ EL ☐ DIH ☐ CRA-64
☐ PA ☐ PE ☐ PF ☐ E
☐ EID ☐ Bomb Threats ☐ Extremist Matters
☐ White Hate ☐ Black

Summary of Complaint:

GARY G. GIESECKE interviewed and provided information made available to him by one LEWIE R. DOWDA concerning alleged conspiracy re the assassination of MARTIN LUTHER KING, JR. DOWDA interviewed and provided information regarding his association with JAMES EARL RAY and alleged conspiracy of six individuals involved in murder of MARTIN LUTHER KING, JR.

ACTION: UACB:

☒ No further action being taken and
☒ LHM enclosed ☐ Copy furnished to USA JACKSONVILLE
☐ FD-376 (enclosure to LHM)
☐ LHM being submitted
☐ Report being submitted
☐ Preliminary investigation instituted
☐ Limited investigation instituted

2 - Bureau

1 - Memphis

1 - Jacksonville

JTM:tfr

(4)

Approved: _____

Special Agent in Charge

Sent _____ M

Per _____



*In Reply, Please Refer to
File No.*

JK 44-1549

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION**

**Jacksonville, Florida
February 8, 1974**

**UNKNOWN SUBJECTS;
GARY G. GIESECKE - VICTIM**

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/7/74

GARY G. GIESECKE, Inmate, Lake Butler Reception Center, Lake Butler, Florida, was interviewed and provided the following information:

GIESECKE stated he was associated with another inmate by the name of LOUIS R. DOWDA, whom GIESECKE described as a white male, in his early 30's, and who relayed to GIESECKE information concerning an alleged conspiracy which planned and perpetrated the assassination of MARTIN LUTHER KING, JR., in 1968. GIESECKE stated that DOWDA was knowledgeable of this conspiracy and that it involved 6 white prominent businessmen and the alleged conspiracy was headed by an individual (first name unknown) COLLIER, who allegedly is the general manager of General Motors Corporation serving the State of Georgia and who resides in Atlanta, Georgia.

GIESECKE stated that DOWDA was an acquaintance of JAMES EARL RAY and had served time in the Missouri State Prison with RAY. Concerning the knowledge possessed by DOWDA of this conspiracy, GIESECKE said that DOWDA would be receptive to interview with the FBI as he had been interviewed by FBI Agents in Atlanta, Georgia, concerning the assassination of MARTIN LUTHER KING, JR. GIESECKE stated that DOWDA relayed this information to him sometime in September or October, 1973, while both were incarcerated at the Lake Butler facility in Lake Butler, Florida.

GIESECKE could provide no further information.

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

Name	GARY GLYNN GIESECKE
Date of Birth	March 27, 1950
Place of Birth	Glen Rose, Texas
Height	5' 11"
Weight	165
Hair	Black
Eyes	Brown

Interviewed on 1/29/74 at Lake Butler, Florida File # JK 44-1549

by SA JOHN THOMAS MARTIN :cag Date dictated 2/4/74

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JK 44-1549

2

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

FEDERAL BUREAU OF INVESTIGATION

February 6, 1974

Date of transcription

1

LEWIE R. DOWDA was interviewed at the Male Unit, Florida Correctional Institution (PCI). The identity of SA ROBERT H. ANDERSON, JR. as a Special Agent in the Federal Bureau of Investigation was made known to DOWDA and SA ANDERSON's credentials were shown to him. DOWDA was advised of the nature of the inquiry.

DOWDA did not furnish a signed statement, however, furnished the following voluntary information:

DOWDA advised he was currently serving two consecutive five-year sentences for Possession of Central Nervous System Stimulant and Uttering Worthless Check. He was sentenced January 19, 1973.

DOWDA stated from approximately January, 1964 until sometime in 1967, he was incarcerated at Jefferson City, Missouri. During that time, JAMES EARL RAY, who has previously been convicted for the murder of Doctor MARTIN LUTHER KING, was also serving time at the same institution. DOWDA stated his own position at the prison was Chief Cook, while RAY was in the charge of the prison bakeries (Bread Room).

DOWDA advised shortly after RAY was arrested by the Federal Bureau of Investigation and charged with the murder of Doctor KING, DOWDA was interviewed by Special Agents in the Federal Bureau of Investigation for any information he might have concerning the whereabouts of RAY and RAY's involvement in the murder. DOWDA stated he was interviewed during that period at least three times by the FBI concerning RAY. DOWDA stated he furnished all information to Special Agents of the FBI he had concerning RAY.

DOWDA stated that since RAY's conviction for the murder of Doctor KING, there had been numerous newspaper and magazine articles concerning the matter, and he

Interviewed on 1/31/74 at Lowell, Florida File # JK 44-1549
by SA ROBERT H. ANDERSON, JR. /sjt Date dictated 2/1/74

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

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

3

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

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

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

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

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

4

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

Name	LEWIE R. DOWDA
Alias	Lewis R. Dowda
Sex	Male
Race	White
Date of Birth	August 11, 1936
Place of Birth	Lecanto, Florida
Height	5'9"
Weight	146 pounds
Hair	light brown
Eyes	blue

JK 44-1549

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

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. ☒

Asst. Dir.:

Admin. _____

Comp. Syst. ☒Ext. Affairs ☒

Files & Com. _____

Gen. Inv. ☒

Ident. _____

Inspection _____

Intell. _____

Laboratory _____

Plan. & Eval. _____

Spec. Inv. _____

Training _____

Legal Coun. _____

Telephone Rm. _____

Director Sec'y _____

Warden Ordered To Respond to James Earl Ray

NASHVILLE, Feb. 16 (UPD) —A federal judge has given Warden James Rose of the Tennessee State Prison 20 days to respond to James Earl Ray's charges that he has been denied access to the prison's law library.

U. S. District Court Judge L. Clure Morton issued the order in a suit filed by the convicted assassin of Dr. Martin Luther King Jr.

In another case, seeking Ray's release from solitary confinement, Assistant State Attorney General Henry Haile said his office hopes to file a writ within the next two weeks requesting a U.S. Supreme Court hearing.

The Washington Post A2
 Washington Star-News _____
 Daily News (New York) _____
 The New York Times _____
 The Wall Street Journal _____
 The National Observer _____
 The Los Angeles Times _____

FEB 17 1974

Date _____

(1)

MURKIN

Assoc. Dir. _____
 Asst. Dir.: _____
 Admin. _____
 Comp. Syst. _____
 Ext. Affairs _____
 Files & Com. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Legal Coun. _____
 Telephone Rm. _____
 Director Sec'y _____

MC GOWAN

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The Washington Post Times Herald A-2
 The Evening Star (Washington) _____
 The Sunday Star (Washington) _____
 Daily News (New York) _____
 Sunday News (New York) _____
 New York Post _____
 The New York Times _____
 The Daily World _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____

Date 2-17-74

CIVIL RIGHTS DIVISION

2/12/74

SEE ATTACHED

Murkin

~~3/12~~

MY

1/14/74

2/7/74

XXXXXXXXXXXXXXXXXXXX an LHM
NEW ORLEANS

xx G Jce lsm

2/7/74

AIRTEL

AIRMAIL

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

Enclosed for the Bureau are five copies of an LHM reflecting an interview with HERMAN CLAY.

On 1/30/74, CLAY telephonically advised USA, EDLA, GERALD J. GALLINGHOUSE about the enclosed incident.

UACB no further investigation being conducted concerning the results of this interview at this time.

② - Bureau (Enc. - 5)
2 - New Orleans
RVD:dmb (4)



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New Orleans, Louisiana

*In Reply, Please Refer to
File No.*

February 7, 1974

MURKIN

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.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 2/7/74

HERMAN ERNEST CLAY, JR. was contacted at his residence at 711 Clay, Kenner, Louisiana, and was advised of the identity of the interviewing Agent and the nature of the inquiry. CLAY furnished the following information:

He is a patrolman with the Kenner Police Department where he has been employed for approximately 7 years. On April 2, 1968, CLAY was working the late watch at the Moisant Airport, Kenner, Louisiana. There were only a small number of individuals in the airport and at approximately midnight a white male walked over to CLAY, who was in his police uniform at that time, and said hello. The man asked CLAY how he was doing and CLAY said fine. At that time the white male began talking to CLAY and told CLAY words to the effect, "I don't hate colored people, but I have a job to do". CLAY asked the man to tell him all about it and the man replied that he had met some people at a hotel in New Orleans and he was going to do a job which CLAY could read about in the newspaper. The man told CLAY that he would be surprised to know the identities of the individuals involved in the unknown job and that they were from St. Bernard Parish, Plaquemine, and New Orleans. CLAY asked the man for more details, however, the man told CLAY that he could not tell him anymore about it but that he would read about it in the newspaper. CLAY did not think much about the incident until he read about the assassination of MARTIN LUTHER KING. At that point he believed that the man at the airport who gave his name as ELRAY (Last Name Unknown) possibly could have been the murderer. CLAY advised he checked with Delta Airlines Ticket Counter and was told by some unrecalled individual that someone else from a police agency had already checked on flights out of New Orleans for April 2. CLAY advised he could not locate any passenger of April 2 with the same name as the individual had given him and which he no longer recalled.

CLAY described the individual as a white male, approximately 5 feet 6 inches, 140-145 pounds, wearing a sports coat, slacks, and a houndstooth hat.

Interviewed on 2/5/74 at Kenner, Louisiana File # NO 157-10673

by SA RICHARD V. DEAN:dmb Date dictated 2/7/74

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2
NO 157-10673
RVD:dmb

Approximately one week ago, CLAY saw an article in the newspaper concerning JAMES EARL RAY and RAY's petition for a new trial. CLAY saw a photograph of RAY in the newspaper and immediately recognized him as the individual who had approached him at the airport on April 2, 1968. CLAY advised that prior to seeing the picture he had never identified the man at the airport as being JAMES EARL RAY and had never seen any photographs of RAY.

CLAY advised that he had never reported the incident to anyone and had only mentioned it to a few relatives. At the time he talked to the man at the airport he was new on the police force and after reading that JAMES EARL RAY was arrested and later convicted for the murder of MARTIN LUTHER KING he felt that the incident was unimportant.

CLAY recalls that at the time of the conversation with the man at the airport, he did not observe the man board any airplane and has no positive information that the man took a flight out of New Orleans. CLAY could furnish no other information regarding the incident.

The following description was obtained from CLAY:

Name:	HERMAN ERNEST CLAY, JR.
Race:	Negro
Sex:	Male
Date of birth:	July 21, 1931
Place of birth:	New Orleans, Louisiana
Employment:	Patrolman for Kenner Police Department, 7 years, badge number 53
Telephone number:	729-5119
Address:	711 Clay Kenner, Louisiana

Assoc. Dir. ☒
 Dep. AD Adm. ☐
 Dep. AD Inv. ☒
 Asst. Dir.:
 Admin. ☐
 Comp. Syst. ☐
 Ext. Affairs ☒
 Files & Com. ☐
 Ident. ☐
 Inspection ☐
 Intell. ☐
 Laboratory ☐
 Plan. & Eval. ☐
 Spec. Inv. ☐
 Training ☐
 Legal Coun. ☐
 Telephone Rm. ☐
 Director Sec'y ☐

James Earl Ray: Waits in Solitary

A-1. By Paul W. Valentine

Washington Post Staff Writer

NASHVILLE, Tenn. — Pallid, sunken-eyed, unshaven and markedly aged, convicted assassin James Earl Ray lolls in his underwear on the edge of his steel bunk.

He has lost weight, down from 170 pounds to 150. His skin hangs loosely on his 5-foot-10 frame. A two-day stubble darkens the pallor of his face. Except for occasional showers and brief walks to the administration building of the state penitentiary here, he has not been outside his 6-by-8-foot cell in 18 months.

"When you're in solitary," he said, "you get to be like one of those roaches that's out of the sunlight for a long time and gets kind of bleached out, you know, all white."

The man who pleaded guilty to the killing of Martin Luther King Jr. says the impact of isolation and denial is gradually weakening him physically and mentally.

Fresh from a federal appellate court victory that could win him a full trial in the murder of Dr. King, both Ray and his attorneys say they feel prison authorities, under pressure from state political bosses, subjected Ray to isolation in the fortress-like penitentiary here to impair his health and discourage him from continuing appeals in his case.

Chief warden J. H. (Jim) Rose denies the charge, adding that Ray's isolation is in part "self-imposed." In a recent medical examination, he says, Ray was found to be in good health.

Now 45 years old, Ray is graying at the temples, and his once fleshy face has sharpened into a set of spare, almost aquiline features. His pale blue eyes peer restlessly from deep sockets. His mouth is a humorless thin line.

"It's all idle time here," he says in the flat, unemotional drawl of his native southern Illinois. "It's more or less just marking time . . . I lie on my bunk or walk in my cell all day . . . I never sleep during the day . . . I get more or less irritated. I get headaches. It gets harder to concentrate on anything."

He says he feels weak and anemic and cuts in his skin are slow to heal.

The Sixth U.S. Circuit Court of Appeals recently ordered an evidentiary hearing into Ray's claim that he was coerced in 1969 by former defense attorney Percy Foreman into pleading guilty to killing Dr. King in exchange for a 99-year sentence on the pretext that he would receive the death penalty if convicted in a trial. Ray contends the true reason for the guilty plea was to avoid a full trial at which details of the King murder might have surfaced.

Ray's attorneys privately maintain that Ray was not the trigger man in the shooting, that a larger circle of conspirators was involved and that state officials want to keep the whole subject buried.

A favorable ruling for Ray in the evidentiary hearing ordered by the court of appeals could result in a full trial. The hearing, sought by Ray for more than four years, is still months away, and his present attorneys are concerned about his health in preparation for it.

"I don't believe any state official would attempt in any way to impede his access to the courts," warden Rose said of Ray's claim of isolation and denial.



JAMES EARL RAY
... in isolation

The Washington Post A-1
 Washington Star-News _____
 Daily News (New York) _____
 The New York Times _____
 The Wall Street Journal _____
 The National Observer _____
 The Los Angeles Times _____

Date FEB 8 1974

He acknowledged Ray has been held since August, 1972, in various forms of "administrative segregation," confinement in a special maximum security building separate from the general prison population, chiefly because he has a history of escape attempts.

Ray's attorney contend the convicted killer's form of captivity is unprecedented and want him returned to the general population. Rose counters that it is not unusual for inmates to be held in segregation for a year or more and that Ray gets the same consideration as other prisoners in a monthly classification review process.

Meanwhile, Ray continues to live alone in his dingy blue and white cell. There are about 170 other inmates in the building similarly segregated from the rest of the 1900-man general population. They are there for varying reasons, says Rose, some because they are violence-prone, some for their own protection, and a few, like Ray, because they are "high escape risks." All, including Ray, are treated alike, Ross asserted.

But at least a portion of Ray's isolation is "self-imposed," says Rose. He has turned down a janitorial job outside his cell during the day, Rose said, and refuses to take advantage of a 45-minute exercise privilege regularly used by the prison's designated "escape risks" in a small concrete yard adjacent to the administrative segregation building.

Ray acknowledges this but says the job, confined to the segregation unit, is a "farce, just a way of keeping me in the building."

He also refuses to exercise in the concrete yard, he says. "Because there's nothing there and it's so small I can get just as much exercise walking in my own cell." A larger exercise yard also available to most segregation inmates is off-limits to Ray and the others reputed escape risks, according to Rose, because it is "less secure."

Ray won't specify the "politicians" who he says instructed prison officials to isolate him. But he claims their purpose is to "keep me down" so that "the state of Tennessee does not get any bad publicity"—such as a full dress airing of the King assassination and the circumstances surrounding it.

Ray, in keeping with previous practice, would not discuss details of the King shooting in a 2-hour interview with this reporter. The interview, attended by one of Ray's attorneys, James Lesar of Washington, was limited to a discussion of Ray's prison conditions.

As litigation of his case continues in the courts, Ray idles away the long penitentiary days in the seclusion of his cell. He has repeatedly asked to be returned to the general prison population, contending he poses no security threat.

Ray's cell is deeply recessed in concrete and heavy steel, part of a tier of cells perched three floors above ground level and encompassed by a caged catwalk for the guards. Inside his cell, a steel double bunk occupies almost half the space. Ray sleeps on the bottom bunk and uses the top one for shelf space. There is no chair or table.

He uses a typewriter given him by one of his brothers, Jerry, by placing it on the concrete floor and hunkering over it. He also has a fan, a television set (which he says he rarely watches), a radio, a dozen law books and a Bible sent to him unsolicited by a Memphis preacher.

On a shelf above the sink and commode he has a hair brush, plastic shampoo bottle, toothpaste and toothbrush. There are no pictures or other decorations on the wall. A single 60-watt bulb lights the cell.

The air is stuffy. A low throbbing din of machines in the building drowns conversation among inmates attempting to talk from cell to cell.

Ray's daily regimen begins with breakfast at about 6:30 a.m. The food is often cold scrambled eggs and bread served on a plastic plate and showed through a slot in the base of his blue latticed steel door.

Then come 15 waking hours of ennui and inactivity—interrupted only by lunch at 11 a.m. (meatloaf, stew or pork, beans, bread, a cup of milk and pudding) and supper at about 5 p.m. (more of the same). The food, brought in vats from the main prison mess hall, is bland and frequently cold, Ray says. There are few condiments or spices.

Fresh fruit is uncommon, Ray said, and he is not able to purchase even canned fruit at the prison commissary because administrative segregation inmates are barred from having any kind of tin cans (for fashioning homemade weapons) in their cells.

Ray says he is allowed to take a five-minute shower three or four times a week, and he shaves about twice a

week using a razor with locked-in blade passed from prisoner to prisoner on his tier by the guards.

"If you're the last one to get the razor that morning," he said, "I can tell you, you don't get the world's best shave."

Ray estimates he spends \$6 to \$7 a month, "mostly on newspapers and (postage) stamps." He receives and reads the Nashville Tennessean newspaper every morning and is a frequent letter writer.

Since he has no prison job, he earns no money, but he says his brother, Jerry, who lives in suburban Chicago, sends him "a little bit each month." The money is converted to specially minted prison coins, which he gives to guards to make commissary purchases for him.

Ray may not leave his cell to go to the commissary, prison library or chapel. He leaves the cell only to take a shower and to see occasional visitors.

Ray has lived in this manner since August, 1972, when he was transferred from the now-closed Brushy Mountain satellite prison in eastern Tennessee. He lived in the general prison population there much of the time, but it was also there that he was caught in two escape attempts.

Hence, he is now in segregation, says warden Rose. He discounted earlier assertions of prison officials that Ray also had to be kept in

isolation to protect him from black militant prisoners. "I've seen no evidence of hostility toward him here," he said.

Rose also discounted Ray's claim of declining health. "He just had a complete physical exam within the last month," he said. "X rays, blood tests, the whole work-up . . . The doctor found a slight sprain in his back . . . But otherwise he was in good general health."

He acknowledged that Ray's extreme pallor results from his prolonged stay in segregation, "but a lot of that is by his own choice."

Ray is "just trying to generate enough public support to force us to put him in the general population," Rose said.

In the slow hours and days that he continues to live in his cell, Ray says he thinks almost exclusively about his case and "how I got maneuvered into it."

"If you don't have anything to do, you think about your case an awful lot," he said.

"In the old days, they [prison authorities] used to come in and knock you around some if they didn't like you," he mused, "and you'd be sore for three or four days, but then you'd come out in the sunshine and get some fresh air."

"Nowadays," he said with a tight, cold smile, "with their new 'humane' way of doing it, they just lock you up in solitary and let you sit there."

Routing Slip
0-7 (Rev. 2-12-71)

(Copies to Offices Checked)

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
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☐ St. Louis
☐ Salt Lake City
☐ San Antonio
☐ San Diego
☐ San Francisco
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☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Beirut
☐ Bern
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☐ Buenos Aires
☐ Caracas
☐ Copenhagen
☐ Hong Kong
☐ La Paz
☐ London
☐ Madrid
☐ Managua
☐ Mexico City
☒ Ottawa
☐ Paris
☐ Rome
☐ Tel Aviv
☐ Tokyo

Date 3/5/73

RE: **JAMES EARL RAY;
DR. MARTIN LUTHER KING, JR. - VICTIM**

CIVIL RIGHTS

Retention For appropriate
☐ For information ☐ optional ☒ 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: **Enclosed are two copies of the
letterhead memorandum dated 3/1/73.**

Enc.
Bufile
Urfile

(2)

3/1/73

AIRTEL

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

ReBuairtel to Memphis 2/23/73.

Enclosed for the Bureau are 5 copies of LHM
dated 3/1/73 captioned "JAMES EARL RAY; DR. MARTIN LUTHER
KING, JR. - VICTIM; CR - CONSPIRACY."

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



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memphis, Tennessee
March 1, 1973

*In Reply, Please Refer to
File No.*

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

On February 20, 1973, Mr. J. Clyde Mason, Assistant District Attorney General, 15th Judicial Circuit of Tennessee, Memphis, Tennessee, advised that James Earl Ray has exhausted all remedies in the Tennessee State Courts and has now filed suit in the United States District Court for the Middle District of Tennessee at Nashville, Tennessee, in an effort to win a new trial.

Mr. Mason has stated that until such time as James Earl Ray has exhausted all remedies in the Federal Court system, the State of Tennessee must be prepared to go to trial in this case if so ordered.

Mr. Mason stated he regrets any inconvenience that this might cause the Royal Canadian Mounted Police, but he must request that they retain all evidence in their possession concerning James Earl Ray. Mr. Mason further stated that it will be necessary for him to retain all evidence now in his possession. Mr. Mason said that when this case is finally concluded, he will return to the Royal Canadian Mounted Police all evidence which they have furnished him and which they may desire to have returned to them.

Airtel

2/23/73

To: SAC, Memphis (44-1987)

1 - Mr. McDonough

From: Acting Director, FBI (44-38861)

MURKIN

CR

Reurairtel and LHM 2/21/73.

The comments of Mr. Mason, as set forth in reLHM are in reference to the evidence the State of Tennessee is holding but not to that being held by RCMP on behalf of Tennessee State authorities. If not already done, cover this aspect with Mr. Mason and submit amended LHM covering both aspects.

EJM/mkc (4)

2/21/73

AIRTEL

AIR MAIL

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

Re Bureau airtel 2/16/73.

Enclosed for the Bureau are five copies of an LHM
for dissemination to the RCMP through the Legat, Ottawa.

② - Bureau (Encs. 5)
1 - Memphis

JCH:cjs
(3)



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Memphis, Tennessee
February 23, 1973

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

On February 20, 1973, Mr. J. Clyde Mason, Assistant District Attorney General, 15th Judicial Circuit of Tennessee, Memphis, Tennessee, advised that James Earl Ray has exhausted his remedies in the Tennessee State courts and has now filed suit in the U. S. District Court for the Middle District of Tennessee at Nashville in an effort to win a new trial.

Mr. Mason has stated that until such time as James Earl Ray has been heard and denied by the U. S. Supreme Court, it will be necessary for him to retain all evidence in this case for use in any trial which Ray might be granted.

Mr. Mason stated he regrets any inconvenience that this might cause the Royal Canadian Mounted Police but he hopes they will be assured he will return to them any evidence in which they have an interest as soon as it can be safely determined that Ray will not be granted a new trial in this case.

Airtel

2/16/73

To: SAC, Memphis (44-1987)

1 - Mr. McDonough

From: Acting Director, FBI (44-38861)

MURKIN
CR

Enclosed are two copies each of a communication from Legat, Ottawa, and its enclosures.

If your file does not indicate any other disposition of the materials referred to in the attached, contact appropriate Tennessee State Authorities to ascertain what response they desire to make to RCMP. Suggest that they may want to communicate with Inspector W. J. Halloran, RCMP, directly. Advise the Bureau of their determination in this matter by LHM and include therein information to the effect that state authorities advised that they would communicate directly with Inspector Halloran, if this is in fact the action to be taken by Tennessee State Authorities. Furnish LHM to the Bureau promptly so that Legat, Ottawa, can advise RCMP. Handle and suLHM within five days.

Enc. - 2

EJM/mkc (4)

NOTE:

Departmental Attorney R. A. Murphy, advises that the Federal Government has no interest in this evidence.

Date: 2-12-73

To: Director, FBI

(Bufile : 44-28861)

Attention : _____

From: Legal Attache, Ottawa

(44-4)

Title MURKIN	Character Reference
----------------------------	----------------------------

Enclosed are the following communications received from the RCMP: **Original and four copies of RCMP letter dated 2-8-73, together with three copies of the enclosure thereto.**

Remarks:

Note RCMP request and advise.

Dissemination☐

May be made as received

☐

May be made as indicated by stamp on enclosure

☒

May not be made without further clearance with RCMP

Following offices would be interested in receiving copies of enclosures:

Memphis (44-1987)

Status with this office:☐

RUC

☒

Pending

3 - Bureau (1 cc - Memphis)

(Enc. 7)

MLI:jhc

(3)

Do not write in space below			

PLEASE ADDRESS
CORRESPONDENCE TO:
THE COMMISSIONER
ROYAL CANADIAN MOUNTED POLICE
OTTAWA, CANADA
K1A 0R2



HEADQUARTERS
DIRECTION GÉNÉRALE

PRIÈRE D'ADRESSER LES
LETTRES COMME SUIVI:
LE COMMISSAIRE
GENDARMERIE ROYALE DU CANADA
OTTAWA, CANADA
K1A 0R2

YOUR NO.
VOTRE NO

OUR NO. 68HQ-791-Q-60
NOTRE NO

February 8, 1973.

Mr. Moss Lee Innes,
c/o United States Embassy,
OTTAWA, Ontario.

Re: Martin Luther KING

On 23 OCT 68, exhibits, as shown on the attached forms C-246 (Exhibit Reports #68/37 and 68/41) were handed to you for furtherance to your office in Memphis, Tennessee and were presumably entered into evidence at the trial of James Earl RAY.

It was requested that the exhibits be returned after their purpose was served, and our office in Montreal have been keeping their file open for this reason.

Additionally, our Toronto office has been holding exhibits since 1968. These exhibits are as listed on the attached letter dated 21 APR 70 to Mr. Clyde Mason, Assistant District Attorney General, Memphis, Tennessee.

The latest communication we have from Mr. Mason is a letter dated 7 JUL 72 (copy attached) which you will find self-explanatory. Please note that this letter appears to deal only with the exhibits we are holding at Toronto, and does not make any reference to the exhibits seized in Montreal which your office took possession of.

It would be appreciated if the Bureau could make enquiries with Justice officials in Memphis, Tennessee to determine:

- (a) if the Montreal exhibits sent to them through the F.B.I. are available for return, and
- (b) whether the exhibits being held by our Toronto office can now be disposed of.

Attach.

c.c. CO's "C" and "O" DIVISIONS
68C-790-19; 68-0-790-205

W.J. Halloran, Insp.,
Officer in Charge,
General Investigation Branch.

ROYAL CANADIAN MOUNTED POLICE
EXHIBIT REPORT

RCMP FILE REFERENCES 68 C 190-19	DIV. C	SUB-DIV. Montreal C.I.B.	DATE 21-4-68
68 GIS 790-107	DET. Montreal G.I.S.	EX-REPORT No. 37	PAGE 1
RE: Dr. Martin Luther KING - Murder of: ASSISTANCE TO F.B.I.			
I, Cst. G.W.J. Mousseau, CAME INTO POSSESSION OF THE FOLLOWING DESCRIBED GOODS ON 18 APR 68 AT Pont Viau, Quebec BY having same voluntarily handed over by the owner of Harkay Apts., 2589 Notre Dame East, Montreal, Quebec, one Larry Rothman.			

EXHIBITS LISTED BELOW ARE TO BE GIVEN ITEM NUMBERS IN CONSECUTIVE ORDER

EXHIBIT ITEM NO.	DESCRIPTION	RECIPIENT SIGNATURE AND DATE	WITNESS INITIALS
1	1 Lease, duly signed by Rothman and Galt, dated the 19 JUL 69 Cst. (G.W.J. Mousseau) 22870. Mtl. C.I.B. G.I.S.		

ROYAL CANADIAN MOUNTED POLICE EXHIBIT REPORT

RCMP FILE REFERENCES 68HQ-791-4-60 68C-190-19	DIV. "C"	SUB-DIV.	DATE 10 JUN 68
68GIS-790-107	DET. Montreal CIB-GIS	EX. REPORT NO. 68/41	PAGE 1
RE: Dr. Martin Luther KING - Murder of Assistance to F.B.I.			
I, <u>M.F.T. POWER, Corporal</u> CAME INTO POSSESSION OF THE FOLLOWING DESCRIBED GOODS ON <u>10 JUNE 68</u> AT <u>Montreal, Quebec</u> BY <u>obtaining same</u> <u>through investigation and holding same for investigation and evidence</u> <u>purposes.</u>			

EXHIBITS LISTED BELOW ARE TO BE GIVEN ITEM NUMBERS IN CONSECUTIVE ORDER

EXHIBIT ITEM NO.	DESCRIPTION	RECIPIENT SIGNATURE AND DATE	WITNESS INITIALS
#1	Sample of material for Order #11526		
#2	Order and Measurements #L-11526		
#3	Receipt #320422 for Order #11526, with sample of material attached.		
#4	Store Record for order #11526		
#5	Letter received from GALT, dated the 9-6-67		
#6	Canadian Postal Receipt dated SEP 9-67 for Order #11526.		
#7	A Canada Customs Export-Entry Form, Port # 66222 for Order #11526.		
#8	Label from the ENGLISH AND SCOTCH WOOLLEN CO. LTD.		
#9	Sales slip #RB-239758, dated the 19-7-67		
	CERTIFIED CORRECT: Cpl. (M.F.T. POWER) 19-16. Montreal C.I.B. -GIS NOTE: Above items are held in Mtl GI Section strong box pending further investigations.		

68HQ -791-Q-60 (Vol.6)

April 21, 1970.

Mr. J. Clyde Mason,
Assistant Attorney General,
Shelby County Office Building,
157 Poplar Avenue,
Memphis, Tenn, 38103,
U.S.A.

Dear Sir:

While assisting in the investigation of
the murder of Martin Luther King, this Force came into
possession of the following exhibits:-

On June 3, 1968, from Mrs. Loo, at 962
Dundas Street, West Toronto:-

- 1) One blue vinyl flight bag, dark blue
in colour
- 2) One metal strong box, grey in colour
- 3) Six rolls of "Super 8" Kodachrome II Colour
Movie film cartridges
- 4) One jar of Stein's Cold Cream, 8 oz. size.
- 5) One bottle of Lepage's Mucilage
- 6) Ten Band-Aids
- 7) Two identical keys for strong box
- 8) One Street Map for City of Montreal, Que.
- 9) One map of Canada and the Northern United
States
- 10) One Nights combination street map and directory
for the City of Toronto

...2

three brown paper bags. One containing the name "Mac's Milk".

- 12) One Polaroid Self-Timer #192
- 13) One Cardboard Folder (Advertisement for Seal-Rite Plastics).

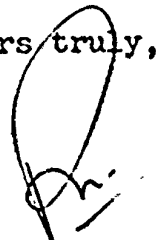
One June 5, 1968, from Mabel M. Agnew at the Arcade Photo Studio, 137 Yonge Street, Toronto:-

- 14) One photo-negative of a Passport type Photograph purporting to be that of one, Paul Bridgeman.
- 15) One copy of the Bill of Sale dated 11 APR 68, covering the sale of the photographs produced from the above negative.

Provided the items are not now required as exhibits in the Ray case, we propose returning the photograph and Bill of Sale to Arcade Photo Studio and destroying the remainder of the exhibits, they having no commercial value. Prior to doing so, however, I would appreciate confirmation that they are no longer required by your office.

Your early consideration of this matter would be appreciated.

Yours truly,



R.E. Muir, S/Insp.,
Assistant Officer in Charge,
Criminal Investigation Branch.

TRT:jv


LLOYD A. RHODES
EXECUTIVE ASSISTANT

WILLIAM D. HAYNES
ADMINISTRATIVE ASSISTANT

JOHN L. CARLISLE
E. L. HUTCHINSON, JR.
CLYDE R. VENSON
CARROLL G. MANNON
CRIMINAL INVESTIGATORS

NON SUPPORT DIVISION
EARL E. FITZPATRICK
ASSISTANT ATTORNEY GENERAL
H. J. BEACH
INVESTIGATOR
PHONE 534-9250

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL
FIFTEENTH JUDICIAL CIRCUIT OF TENNESSEE
COUNTY OF SHELBY

SHELBY COUNTY OFFICE BUILDING
157 POPLAR AVENUE
MEMPHIS, TENN. 38103
PHONE 901-534-9251

July 7, 1972

ASSISTANTS
EWELL C. RICHARDSON
JEWETT H. MILLER
J. CLYDE MASON
LEONARD T. LAFFERTY
ARTHUR T. BENNETT
DON D. STROTHER
DON A. DINO
JOSEPH L. PATTERSON
EUGENE C. GAERIG
HARVEY HERRIN
JOHN W. PIEROTTI
JAMES G. HALL
JAMES H. ALLEN
THOMAS F. GRAVES
T. E. CRAWFORD
RAYMOND S. CLIFT
DON F. YOUNG
LELAND M. MCNABB
WAYNE EMMONS
MICHAEL W. HUGHES
ALAN E. GLENN

A. T. McHaffie, Superintendent
Assistant Officer in Charge
Criminal Investigation Branch
Royal Canadian Mounted Police
Ottawa 7, Canada

RE: Your No. 68HQ-791-Q-60 (V 6)

Dear Superintendent McHaffie:

In reference to your letters of June 28, and April 28, 1972, this is to advise that while the Supreme Court of the State of Tennessee has affirmed the conviction and guilty plea of James Earl Ray, it is our understanding from the defense attorneys that they intend now to file further proceedings in the Federal Court system. We should know something on this within the next six (6) months.

We should like to prevail on your good offices and continued cooperation in this matter to preserve the evidence in this matter until it is finally terminated.

Thank you again for your cooperation.

Very truly yours,

J. Clyde Mason (sd)

J. CLYDE MASON
ASSISTANT DISTRICT
ATTORNEY GENERAL

JCM/sd

CIVIL RIGHTS DIVISION

1/14/74

~~2/14~~

SEE ATTACHED

Morton

~~McClure~~

¹
NOTE: ATTACHED IS ONE COPY OF ORDER FILED BY JUDGE L.
CLURE MORTON DENYING THE MOTION FOR A TEMPORARY
RESTRAINING ORDER FILED BY JAMES EARL RAY.

1/9/74

AIRTEL

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

Re Memphis airtel to the Bureau, 12/28/73.

Enclosed for the Bureau are two copies of an order filed with the U. S. District Court Clerk, Middle District of Tennessee, Nashville, Tenn, on 1/2/74, by Judge L. CLURE MORTON, denying the motion for a temporary restraining order filed by JAMES EARL RAY.

For information of the Bureau, the complaint filed by RAY on 12/27/73, has not been acted upon by Judge MORTON and inasmuch as Judge MORTON is on annual leave, the remainder of the month of January, 1974, no action is anticipated in the near future. The Bureau will be kept advised of further developments concerning that complaint.

3 - Bureau (Enc. 2)
2 - Memphis

PHT:cmc
(5)

2:30 P.
JAN 2 1974
HARRISON, TENN. CIVIL
CLERK

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

JAMES E. RAY

vs.

MARK H. LUTTRELL, Commissioner)
of Correction, State of)
Tennessee, et al.)

CIVIL ACTION NO. 7338

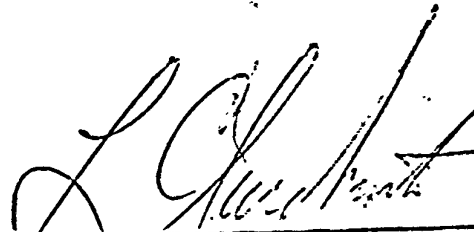
O R D E R

Plaintiff has filed a petition for a temporary restraining order to prevent the prison officials of the State of Tennessee from transferring the plaintiff from the Tennessee State Penitentiary to a federal penitentiary pursuant to a contract arrangement between the State of Tennessee and the United States Prison Department..

The transfer of a state prisoner from one institution to another is within the scope of the administration of the state penal system. This United States District Court is without authority to interfere with the administration of the state penal system, absent factual allegations of federal Constitutional violations. Plaintiff has failed to make factual allegations concerning his possible transfer to another institution, which, taken as true, amount to a violation of rights guaranteed by the Constitution of the United States. Wells v. McGinnis, 344 F.Supp. 594 (S.D.N.Y. 1972); Bundy v. Cannon, 328 F.Supp. 165, 173 (D.Md. 1971); United States ex rel. Verde v. Case, 326 F.Supp. 701, 704 (E.D.Pa. 1971).

Accordingly, this court may not lawfully restrain or enjoin State officials from transferring the plaintiff to another institution.

The motion for a temporary restraining order is hereby denied.

A handwritten signature in cursive script, appearing to read "L. G. Smith", is written over a horizontal line.

United States District Judge

12/27/73

AIRTEL

AIR MAIL

1 2/28

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

Enclosed for the Bureau are original and one copy of a newspaper clipping from the "Commercial Appeal," a Memphis, Tennessee, daily newspaper, for 12/27/73.

This office has received no information regarding JAMES EARL RAY's having filed any motion in the USDC at Nashville, Tennessee. Memphis will maintain contact with appropriate court officials and with the USA, Nashville, and will promptly advise the Bureau of any additional developments.

LEADS:

THE MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE

Will maintain contact with the USA and with the office of Judge L. CLURE MORTON regarding any motion filed by JAMES EARL RAY indicating that he was involved with others in a conspiracy to murder MARTIN LUTHER KING.

- ② - Bureau (Encs. 2)
- 1 - Memphis

JCH:cjs
(3)

December 28, 1973
GENERAL INVESTIGATIVE DIVISION

This is the case involving the assassination of Martin Luther King on 4/4/68. James Earl Ray was convicted in State Court of the murder and is currently serving a 99-year sentence in the Tennessee State Prison.

A Memphis newspaper printed an article 12/27/73, indicating that Ray had reportedly mailed a document to U. S. District Court (USDC), Nashville, Tennessee, in which he named several persons whom he claims were involved in the assassination of King.

Attached teletype indicates that information sent by Ray to USDC failed to disclose any substantive information re conspiracy or complicity in the King assassination.

On 12/27/73, Frank M. Dunbaugh, Deputy Assistant Attorney General, Civil Rights Division, had requested that no further action be taken at this time. Memphis Division cognizant.

JCL:cjm

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 27 1973

TELETYPE

Assoc. Dir.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 02 ME PLAIN

5:09 PM IMMEDIATE 12/27/73 FLG

TO: DIRECTOR, FBI (44-38861)

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

MURKIN

2/28

ON 12/27/73, USDC CLERK, MDT, NASHVILLE, TENN., RECEIVED FROM JAMES EARL RAY, INMATE, TENNESSEE STATE PENITENTIARY (TSP) ONE PETITION AND ONE COMPLAINT. THE PETITION IS FOR TEMPORARY RESTRAINING ORDER ATTEMPTING TO PREVENT THE CONTEMPLATED TRANSFER OF RAY FROM TSP TO A FEDERAL PENITENTIARY. THE COMPLAINT IS A \$10,000 SUIT AGAINST TENNESSEE STATE OFFICIALS ALLEGING VIOLATIONS OF CIVIL AND NATURAL RIGHTS BECAUSE OF TREATMENT, OR LACK THEREOF, WHILE INCARCERATED IN SHELBY COUNTY JAIL AND TSP.

SET FORTH ON PAGE 6, PARAGRAPHS 15 AND 16 OF THE COMPLAINT, RAY STATES HE PREVIOUSLY FURNISHED HIS ATTORNEY, PERCY FOREMAN, A TELEPHONE NUMBER IN BATON ROUGE, LA., WHICH FOREMAN EITHER "1) NEGLECTED TO INVESTIGATE; 2) INVESTIGATED AND SUPPRESSED IN RESULTS THEREOF; 3) FURNISHED SAID INFO TO THE PROSECUTION AND HIS LEGAL ASSOCIATE, THE LATE JOHN J. HOOKER, SR. OF THE NASHVILLE BAR OR, 4) AVAILED SAID INFO TO HIS (FOREMAN'S) LITERARY CONFIDANTS, WILLIAM BRATFORD HUIE AND GEROLD FRANK."

RAY FURTHER ALLEGED THAT A TELEPHONE NUMBER IN BATON ROUGE, LA., FURNISHED TO FOREMAN, AND INVESTIGATED THROUGH FOREMAN WAS

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LISTED TO A PARRISH OFFICIAL UNDER THE INFLUENCE OF A TEAMSTER UNION OFFICIAL AND THAT A TELEPHONE NUMBER IN NEW ORLEANS, LA., AREA WAS LISTED TO "AN AGENT OF A MID-EAST ORGANIZATION DISTRUST BECAUSE OF DR. MARTIN LUTHER KING'S REPORTED FORTHCOMING, BEFORE HIS DEATH, ARAB PUBLIC SUPPORT OF THE PALESTINE CAUSE."

THE ABOVE COMPLAINT CONSISTING OF 15 PAGES AND EXHIBITS A-M FAIL TO DISCLOSE THE TELEPHONE NUMBERS OR IDENTITIES OF ANY INDIVIDUALS WHO MAY POSSIBLY HAVE BEEN INVOLVED IN THE CAPTIONED MATTER.

A COPY OF THE ABOVE DESCRIBED RESTRAINING ORDER AND COMPLAINT ARE BEING FURNISHED THE BUREAU BY AIRTEL.
END.

MES FBING CLR