

SEMITAR, WEDNESDAY, OCTOBER 16, 1968

Hanes Complains About Photograph

From Page 1

us," Bonebrake was quoted. "We had several names to go on but we didn't know which one was correct. Ray had purchased a car under the name of Galt, bought the rifle under another name and registered in Memphis using the name John Willard."

The story, quoted Bonebrake as saying he expected to go to Memphis to testify on the fingerprint identification during Ray's coming trial. "There's no doubt in my mind that he (Ray) at least handled the murder weapon," he was quoted.

NO COMMENT

Bonebrake was in Wichita speaking to an area seminar on fingerprint identification for law enforcement agencies. A FBI spokesman said in Washington today that Bonebrake was out on assignment and was not available for comment. "We are not making any comment on that case whatsoever unless

it was public knowledge," the spokesman said.

"Everybody seems to be leaning toward the prosecution. All the court officials seem to be," Hanes said.

"Three thousand FBI agents working on the case, the resources of the state of Tennessee, the press and this community are working to ensure that the state of Tennessee gets a fair trial."

"I am the only one standing between my client and the great forces of government. I will not be intimidated."

"It is pretty easy to admonish an unpopular lawyer who has an unpopular client and an unpopular case, to look upon him with disfavor."

"I never heard of a judge criticizing a sheriff or a prosecutor they live with and do business with every day."

Hanes said he did not believe his latest statements were in violation of Battle's anti-publicity order.

"I have not said anything, nor will I say anything, going to the merits of the case," he said. "But I will

say this, that when a lawyer is overcome by timidity in criticizing the courts we have lost a lot of individual freedom in this country.

"We should guard against any person or any court being immune to criticism. The time is past when a person or a committee can mount a pedestal, adjust his halo and say don't criticize my actions."

"In my opinion the flames of justice have flickered mighty low in the headwinds of the great forces which have been amassed against my client."

Hanes said he had complained to Battle about a picture released by Morris showing the sheriff leading a handcuffed Ray into jail. "It depicted him (Ray) as some kind of dangerous animal dragged from his cave," Hanes said.

"I asked the judge to let me have a photographer come in and photograph him as a normal human being. This was denied. I feel if the sheriff had a right to release the photograph, we certainly had the right to release one showing him as he normally is."

Hanes said he planned to go to the attorney general's office today to listen to the police radio tape recordings from the night that Dr. King was killed and to inspect any further evidence that has come into the office. He said he will remain in Memphis until tomorrow night.

THOMPSON

Meanwhile, it was also learned today that Hanes spent several hours yesterday conferring with Memphis attorney Russell X. Thompson.

Earlier in the case, Thompson was reported to be under consideration as associate counsel in Ray's defense, but Hanes later denied it.

Thompson confirmed

Hanes was in his office in connection with preliminary work he had done previously but declined further comment.

Hanes' visit, however, again led to speculation that Thompson would become associated with him.

"Exhibit B"

Commercial Appeal 10/17/68

Hanes Resumes Verbal Onslaught Cites Story Quoting FBI Linking Ray, Prints

The attorney for James Earl Ray, charged with murdering Dr. Martin Luther King Jr., renewed his verbal onslaught against a court order to limit pretrial publicity in the case.

Arthur J. Hanes conceded that Criminal Court Judge W. Preston Battle, who has held him in contempt, has the right to forbid him to discuss the "merits of the case against Ray. But he can't get after me, according to the Reardon report, for commenting on other things."

"Other things," according to Mr. Hanes, embraces the conditions of Ray's imprisonment in the Shelby County Jail; the release of only one photo of Ray, showing him shackled and manacled, and the unsuccessful effort of a Ku Klux Klan attorney from Georgia to become associated in Ray's defense.

Judge Battle's order he said, has not prevented an FBI spokesman from giving interviews pointing to Ray as Dr. King's slayer.

Tuesday Mr. Hanes cited a story in the Wichita (Kan.) Beacon quoting George Bonebrake, an FBI fingerprint expert, as saying fingerprints taken of Ray in London matched "latent fingerprints" taken by detectives in Memphis shortly after Dr. King was slain on a motel balcony here last April.

A dispatch from Wichita said that, besides making the speech at a police seminar there on fingerprint identification, Mr. Bonebrake said in an interview afterward, "There is no doubt in my mind that Ray at least handled the murder weapon."

"Exhibit C"

The earliest date hearing on this matter could be heard would be November 1, only eleven (11) days before the Ray trial.

The reason for orders on publicity and hearings on their alleged violation is to deter prejudicial publicity from infecting the community from which the jury must be drawn. In the nature of things, hearings on alleged violations of publicity orders result in pervasive dissemination of prejudicial publicity and are, to that extent, self-defeating. For these reasons, this matter has been set for hearing after the Ray trial.

W. Preston Battle
Oct. 24, 1968. Judge

The earliest date hearing on this matter could be heard would be November 1, only eleven (11) days before the Ray trial.

The reason for orders on publicity and hearings on their alleged violation is to deter prejudicial publicity from infecting the community from which the jury must be drawn. In the nature of things, hearings on alleged violations of publicity orders result in pervasive dissemination of prejudicial publicity and are, to that extent, self-defeating. For these reasons, this matter has been set for hearing after the Ray trial.

C. Preston Battle
Oct. 24, 1968 Judge

Commercial Appeal 10/17/68

Hanes Resumes Verbal Onslaught

Cites Story Quoting FBI
Linking Ray, Prints

The attorney for James Earl Ray, charged with murdering Dr. Martin Luther King Jr., renewed his verbal onslaught against a court order to limit pretrial publicity in the case.

Arthur J. Hanes conceded that Criminal Court Judge W. Preston Battle, who has held him in contempt, has the right to forbid him to discuss the "merits of the case against Ray. But he can't get after me, according to the Reardon report, for commenting on other things."

"Other things," according to Mr. Hanes, embraces the conditions of Ray's imprisonment in the Shelby County Jail, the release of only one photo of Ray, showing him shackled and manacled, and the unsuccessful effort of a Ku Klux Klan attorney from Georgia to become associated in Ray's defense.

Judge Battle's order he said, has not prevented an FBI spokesman from giving interviews pointing to Ray as Dr. King's slayer.

Tuesday Mr. Hanes cited a story in the Wichita (Kan.) Beacon quoting George Bonebrake, an FBI fingerprint expert, as saying fingerprints taken of Ray in London matched "latent fingerprints" taken by detectives in Memphis shortly after Dr. King was slain on a motel balcony here last April.

A dispatch from Wichita said that, besides making the speech at a police seminar there on fingerprint identification, Mr. Bonebrake said in an interview afterward, "There is no doubt in my mind that Ray at least handled the murder weapon."

"Exhibit C"

SEMIWEEKLY, WEDNESDAY, OCTOBER 16, 1968

Hanes Complains About Photograph

From Page 1

us," Bonebrake was quoted. "We had several names to go on but we didn't know which one was correct. Ray had purchased a car under the name of Galt, bought the rifle under another name and registered in Memphis using the name John Willard."

The story, quoted Bonebrake as saying he expected to go to Memphis to testify on the fingerprint identification during Ray's coming trial. "There's no doubt in my mind that he (Ray) at least handled the murder weapon," he was quoted.

NO COMMENT

Bonebrake was in Wichita speaking to an area seminar on fingerprint identification for law enforcement agencies. A FBI spokesman said in Washington today that Bonebrake was out on assignment and was not available for comment. "We are not making any comment on that case whatsoever unless

it was public knowledge," the spokesman said.

"Everybody seems to be leaning toward the prosecution. All the court officials seem to be," Hanes said.

"Three thousand FBI agents working on the case, the resources of the state of Tennessee, the press and this community are working to ensure that the state of Tennessee gets a fair trial."

"I am the only one standing between my client and the great forces of government. I will not be intimidated."

"It is pretty easy to admonish an unpopular lawyer who has an unpopular client and an unpopular case, to look upon him with disfavor."

"I never heard of a judge criticizing a sheriff or a prosecutor they live with and do business with every day."

Hanes said he did not believe his latest statements were in violation of Battle's anti-publicity order.

"I have not said anything, nor will I say anything, going to the merits of the case," he said. "But I will

say this, that when a lawyer is overcome by timidity in criticizing the courts we have lost a lot of individual freedom in this country.

"We should guard against any person or any court being immune to criticism. The time is past when a person or a committee can mount a pedestal, adjust his halo and say don't criticize my actions."

"In my opinion the flames of justice have flickered mighty low in the headwinds of the great forces which have been amassed against my client."

Hanes said he had complained to Battle about a picture released by Morris showing the sheriff leading a handcuffed Ray into jail. "It depicted him (Ray) as some kind of dangerous animal dragged from his cave," Hanes said.

"I asked the judge to let me have a photographer come in and photograph him as a normal human being. This was denied. I feel if the sheriff had a right to release the photograph, we certainly had the right to release one showing him as he normally is."

Hanes said he planned to go to the attorney general's office today to listen to the police radio tape recordings from the night that Dr. King was killed and to inspect any further evidence that has come into the office. He said he will remain in Memphis until tomorrow night.

THOMPSON

Meanwhile, it was also learned today that Hanes spent several hours yesterday conferring with Memphis attorney Russell X. Thompson.

Earlier in the case, Thompson was reported to be under consideration as associate counsel in Ray's defense, but Hanes later denied it.

Thompson confirmed

Hanes was in his office in connection with preliminary work he had done previously but declined further comment.

Hanes' visit, however, again led to speculation that Thompson would become associated with him.

"Exhibit B"

Memphis Press-Scimitar

FINAL EDITION

WEATHER FORECAST: High today 84. Low tonight 65. Chance of a few showers tonight. (Details on Page 2.)

PRICE TEN CENTS

85TH YEAR—NO. 299

MEMPHIS, TENN., WEDNESDAY, OCTOBER 16, 1968

TELEPHONES: NEWS AND GENERAL 525-2141
WANT ADS 525-6372
CIRCULATION 525-7601

'Like the Harper Valley P-TA,' Attorney Charges Hanes Denounces Court Group as 'Hypocrites'

Arthur J. Hanes, attorney for James Earl Ray, socked it to a court-appointed committee in the Dr. Martin Luther King murder case today, calling them a "committee of Harper Valley P-TA hypocrites."

The reference is to the hit record, "Harper Valley P-TA," which recounts the tale of a mini-skirted widowed wife told by the P-TA that "as a mother, you're not fit." She wore her mini-skirt to the next meeting and "socked it to the Harper Valley P-TA," recounting the vices of the members and branding them as "Harper Valley hypocrites."

Hanes called the committee 'hypocrites' because he

contends that representatives of those prosecuting Ray are being allowed to make statements about the case while he has been criticized for making comments.

The seven-lawyer committee, headed by Lucius Burch, recommended to Judge Preston Battle that Hanes be required to show cause why he should not be held in contempt of Battle's order restricting pre-trial publicity. Battle held Hanes, a private detective in his employ and two newspaper reporters, in contempt but has not passed sentence.

"Sheriff (William) Morris said in a press conference that the man's (Ray's) cell is fine. I said I disagreed."

Atty. Gen. Ramsey Clark stated on television that Ray committed this crime with no conspiracy involved," Hanes said.

"I suppose if I had opened my mouth and agreed with Ramsey Clark and Sheriff Morris, nothing would have been said about it. Nothing would have been heard from Mr. Burch's committee of Harper Valley P-TA hypocrites."

Hanes said he had not filed a plea to set aside Battle's decision in the contempt hearing. "I'm going to wait and see if he sentences me. I may at that time appeal. Still, on the other hand, whatever he decided to mete out to me, I could take it as

long as that bunch (the committee) could live with their consciences."

Other members of the legal committee are J. Alan Hanover, Cooper Turner Jr., James D. Causey, Leo Bearman Jr., Lee A. Hardison, and Don Owens.

The Birmingham attorney flew to Memphis yesterday to continue his examination of the evidence the state is expected to introduce when Ray goes on trial Nov. 12 on a murder charge in the April 4 slaying of Dr. King.

Hanes complained that Battle's court order limiting publicity favors the prosecution and only limits the defense. He cited an interview with George Bonebrake, an

FBI fingerprint expert, in Wichita, Kan., which was reported in the Wichita Beacon.

"Here is a man who is a key witness for the FBI telling the whole world that he is an expert for the bureau, that he testified in London and is going to testify in Memphis against James Earl Ray," Hanes said.

Bonebrake was quoted in the story as saying the fingerprints found in Memphis matched those "taken of the man arrested in London" and those taken of James Earl Ray while he was at the Missouri Penitentiary.

"Therefore, my testimony tended to implicate him in the murder of Dr. King as well as identify him as the

fugitive wanted for escaping from the Missouri Prison."

Bonebrake was quoted as saying. The FBI expert was identified as the man who led the search through thousands of fingerprints on file at the Washington, D.C., FBI headquarters for the identification of the killer" and the "government's star witness in the extradition proceedings" against Ray.

Bonebrake was quoted as saying that "FBI agents obtained 'good' latent prints from a rifle believed used to kill Dr. King, from a telescopic sight on the rifle and from a pair of binoculars found at the scene."

"This was a real break for Turn to Page 5—HANES

NES

"Exhibit B"

Lecture By FBI Agent Angers Ray's Attorney

By CHARLES EDMUNDSON

Arthur J. Hanes Sr., attorney for James Earl Ray, accused in the killing of Dr. Martin Luther King Jr., complained yesterday that a court order to limit pre-trial reporting in the case "protects the prosecution and only muzzles the defense."

"I am going to represent my client to the limit of my abilities, according to the law, and I am not going to be stopped," Mr. Hanes said.

He flew here from Birmingham yesterday to continue his examination of items of evidence the attorney general's office has been ordered to make available to him.

In an interview Mr. Hanes declared that prosecution witnesses have been making public statements "convicting my client and we have had no chance to counter them."

He cited a lecture by George Bonebrake, an FBI fingerprint specialist, in Wichita, Kan., Sept. 11 and quoted on Page One of the Wichita Beacon:

The Beacon identified Mr. Bonebrake as the man who "led the search through thousands of fingerprints on file with the FBI headquarters in Washington seeking identification of the killer." Mr. Bonebrake also testified at the extradition hearing for Ray in London in July.

"I was able to testify," Mr. Bonebrake was quoted as say-

ing in Wichita, "that the latent fingerprints we found in Memphis matched those taken of the man arrested in London, and that the same prints matched those taken of James Earl Ray while he was at the Missouri Penitentiary."

Using a chart to compare "latent fingerprints" with "ink fingerprints," Mr. Bonebrake added, "This is what I did in London. I was able to show that the latent prints obtained in Memphis, the ones taken in London and the ones taken of Ray at the Missouri prison were all the same."

Mr. Bonebrake was addressing a Wichita area police seminar on fingerprint identification. In Washington yesterday the FBI said Mr. Bonebrake was out of town and not available for comment.

Frank Garofolo, assistant city editor of the Wichita Beacon, said yesterday that newsmen were permitted to attend the lecture and nothing was put off the record at the police seminar. A major in the Wichita Police Department objected the next day, Mr. Garofolo said, that the speech had been quoted too much in detail.

Judge W. Preston Battle has acknowledged earlier that his power to limit publicity applied only in the boundaries of his judicial district (Shelby County).

The order has a differing effect, Mr. Hanes said.

"While the accused and his attorneys have been ordered not to give interviews, key witnesses for the prosecution, such as Mr. Bonebrake, have been free to make statements. Atty. Gen. Ramsey Clark stated on Television that Ray committed this crime with no conspiracy involved. When I say the contrary I am held in contempt."

Mr. Hanes said Judge Battle's order restricting pre-trial interviews is inconsistent with a statement by the judge that he has seen criminal cases "drenched in publicity" but ending with a "just result."

Judge Battle made the statement in denying a defense contention that widespread publicity before issuance of his order had made a fair trial impossible.

Mr. Hanes will be in Memphis today and tomorrow interviewing witnesses and examining items of evidence in possession of Atty. Gen. Phil Canale. He took time off yesterday afternoon to buy Ray a new supply of shirts, size 15 1/2.

*Commercial Appeal
10/16/68*

"Exhibit A"

James D. Causey
James D. Causey
Leo Bearman, Jr.
Leo Bearman, Jr.
Lee A. Hardison
Lee A. Hardison
Don G. Owens
Don G. Owens

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, the undersigned Notary Public, the aforementioned petitioners, who state that they have read the foregoing petition and that the facts contained therein are true to the best of their knowledge, information, and belief.

W. Preston Battle
Notary Public

My commission expires:
MY COMMISSION EXPIRES JAN. 10, 1972

F I A T

TO THE CLERK OF THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE:

File this petition and issue scire facias upon the petition ordering the respondent, George Bonebrake, to appear before this Court on the 6th day of December, 1968, at 9:30 ^{A.M.} o'clock to show cause why he should not be adjudged in contempt of this Court for violation and disobedience of the Court's orders.

W. Preston Battle
J U D G E

prayer for the issuance of a Scire Facias for a show cause order as hereinafter set out be granted by this Honorable Court against the said George Bonebrake, that a copy of this petition be mailed to the Honorable Ramsey Clark, the Attorney General of the United States, Department of Justice, by whom your petitioners believe said George Bonebrake is employed, requesting the said George Bonebrake to submit himself voluntarily to the jurisdiction of this Court so that a fair and proper hearing may be held. That, in the event said voluntary submission is not forthcoming, your petitioners recommend that this Court issue said processes at such time that said George Bonebrake shall come into and be within the jurisdiction of this Court.

That your petitioners believe the respondent herein named, George Bonebrake, had actual knowledge of the aforesaid orders, decrees and injunctions issued by this Court.

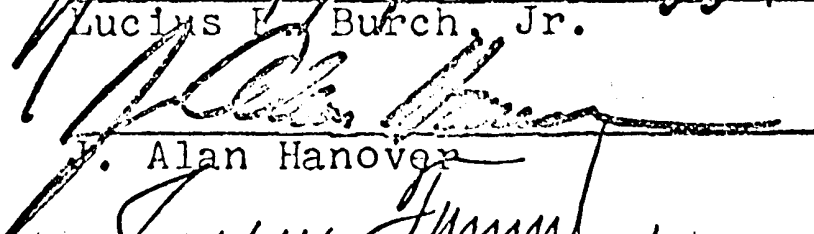
Petitioners aver, therefore, that there is strong cause to believe that respondent, George Bonebrake, is in contempt of the orders and injunctions of this Court by reason of the aforesaid articles and acts as alleged and that he should be cited to appear and show cause, if any he has, why he should not be held in contempt of this Court.

WHEREFORE, PREMISES CONSIDERED, PETITIONERS PRAY:

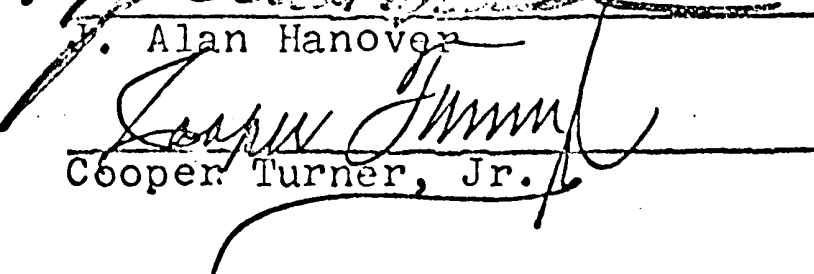
1. That proper process issue demanding George Bonebrake to appear before this Honorable Court and show cause, if any he has, why he should not be adjudged in contempt of this Court and its orders and, upon the hearing of said cause, the Court enter such other orders as may be proper in the premises.
2. For such other and further relief as the Court may feel right and proper under the circumstances.



Lucius E. Burch, Jr.



F. Alan Hanover



Cooper Turner, Jr.

That said order of July 30, 1968 further prohibited all persons under the purview of said order from taking part in interviews or press conferences for publicity and enjoined them from making extra-judicial statements about this case which involve:

"(4) the comments of the Declarant about the merits of the case and about any evidence which may be presented;"

Further, said order of July 30, 1968 contained the following paragraph:

"All persons or entities subject to this Order who feel aggrieved by anything herein contained are hereby admonished that any such grievances or complaints should be judicially presented."

That there appeared in the Commercial Appeal, a newspaper of general circulation in Memphis, Shelby County, Tennessee, under date of Wednesday morning, October 16, 1968, an article under the heading: "Lecture By FBI Agent Angers Ray's Attorney", the one in which George Bonebrake, an FBI fingerprint specialist, is quoted. A copy of said item is attached hereto as "Exhibit A" and made a part of this petition.

That under date of Wednesday, October 16, 1968, there appeared in the Memphis Press Scimitar, a newspaper of general circulation in Memphis, Shelby County, Tennessee, an item entitled: "Hanes Denounces Court Group as 'Hypocrites'", in which said George Bonebrake is again quoted. A copy of said item is likewise attached hereto as "Exhibit B" and made a part of this petition.

That there appeared in the Commercial Appeal under date of Thursday, October 17, 1968, under the heading: "Hanes Resumes Verbal Onslaught", an item which again quoted the said George Bonebrake. A copy of said item is attached hereto as "Exhibit C" and made a part of this petition.

That your petitioners believe that the said George Bonebrake is a resident citizen of Washington, D. C., and is not amenable at this time to the processes of this Court, but that your petitioners respectfully recommend to the Court that should their

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

JAMES EARL RAY,
ALIAS ERIC STARVO GALT,
ALIAS JOHN WILLARD,
ALIAS HARVEY LOWMEYER,
ALIAS HARVEY LOWMYER

NO. 11645
MURDER - FIRST DEGREE

NO. 16819
CARRYING DANGEROUS
WEAPON

FILED 10-24-68
J. A. BLACKWELL, CLERK

BY E. E. Koster D. C.

PETITION FOR CONTEMPT

TO THE HONORABLE W. PRESTON BATTLE, JUDGE OF THE CRIMINAL COURT
OF SHELBY COUNTY, TENNESSEE, DIVISION THREE:

Your petitioners, Amici Curiae, show unto the Court as
follows:

That petitioners are the duly appointed and acting Amici
Curiae, having been so appointed by order of this Court on
July 29, 1968;

That heretofore the Court on July 18, 1968 entered an order
on Courthouse and Courtroom Procedures and Publicity, and on
July 23, 1968 said Court entered an amendment to said order.

Further, under date of July 30, 1968, said Court supplemented
said orders by a further order of Court prohibiting and enjoining
the perpetration of certain specific acts in connection with the
above-styled causes.

That all three of said orders are part of the record in
these causes and, among other things, contain the following lan-
guage in the order of July 30, 1968:

"All lawyers participating in this case, their
assistants, associates, staff members, investigators
and employees under their supervision and control,
County Medical Examiner, Jury Commissioners, Criminal
Court Clerk, County Sheriff, Police Officials and
other law enforcement officers, employees of this
Court and all other persons employed in the 'Criminal
Courts Buildings', their associates, deputies,
assistants, staff members and personnel under their
supervision and control, are forbidden to take part
in interviews or press conferences for publicity and
are enjoined from making extra-judicial statements
about this case which . . ."

November 12, 1968

GENERAL INVESTIGATIVE DIVISION

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

The sheriff at Shelby County, Memphis, Tennessee, has advised that subject James Earl Ray has dismissed his attorney Arthur Hanes and has secured the services of Percy Foreman. The sheriff indicates that Ray may not stand trial before April, 1969; however there is a hearing in court in Shelby County today regarding this matter.

Bureau files indicate that in April, 1961, Foreman identified himself to our Houston Office as an attorney for Joseph Francis Civello, top hoodlum of the Dallas Division who attended the Apalachin meeting in 1957.

The attached is background information concerning Percy Foreman.

REL:jld

chm *JEM* *L* *D* *sk* *L*

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

NOV 11 1968

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

FBI HOUSTON

535PM URGENT 11-11-68 EVB

TO DIRECTOR (44-38861)

FROM HOUSTON (44-1509)

TELETYPE

COPIES MADE, DATE 5/4/78 BY
RBC/SS. RE M.L. King, Jr.
FOR REVIEW AT FBIHQ AND/OR DELIVERY
TO HSCA RE REQUEST DATED 5/13/78
(SEE BUFILE 62-117290)

hfy

MURKIN

RE BU PHONE CALL NOV. ELEVEN SIXTYEIGHT.

IN VIEW OF FACT PERCY FOREMAN WILL BE ATTORNEY FOR
JAMES EARL RAY IN INSTANT MATTER, FOLLOWING IS BEING FUR-
NISHED FOR BUREAU'S INFORMATION:

PERCY FOREMAN, BORN [redacted] ABOUT SIX FEET
THREE INCHES, TWO FOUR ZERO LBS., GRADUATED FROM UNIVERSITY
OF TEXAS LAW SCHOOL NINETEEN TWENTY-SEVEN, A NATIVE OF EAST
TEXAS, HAS BEEN A DEFENSE ATTORNEY IN HOUSTON, TEXAS, FOR
MANY YEARS.

Texas

Tenn.

FOREMAN CONSIDERED TO BE ONE OF COUNTRY'S FOREMOST
ATTORNEYS IN FIELD OF CRIMINAL LAW, PARTICULARLY HOMICIDES.
HE PRACTICES ALONE. HIS STRONG POINTS ARE: SELECTION OF
A JURY; PERSUASIVE ARGUMENTS, PARTICULARLY REASONABLE DOUBT.
HE HAS BEEN EXTREMELY SUCCESSFUL AT IMPRESSING JURIES,
PARTICULARLY WHEN JUDGE HAS ALLOWED GREAT LATITUDE IN
QUESTIONING OF PROSPECTIVE JURORS. IN SUCH CASES, HE HAS

P

44-38861-5349

END PAGE ONE

ST-103

REC 13

25 NOV 13 1968

SP

54 NOV 20 1968

MR. DELOACH FOR THE DIRECTOR

TELETYPE

FBI HOUSTON

538PM URGENT 11-11-68 RVS
TO DIRECTOR (44-38861)
FROM HOUSTON (44-1502)

MURKIN

RE BU PHONE CALL NOV. ELEVEN SIXTYEIGHT.
IN VIEW OF FACT PERCY FOREMAN WILL BE ATTORNEY FOR
JANE EARL RAY IN INSTANT MATTER, FOLLOWING IS BEING FOR-
WISHED FOR BUREAU'S INFORMATION:

PERCY FOREMAN, BORN NINETEEN ZERO TWO, ABOUT SIX FEET
THREE INCHES, TWO FOUR ZERO LAST., GRADUATED FROM UNIVERSITY
OF TEXAS LAW SCHOOL NINETEEN TWENTY-SEVEN, A NATIVE OF EAST
TEXAS, HAS BEEN A DEFENSE ATTORNEY IN HOUSTON, TEXAS, FOR
MANY YEARS. FOREMAN IS CONSIDERED TO BE ONE OF COUNTRY'S FOREMOST
ATTORNEYS IN FIELD OF CRIMINAL LAW, PARTICULARLY HOMICIDE.
HE PRACTICES ALONE. HIS STRONG POINTS ARE: SELECTION OF
A JURY; PERSUASIVE ARGUMENTS; PARTICULARLY RESPONSIBLE COURT.

Nov 12 10 21 AM '68

REC'D DE LOACH
Nov 12 12 08 PM '68

REC'D DE LOACH

REC'D - CIV RIGHTS
Nov 12 9 32 PM '68

Nov 12 11 02 AM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

Nov 12 12 32 PM '68

PAGE TWO

HIRED LOCAL ATTORNEYS TO FAMILIARIZE HIM WITH AREA AND LOCAL SITUATIONS. HE HAS EXCELLENT MEMORY FOR NAMES AND USES THIS TALENT AND INFORMATION WHEN QUESTIONING THE PANEL IN ORDER TO ESTABLISH A PERSONAL FEELING WITH THOSE PICKED FOR JURY.

FOREMAN'S WEAKNESS, IF ANY, IS HIS LACK OF LEGAL KNOWLEDGE. HE OVERCOMES THIS WEAKNESS BY HIRING LOCAL ATTORNEYS KNOWN FOR THEIR LEGAL ABILITY. IN THE PAST HE EMPLOYED LUTHER JONES, A LEGAL AUTHORITY IN CORPUS CHRISTI, TEXAS; GILBERT SHARPE, NOW A MEMBER OF THE TEXAS COURT OF CIVIL APPEALS AND MOST RECENTLY C. ANTHONY FRILOUX A FORMER ASSISTANT United States Attorney AUSA OF HOUSTON, TEXAS. FOREMAN GENERALLY PAYS THESE ATTORNEYS VERY WELL FOR THEIR SERVICES, USUALLY UP TO ONE THOUSAND DOLLARS PER DAY IN THE COURTROOM DEPENDING ON SIZE OF HIS FEE. IN THIS REGARD, IT SHOULD BE NOTED THAT FOREMAN AS A RULE IN PAST HAS NOT ACCEPTED CASES UNLESS PAID IN ADVANCE. IN ONE BUREAU CASE, DAVID CLIFTON STEPHENS, FRAUD AGAINST GOVERNMENT ET AL, FBI, BUREAU FILE FIVE EIGHT DASH FIVE ONE FIVE FIVE, STEPHENS ADVISED SA JOSEPH J. DOOLING AFTER HE WAS CONVICTED AND LOST HIS APPEAL THAT FOREMAN REQUIRED STEPHENS TO SELL

END PAGE TWO

PAGE THREE

HIS HOME AND STEPHEN'S SON, LARRY STEPHENS, DALLAS COWBOY FOOTBALL PLAYER, BORROW THE REMAINDER OF FOREMAN'S FEE BEFORE FOREMAN ENTERED CASE.

FOREMAN HAS NOT BEEN SUCCESSFUL IN WINNING ACQUITTALS IN FEDERAL COURT. IT IS GENERALLY BELIEVED THAT HIS LACK OF SUCCESS IN FEDERAL COURT IS DUE TO STRICTER RULES OF CONDUCT ENFORCED DURING TRIAL BY FEDERAL JUDGES. FOREMAN IS ADEPT AT "SIDE-BAR" REMARKS AND RIDICULING PROSECUTOR, AND PROSECUTION WITNESSES. WHEN A JUDGE LIMITS FOREMAN'S ATTEMPTS TO RIDICULE PROSECUTION OR HIS COURTROOM ANTICS, FOREMAN ATTEMPTS TO GET A HUNG JURY APPEALING TO ONE OR TWO JURORS WHO APPEAR TO BE SYMPATHETIC TO FOREMAN.

IN THE STEPHENS CASE MENTIONED ABOVE, FOREMAN OBTAINED A MISTRIAL UNDER TITLE EIGHTEEN SECTION THREE FIVE ZERO ZERO, JENCK'S ACT, WHEN A GOVERNMENT WITNESS ADMITTED UNDER CROSS EXAMINATION THAT HE HAD BEEN INTERVIEWED BY ANOTHER GOVERNMENT AGENCY, WHICH INTERVIEW WAS UNKNOWN TO THE FBI OR U. S. ATTORNEY. IN CASE ENTITLED RICHARD ARNO YERXA, AKA.; ET AL, *Intrastate Transportation of Obscene Matter* ITON, BUREAU FILE ONE FOUR FIVE DASH TWO EIGHT FOUR SIX, FOREMAN APPEALED TO A FEW JURORS WHO HELD OUT FOR ACQUITTAL, THUS CAUSING HUNG JURY AND MISTRIAL. IF PERMITTED BY JUDGE
END PAGE THREE

PAGE FOUR

IN CAPITAL CASE, FOREMAN ATTEMPTS TO CONVINCING JURY THAT VICTIM WAS CULPRIT OR SCOUNDREL AND GOT WHAT HE DESERVED. THIS IS HIS MAIN DEFENSE IN CAPITAL CASES. GENERALLY, FOREMAN APPEARS BORED WHEN THE PROSECUTION HAS ITS WITNESSES ON DIRECT EXAMINATION. HE TRIES TO CONVEY THIS FEELING TO JURY.

ONE ATTORNEY, WHO WAS CLOSELY ASSOCIATED WITH FOREMAN DESCRIBED HIM AS HARD-NOSED, COLD, CRUEL AND RUTHLESS. HE FURTHER ADVISED HE HAS BEEN ON OUT OF TOWN TRIPS WITH FOREMAN AND EVEN AT THIS AGE, SIXTYSIX, FOREMAN ATTEMPTS TO SEEK FEMALE COMPANIONSHIP. IT HAS BEEN RUMORED FOR YEARS THAT FOREMAN HAS BEEN INTIMATE WITH MANY OF HIS FEMALE CLIENTS.

FOREMAN SUCCESSFULLY DEFENDED CANDACE MOSSLER IN MIAMI, FLORIDA, WHEN SHE AND HER NEPHEW, MELVIN LANE POWERS, WERE CHARGED WITH MURDER OF JACQUES MOSSLER, HER HUSBAND, WHICH CASE RECEIVED WIDE-SPREAD PUBLICITY.

IN ALL PROBABILITY, FOREMAN WILL HIRE A LOCAL ATTORNEY IN MEMPHIS, TENNESSEE, AND USE THE TACTICS DESCRIBED ABOVE, WHICH TACTICS HAVE BEEN SUCCESSFUL IN OVER SEVEN HUNDRED CAPITAL CASES HANDLED BY HIM.

CORR: PAGE 1 LINE THREE FIRST WRD SHD BE JAMES.

END

MXS

FBI WASH DC

CC-MR. ROSEN

FBI WASH DC

END

END

COPIES: PAGE 1 FIVE THREE EIGHT AND TWO SE TAMES.

CAPITAL CASES HANDLED BY HIM.

WHICH INDICES HAVE BEEN SUCCESSFUL IN OVER SEVEN HUNDRED
IN MEMPHIS, TENNESSEE, AND ARE THE INDICES DESCRIBED ABOVE.

IN ALL PROBABILITY, ROEMAN WILL HAVE A LOCAL ATTORNEY
WHICH CASE RECEIVED WIDE-SPREAD PUBLICITY.

WAS CHARGED WITH MURDER OF JACQUES MOSSER, HER HUSBAND,
MICHIGAN, MICHIGAN, WHEN SHE AND HER NEPHEW, MELVIN GAVE ROMERS.

ROEMAN SUCCESSFULLY DEFENDED CHARLES MOSSER IN
CASES.

THAT ROEMAN HAS BEEN INTIMATE WITH MANY OF HIS MENAGE
CEREMONY COMPANIONSHIP. IT HAS BEEN MARRIED FOR YEARS
ROEMAN AND EVEN AT THIS AGE, SIXTY-SIX, ROEMAN ATTEMPTS TO
HE FURTHER ADVISED HE HAS BEEN ON OUT OF TOWN TRIPS WITH
DESCRIBED AS A HARD-BOILED, COOL, CRUEL AND BRITISH.

ONE ATTORNEY, WHO WAS CLOSELY ASSOCIATED WITH ROEMAN
REFUSING TO TALK.

WITNESSES ON DIRECT EXAMINATION. HE TRIED TO CORRECT THIS
ROEMAN APPEARS BORED WHEN THE PROSECUTION HAS THE

THIS IS HIS MAIN DEFENSE IN CAPITAL CASES. GENERALLY,
VICTIM WAS GUILTY OF SCORCHING AND NOT THAT HE DESERVED.

IN CAPITAL CASE, ROEMAN ATTEMPTS TO CONVINCE JURY THAT
PAGE FOUR

RECEIVED
TELETYPE UNIT
JUN 11 6 46 PM '68

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. Mohr

DATE: 11/6/68

FROM : N. P. Callahan *NP*

SUBJECT: MURKIN - COST DATA

There is attached an airtel from the SAC at Memphis re captioned matter indicating that unless advised to the contrary by the Bureau the Memphis Division will, following a submission of October cost figures, discontinue furnishing such data. The basis for such action is that since the subject RAY is in local custody and the State trial is about to commence, there remains very little, if any, investigation to be conducted.

This office agrees with the SAC at Memphis that cost records on this case should be discontinued.

RECOMMENDATION:

It is recommended that this memorandum be referred to the Investigative Division for their views on discontinuing furnishing of cost data on this case.

WCJ:hmv *hand.*
(7)
Enclosure

Handwritten signature

44-38861-52

REC 17

25 NOV 13 1968

over

SEE ADDENDUM PAGE TWO

3/NPC/P

SEE

6 NOV 20 1968

NOV 7 11 07 AM '68
F. B. I.
U. S. DEPT. OF JUSTICE

REC'D-MOHR
FBI

Nov 6 3 28 PM '68

Nov 6 2 31 PM '68

REC'D DE LOACH
DIRECTOR FBI

REC'D-CALLOHAN
FBI

Nov 8 4 36 PM '68
Nov 8 9 16 AM '68

REC'D DE LOACH
FBI

Nov 7 4 28 PM '68

Nov 7 4 37 PM '68
REC'D DE LOACH
FBI

REC'D DE LOACH
FBI

Nov 12 10 27 AM '68

Nov 13 9 51 AM '68

REC'D DE LOACH
FBI

ADDENDUM: GENERAL INVESTIGATIVE DIVISION REL:jms 11-7-68

It is anticipated that a number of Agents will be subpoenaed for testimony in the state trial of James Earl Ray in Memphis, Tennessee, scheduled for November 12, 1968. This, of course, will involve travel and per diem expenditures.

It is not anticipated that substantial costs will incur from investigation in this case in the future, and in view of this, it is recommended that cost records on this case be discontinued.

Am

JRM

D

1-7

*GR.
H*

✓

R

Wm

JK

L

mm

SUBJECT - MARTIN LUTHER KING JR
 FILE # - MURKIN

WORK SHEET - XEROX REQUEST
 ANALYST -
 EXT -
 TEAM # -

192 PAGES
 52 DOCUMENTS

PAGE 1

b2; b7(c)(D) SECTION 72

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	# OF ACT.	PAGES REL.	EXEMPTIONS										REMARKS			
						b1	2	5	7C	D	OTHER	k1	2	5	6		OTHER		
44-38861	5301	AIRTEL FM DIR 10-29-68	.	2	2														
	5302	AIRTEL FM DIR 10-30-68	.	1	1														
	5303	LETTER FM TAMPA 9-30-68		2	2					✓								RELEASE	
	5304	AIRTEL FM PARIS 10-28-68		4	4					✓								RELEASE	
	5305	AIRTEL FM SPRINGFIELD 11-1-68		1	1					✓								RELEASE	
	UNRECORDED	MEMO FM ROME 11-1-68		1	1														
	5306	AIRTEL FM K.C. 11-1-68		1	1					✓								RELEASE	
	5307	AIRTEL FM DIR 11-1-68		2	2					✓								RELEASE	
	5308	AIRTEL FM CHICAGO 10-31-68		2	2														
	5309	AIRTEL FM DIR 11-4-68		1	1					✓								RELEASE	
	5310	AIRTEL FM DIR 10-31-68		6	6														
	5311	AIRTEL FM DIR 11-4-68		1	1														
	5312	TELETYPE FM DIR 11-1-68		3	3					✓								RELEASE	
	5313	INTERNAL MEMO 10-28-68		2	2				✓	✓								RELEASE	
	5314	AIRTEL FM CINCINNATI 10-29-68		4	4				✓	✓	✓							EXCISE	
	5315	INTERNAL MEMO 10-29-68		1	1					✓								RELEASE	
	5316	INTERNAL MEMO 10-26-68		1	1					✓								RELEASE	

REMOVED BY _____ DATE _____

XEROXED BY _____ DATE _____

REFILED BY _____ DATE _____

SUBJECT - MARTIN LUTHER KING JR
 FILE # - MURKIN

WORK SHEET - XEROX REQUEST

ANALYST -
 EXT -
 TEAM # -

SECTION 72

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	# OF ACT.	PAGES REL.	EXEMPTIONS											REMARKS		
						b1	2	5	7C	D	OTHER	k1	2	5	6	OTHER			
44-38861	UNRECORDED	AIRTEL FM ME 10-31-68		10	10														
	UNRECORDED	MEMO FM OTTAWA 11-1-68		1	1														
	5317	AIRTEL FM DIR 11-4-68		6	6														
	5318	AIRTEL FM K.C. 10-29-68		3	3					✓									RELEASE
	5319	AIRTEL FM ME 10-16-68		3	3														
	5320	LETTER TO HAG POLLAK 11-4-68		3	3					✓									RELEASE
	5321	AIRTEL FM ME 11-4-68		3	3														
	5322	MEMO FM ME 10-31-68		2	2														
	5323	AIRTEL FM DIR 11-5-68		1	1														
	5324	TELETYPE FM ME 11-5-68		2	2														
	5325	AIRTEL FM ME 11-4-68		11	11														
	5326	MEMO FM ME 10-29-68		5	5					✓									EXCISE
	5327	AIRTEL FM ME 10-24-68		6	6														
	5328	AIRTEL FM ME 10-25-68		6	6														
	5329	AIRTEL FM ME 11-5-68		1	1					✓									RELEASE
	5330	AIRTEL FM ME 10-29-68		9	9														
	5331	MEMO FM K.C. 11-5-68		2	2					✓									EXCISE

REMOVED BY _____ DATE _____ XEROXED BY _____ DATE _____ REFILED BY _____ DATE _____

WORK SHEET - XEROX REQUEST

SUBJECT - MARTIN LUTHER KING JR
 FILE # - MURKIN

ANALYST -
 EXT -
 TEAM # -

PAGE 3

SECTION 72

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	# OF ACT.	PAGES REL.	EXEMPTIONS										REMARKS		
						b1	2	5	7C	D	OTHER	k1	2	5	6		OTHER	
44-38861	5332	AIRTEL FM DIR 11-7-68	.	5	5		✓		✓									
	5333	AIRTEL FM DIR 11-5-68	.	5	5													
	5334	LETTER FM LOOK MAGAZINE 10-25-68		13	13													
	5335	AIRTEL FM ME 11-6-68		17	17				✓									EXCISE
	5336	TELETYPE FM ME 11-7-68		1	1													
	5337	RCMP REPORT		4	-					✓								EXEMPT
	5338	RCMP REPORT		2	-					✓								EXEMPT
	5339	CABLEGRAM TO LONDON 11-9-68		2	2				✓									EXCISE
	5340	TELETYPE FM BIRMINGHAM 11-9-68		1	1													
	5341	TELETYPE FM MOBILE 11-9-68		2	2													
	5342	AIRTEL FM ME 11-7-68		4	4													
	5343	TELETYPE FM ME 11-10-68		1	1													
	5344	TELETYPE FM S. F. 11-9-68		2	2				✓		b7							EXCISE
	5345	AIRTEL FM SPRINGFIELD 11-8-68		1	1				✓									PREPARE
	UNRECORDED	AIRTEL FM ME 11-8-68		6	6													
	5346	TELETYPE FM ME 11-12-68		1	1													
	5347	MEMO FM NORFOLK 11-6-68		3	3				✓									PREPARE

REMOVED BY _____ DATE _____

XEROXED BY _____ DATE _____

REFILED BY _____ DATE _____

WORK SHEET - XEROX REQUEST

SUBJECT - MARTIN LUTHER KING JR
 FILE # - MURKIN

ANALYST -
 EXT -
 TEAM # -

PAGE 4

SECTION 72

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	# OF ACT.	PAGES REL.	EXEMPTIONS										REMARKS			
						b1	2	5	7C	D	OTHER	k1	2	5	6		OTHER		
44-38861	5348	AIRTEL FM ME 10-25-68		12	12														
	5349	TELETYPE FM HOUSTON 11-11-68		5	5				✓										RELEAS.
	5350	INTERNAL MEMO 11-6-68		2	2														

REMOVED BY _____ DATE _____ XEROXED BY _____ DATE _____ REFILED BY _____ DATE _____

Murkin Investigation

File 44-38861

Section _____

Items of Possible Interest (If the item was specifically listed as an item the Museum was seeking, use the Alphabetical indicator as the description)

Serial	Description
5336	J (teletype referring to)

REQUESTER/CIVIL LITIGATION _____

Computer # _____

Analyst Parlene Dunning

File # 44-38861

Section # 72

T-Symbol	Symbol Number	True Name	Code Name	Status	Remarks
5314	FOIA(b)(7) - (D)	?		u	

Date 1-6-77

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

File No. 44-38861

Section 72

Serials 5301 through 5350

(except following serials not in
file on this date:

Enclosure Behind File or Bulky Enclosure:

No. Copies 2 By JR

RETAIN THIS FORM AS TOP SERIAL

F B I

Date: 10-29-68

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

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

There are enclosed original and one copy of newspaper clippings in captioned matter.

McDANIEL
MR. BEAVER
10/29/68

M

3 BUREAU (Enc. 10) ENCLOSURE
1 MEMPHIS

RGJ:BN
(4)

*5 Encl Detached
of kept in
Room 2260
10/31/68*

44-38861-5330

17 OCT 31 1968

C. C. Bishop

Approved: *107 R. Jensen*
Special Agent in Charge

Sent _____ M Per _____

55 NOV 4 1968

RECEIVED
GENERAL INVESTIGATIVE

REC'D CIV RIGHTS
FBI

10-31-68

OCT 31 NOV 5 12 18 PM '68

OCT 31 10 56 AM '68 OCT 31 1968

FBI

REC'D BISHOP
U.S. DEPT. OF JUSTICE

REC'D

TO: SAC, NEW YORK

FROM: SAC, NEW YORK (100-100000)

RE: [Illegible]

[Illegible]

TO: SAC, NEW YORK (100-100000)

FROM: DIRECTOR, FBI (100-100000)

[Illegible]

[Illegible]

44- HQ-38861

SERIALS 5301-5350



44-HQ-38861-72*

SECTION 72

ATTENTION

**BEFORE CHANGING CLASSIFICATION
OR PROCESSING ANY DOCUMENT
FROM THIS FILE FOR RELEASE TO
THE GENERAL PUBLIC, CONTACT
FOI/PA SECTION UNIT D, EXT. 5767.**

FBI/DOJ