(2)
DSB\dpa
I - Dupe
S - Domestic (NOF-TOSA) (NOF')
S - Internal (NOF')

FBI

HQ RECORD'
Robert Lee Hunt and Clyde Wade Hunt, twin brothers, were killed when their car struck a [redacted] on Highway 80 in Dallas, Texas, on June 2, 1960. Robert's passenger, Clyde Wade Hunt, was killed instantly. Robert died [redacted] later in a Dallas hospital. Clyde Wade Hunt's RECORD [redacted] Robert's record [redacted] HOWARD RECORD [redacted] HQ RECORD [redacted] Robert Lee Hunt's RECORD [redacted] Clyde Wade Hunt's RECORD [redacted] HQ RECORD'

Lee Harvey Oswald and Jack Ruby were both known to the Dallas police department as HOWARD LEE HUNT and CLYDE WADE HUNT, respectively.

Robert Lee Hunt, who died in the Dallas hospital, was known to the police department as a bayder and a bookie. He was also a bookie and a bayder at a horse track. However, Hunt was also a bayder and a bookie at a dog track. Hunt was described as a bookmaker for HOWARD LEE HUNT, who died in the Dallas hospital. Hunt was also a bayder and a bookie

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-38861) DATE: 9/30/69

FROM : SAC, KNOXVILLE (44-696) (RUC)

SUBJECT: MURKIN

Re Knoxville letter to Bureau 7/29/69.

A review of the Knoxville file concerning this subject shows that no investigation remains to be done in the Knoxville Division at the present time.

This file is being placed in a closed status at Knoxville.

2 - Bureau
2 - Memphis (44-1987)
1 - Knoxville

JLF:lhm
(5)

EX-106

REC-139

5827

9 OCT 3 1969

OCT 10 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

2025 RELEASE UNDER E.O. 14176

2025 RELEASE UNDER E.O. 14176

10-6-69

AIRTEL

1 - Mr. McDonough

To: SAC, Birmingham (44-1740)

From: Director, FBI (44-38861) 5628

MURKIN ST 109

REC 11

Reurairtel 9-26-69.

You should interview Arthur Hanes for all details he may have relative to alleged gunrunning conspiracy involving James Earl Ray as outlined in urairtel 9-26-69, in order that appropriate action can be taken to run out such allegations. Hanes should be thoroughly pinned down for specifics.

For your additional information you will recall that only one bullet slug was recovered from King's body which was mutilated to the extent that it could not be identified as having been fired from the suspect gun although it was the type of projectile which could have been fired from such weapon.

Handle and advise results of interview within 5 days and include your recommendations as to any further action to be taken on the results of this interview. SuLHM suitable for dissemination on pertinent information in reairtel and results of interview. Conduct no investigation on this aspect UACB.

1 - Memphis (Info) (44-1987)

COPIES MADE, DATE 5-3-78 BY
RCRISS RE MLKING
FOR REVIEW AT
TO HSCA
5-3-78
(SEE BUFILE

EJM:jmv
(5)

MAILED 22
OCT 6 1969
COMM-FBI

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

70 OCT 17 1969

MAIL ROOM ☑ TELETYPE UNIT ☐

2025 RELEASE UNDER E.O. 14176

(P)
SOM:lwa

Oct 6 5 19 PM '68

[illegible] (DT-1988)

[illegible] (DT-2288)

[illegible] (DT-1190)

[illegible]

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. DeLoach

DATE: October 2, 1969

FROM : A. Rosen

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

SUBJECT: MURKIN

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

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

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

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

44-38861-

ACTION:

ST-113 REC 11

OCT 7 1969

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

EJM:jmv
(7)

2025 RELEASE UNDER E.O. 14176

Chr 10/14
Chr 10/15

OCT 3 2 37 PM 69

F B I
REC'D BISHOP

REC'D - ROSEN
FBI

REC'D - ROSEN
FBI

OCT 2 12 32 P

OCT 2 4 49 PM '69

OCT 3 3 32 PM '69

RECEIVED-DIRECTOR
F. B. I.

U. S. DEPT. OF JUSTICE

OCT 16 8 42 AM '69

OCT 3 11 46 AM '69

OCT 3 9 40 AM '69

REC'D DELOACH

RECEIVED
OCT 6 3 05 PM '69

NO INDEXING

FD-36 (Rev. 5-22-64)

FBI

Date: 9/26/69

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

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, BIRMINGHAM (44-1740) (P) SEE NOTE ON REVERSE SIDE

MURKIN

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

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

REC-23 44-38861-5829

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

10/2/69

17 SEP 29 1969

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

7 OCT 13 1969

2025 RELEASE UNDER E.O. 14176

RECEIVED
FEDERAL INVESTIGATIVE
DIVISION
SEP 29 10 46 AM
F.B.I.
U.S. DEPT. OF JUSTICE

OCT 7 1969
COPIES MADE, DATE 5-4-75 BY
RE
FOR REVIEW AT FBIHQ AND/OR DELIVERY
TO HSCA RE REQUEST DATED
(SEE BUFILE 62-117290)

SEP 29 12 00 AM '69

(S)

SYS: [illegible]

[illegible] RECD (DIRECTOR)

[illegible] FDL

[illegible]

[illegible]

[illegible]

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

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

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

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

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

REQUEST OF BUREAU:

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

2025 RELEASE UNDER E.O. 14176

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

2025 RELEASE UNDER E.O. 14176

10-9-69

AIRTEL

1 - Mr. McDonough

To: SAC, Memphis (44-1987)

From: Director, FBI (44-38861)

MURKIN

News reports indicate James Earl Ray petitioned the Tennessee Supreme Court to grant him a full trial in the Martin Luther King, Jr., murder case.

If not already done, obtain copy of petition and forward to the Bureau.

MAILED 7
OCT - 9 1969
COMM-FBI

EJM:jmv
(4)

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

REC-63 44-38861-5530

19 OCT 10 1969

56 OCT 15 1969

MAIL ROOM TELETYPE UNIT

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

FBI

Date: 10/9/69

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Enclosed for the Bureau are 2 copies each of a "Petition of JAMES EARL RAY for Writ of Certiorari" and of the defendant's brief filed with the Clerk of the Tennessee Supreme Court on 10/6/69 at Jackson, Tennessee.

Memphis will follow the subject's appeal and will keep the Bureau advised.

1cc: AAG Civil Rights Division
Form 6-94
OCT 15 1969
1 cc CIVIL RIGHTS UNIT

REC 9 44-38861-5831

EX-117

OCT 11 1969

(2) - Bureau (Encs. 4)
1 - Memphis
JCH:jap
(3)

ENCLOSURE

"ENCLOSURE ATTACHED"

5 OCT 21 1969

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

2025 RELEASE UNDER E.O. 14176

OCT 6 1969

(3)
TGH:jcb
T - Hoover
S - Jackson (Encl. 4)

EHCT028

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

Oct 11 12 16 PM '69

F.B.I.
U.S. DEPT. OF JUSTICE

FBI

Oct 13

OCT 11 1969

SUBJECT: KUNSTLER

Enclosed for the Director are 5 copies each of a
memorandum to Mr. Tolson dated 10/9/69 in the Office of Legal Counsel
captioned "CONSTITUTIONALITY OF TITLE 18, USC, SECTION 2385 (SEDITION)
Conf. on 10/9/69 of Jackson' Lonesome."
Letter was typed with the following subject, which appears on the
top of the memorandum.

FROM: SAC, MEMPHIS (157-1989) (6)

TO: DIRECTOR, FBI (157-38881)

VISTED

10/9/69

2025 RELEASE UNDER E.O. 14176

See Reverse Side

FILED
OCT 6 1969
BESSIE BUFFALOE, Clerk

TO THE HONORABLE SUPREME COURT OF THE STATE OF TENNESSEE, SITTING AT JACKSON, TENNESSEE, OR TO ANY OF THE JUDGES THEREOF:

STATE OF TENNESSEE	FROM THE CRIMINAL COURT
VS	OF
JAMES EARL RAY	SHELBY COUNTY, TENNESSEE

PETITION OF JAMES EARL RAY FOR
WRIT OF CERTIORARI

Your petitioner would respectfully show to the Court that he is much aggrieved by the judgment of the Criminal Court Division II of Shelby County, Tennessee, the Honorable Arthur C. Faquin, Judge, presiding, said judgment being rendered on the 26th day of May, 1969, and sustaining the State of Tennessee' Motion to Strike the petitioner's Motion for a New Trial.

Your petitioner would further relate that he timely petitioned the Criminal Court of Appeals for a Writ of Certiorari, and that the same was denied, hence this appeal to this Honorable Court.

YOUR PETITIONER STATES:

1. That the Criminal Court of Shelby County, Tennessee, the Honorable Judge Arthur C. Faquin presiding erred in the hearing of May 26, 1969, in allowing the introduction of testimony by Mr. J. A. Blackwell, Clerk of the Criminal Court of Shelby County, Tennessee, and

44-38861-5831

2025 RELEASE UNDER E.O. 14176

the introduction of other evidence by Mr. Blackwell to show that the confession of James Earl Ray, petitioner, was freely and voluntarily given at a prior hearing.

2. That the Court erred in not sustaining the objections to testimony of Mr. Blackwell and the introduction of documents in this cause on May 26, 1969.

3. That the Court erred in not holding that the letters and amendments as presented by petitioner-defendant do not constitute a Motion for a New Trial. The letters and Motion for a New Trial are herein exhibited and attached hereto as Exhibits Nos. 1, 2 and 3.

4. That the Court erred in holding that the petitioner, James Earl Ray, waived his right to a Motion for a New Trial and an appeal.

5. That the Court erred in holding that a guilty plea precludes the petitioner from filing for a Motion for a New Trial.

6. That the Court erred in holding that the petitioner-defendant, James Earl Ray, knowingly, intelligently, and voluntarily expressly waived any right he might have to a Motion for a New Trial and/or Appeal.

7. That on June 16, 1969, the Court ruled erroneously in denying petitioner-defendant's prayer for leave or permission to file an appeal holding (a) that your defendant had waived his right of appeal, (b) that the sustaining of the State of Tennessee's Motion to Strike your defendant's Motion for a New Trial was an Interloc-

2025 RELEASE UNDER E.O. 14176

utory Order, and that, therefore, there was no appeal from the same.

8. That the Court erred in not granting your defendant's Motion for a New Trial pursuant to and in accordance with Code Section 17-117 of the Tennessee Code Annotated.

To all of the above citations of error the petitioner-defendant has heretofore reserved his exceptions.

Your petitioner would respectfully allege that he has no other remedy of speedy available appeal other than this Application for Writ of Certiorari.

Petitioner would state that notice was served on the Attorney General of the State of Tennessee, more than five (5) days before the filing of the Petition for Certiorari; and that the Petition would be presented to the State Supreme Court or one of the Judges thereof on October 6, 1969, at Jackson, Tennessee, and that a copy of the Petition was presented to the Attorney General of the state of Tennessee, as well as a copy of the Brief filed herein; a copy of the Notice and receipt thereof is attached hereto.

P EMISES CONSIDERED, PETITIONER PRAYS:

I. That a Writ of Certiorari issue by this Honorable Court to the Criminal Court Division II of Shelby County, Tennessee, directing that Court and the Clerk thereof to certify and transmit to this Court the entire record and proceding in this cause including the opinion and judgment of the Trial Judges, consisting of the late Honorable Judge Preston W. Battle and the Honorable Judge Arthur C. Faquin, Judge of Division II of the Criminal Court of Shelby County, Tennessee.

2025 RELEASE UNDER E.O. 14176

2. That the judgment of the Criminal Court Division II in sustaining the State of Tennessee's Motion to Strike the Motion for a New Trial be reviewed and error complained of corrected; that your petitioner be granted a new trial and this cause remanded to the Courts of Shelby County, Tennessee, for a new trial and for further handling.

3. That petitioner have all such other, further, and different relief to which he is entitled, and he prays for general relief.

THIS IS THE FIRST APPLICATION FOR A WRIT OF CERTIORARI IN THIS CAUSE BEFORE THIS HONORABLE COURT.

Richard J. Ryan

STATE OF TENNESSEE

COUNTY OF SHELBY

RICHARD J. RYAN, who being first duly sworn, states that he is one of the attorneys for the petitioner, James Earl Ray; that he is familiar with the facts set forth in the foregoing Petition for Certiorari, and that the statements contained herein are true, except those made as upon information and belief, and these he believes to be true.

Richard J. Ryan

Subscribed and sworn to before me this 3rd day of October, 1969.

Bessie Lee Turner
NOTARY PUBLIC

My commission expires:
10-7-71

2025 RELEASE UNDER E.O. 14176

STATE OF TENNESSEE

VS

JAMES EARL RAY

IN THE SUPREME COURT OF
THE STATE OF TENNESSEE

AT

JACKSON, TENNESSEE

N O T I C E

TO THE HONORABLE GEORGE F. McCANLESS, ATTORNEY GENERAL
and
HONORABLE THOMAS E. FOX, ASSISTANT ATTORNEY GENERAL:

You and each of you are hereby notified that James Earl Ray, by and through his Attorneys of Record, will on the 6th day of October, 1969, present to the Supreme Court of the State of Tennessee at Jackson, Tennessee, or to one of the Judges thereof, his Petition for Writ of Certiorari, seeking to have his case reviewed, and to have reviewed, also the judgment of May 26, 1969, of the Criminal Court, Division II, of Shelby County,Tennessee, the Honorable Arthur C. Faquin presiding, said judgment consisting of sustaining the State's Motion to Strike your petitioner's Motion for a New Trial. This action will seek to have the Motion for a New Trial sustained and the cause remanded for further handling by the Criminal Court of Shelby County, Tennessee.

This the 4th day of October, 1969.

Richard J. Ryan

2025 RELEASE UNDER E.O. 14176

2-13-69

Dear Sir!

I wish to inform the honorable court that that famous Houston atty. Percy Daugherty is no longer representing me in any capacity. My reason for writing this letter is that I intend to file for a post conviction hearing in the very near future and don't want him acting on legal issues unless there is my consent behalf.

Sincerely,
James Earl Ray

FILED 4-1-69 2:55 P.M.
J. A. BLACKWELL, CLERK
BY J. A. Blackwell D. C.

Exhibit No. 1

2025 RELEASE UNDER E.O. 14176

3-26-69

Hon. Judge W. Preston Battle
Judge of the criminal court
Memphis, Tennessee.

I would respectfully request this court to treat this letter as a legal notice, of an intent to ask for a reversal of the 99 year sentence pettitioner received in aforementioned court. I understand on one avenue of appeal, I have only 30 days in which to file a new notice, to have previous sentence set aside. That is the appeal route to which I address the court.

I also would like to bring to the attention of the honorable court, that Mr. Perry Foreman, the attorney who appeared to be representing me on this charge, stated in open court.

On that date he "Mr. Foreman was receiving no funds to help prepare case for trial, and he did not think he should be required to use his own funds, he requested court to appoint counsel to help defray costs. The court appointed public defender to investigate case, and assist Mr. Foreman.

Two, Mr. Foreman said in open court he did not want, or expect to receive, a cent for his efforts.

I think from Mr. Perry Foreman statement to the press that he had a contract from me and Mr. William V. Henry "representing" the one for $400,000, and that he was to receive $150,000, should he win the above law suit Mr. Foreman told the court.

Exhibit # 2

Thank I, James E. Ray in turn, have not personally received a cent from Mr. William B. Huie.

My only reason for bringing the aforementioned facts to the attention of the court is that I would respectfully request that the court appoint an attorney, or the public defender to assist me in the proceeding. I have no stockholders, nor have I received any funds from any source to engage counsel.

Petitioner uses the word "assist", as I hereby request the court, that I be personally present at the hearing and to assist court appointed counsel so that there be no repetition of Mr. Perry Fourman actions.

Respectfully

James Earl Ray
Station A-West
777 S.B. Hwy 3
Nashville, Tenn. 37203.

FILED 4-1-69 56/7 8.M.
J. A. BLACKWELL, CLERK
BY [signature] D. C.

I, JAMES A. BLACKWELL, HEREBY CERTIFY THAT THE INSTRUMENT WHICH BEGINS ON THE FIRST PAGE, THIS PAGE, WAS NEW OBLITERATED BY HOLES ON THIS LETTER IN THE MOTION FILED 3-25-69

CLERK, CRIMINAL COURT

WITNESS

WITNESS

DATE

2025 RELEASE UNDER E.O. 14176

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS NO._____

JAMES EARL RAY

MOTIONFOR A NEW TRIAL

Comes now JAMES EARL RAY, the defendant in the above styled cause, through his attorneys J. B. Stoner, Richard J. Ryan, and Robert W. Hill, Jr., and resptectfully moves the Court:

To set aside his plea of guilty, to set aside his conviction, and grant him a new trial on the following:

1. He was improperly misled into entering a plea of guilty evidenced by Exhibits 1, 2, 3, 4, 5, 6 and 7, attached.

2. That the defendant's plea of guilty and subsequent conviction were violative of the 14th and 6th Amendments to the United States Constitution in that they deprived him of any effective legal counsel as evidenced by defendant's Exhibits 1, 2, 3, 4, 5, 6 and 7, which among other things clearly show that defendant's two previous attorneys of record improperly accepted pay from William Bradford Hule, thus depriving defendant of any constitutional or legal defense.

3. That this Court's rules of secrecy were improperly violated by defendant's two previous attorneys as evidenced by attached Exhibits 1, 2, 3, 4, 5, 6, and 7. Defendant specifically request that he be allowed an oral hearing and allowed to put on corroborative proof

The attorneys filing this Motion furnished the information in the Motion and the exhibits on the basis of information furnished by the defendant.

J. B. Stoner
J. B. STONER

Richard J. Ryan
RICHARD J. RYAN

Robert W. Hill, Jr.
ROBERT W. HILL, JR.

EXHIBIT No. 3

2025 RELEASE UNDER E.O. 14176

PETITION NUMBER 1

PETITION FOR CERTIORARI

No. 55 Criminal ~~Chancery-Law~~ Docket of Shelby County

Petition Filed October 6 1969

Date of Judgment in C. of A. July 15, 1969

45 Days Time Expires From Date of Judgment August 29, 1969

15 Days Time Expires for Filing Reply Brief October 21, 1969

Order Ext. time to Oct. 13, 1969 to file

44-38861-5831

2025 RELEASE UNDER E.O. 14176

FILED
OCT 6 1969
BESSIE BUFFALOE, Clerk

IN THE SUPREME COURT OF THE STATE OF TENNESSEE

STATE OF TENNESSEE

VS

JAMES EARL RAY

DEFENDANT'S BRIEF

RICHARD J. RYAN
523 FALLS BUILDING
MEMPHIS, TENNESSEE 38103
527-4715

J. B. STONER
P. O. Box 6263
Savannah, Georgia 31405

ROBERT W. HILL, JR.
418 PIONEER BLDG
CHATTANOOGA, TENN. 37402

2025 RELEASE UNDER E.O. 14176

TO THE HONORABLE SUPREME COURT OF THE STATE OF TENNESSEE, SITTING AT JACKSON, TENNESSEE, OR TO ANY OF THE JUDGES THEREOF:

STATE OF TENNESSEE	FROM THE CRIMINAL COURT
VS	OF
JAMES EARL RAY	SHELBY COUNTY, TENNESSEE

STATEMENT OF CASE
AND
MEMORANDUM OF AUTHORITIES
RELIED UPON IN SUPPORT OF
PETITION FOR CERTIORARI

Statement of Facts:

On March 10, 1969, in Division III of the Criminal Court of Shelby County, TEnnessee, before the Honorable Judge Preston W. Battle the defendant, James Earl Ray, entered a Plea of Guilty to the charge of Murder in the First Degree of one Dr. Martin Luther King and was sentenced to the term of ninety-nine (99) years to be served in the State Penitentiary in Nashville, Tennessee. Three (3) days later on March 13, 1969, the defendant wrote to Judge Preston Battle of his intention to file in the near future a post conviction hearing. See Exhibit marked No. 1 attached to Petition.

On the 26th day of March, 1969, at the request of the defendant, James Earl Ray, his attorney, Richard J. Ryan, along with co-counsel, J. B. Stoner and Robert W. Hill, Jr., attempted to gain entrance in the State Penitentiary in order to confer with the defendant, James Earl Ray, but were refused;

2025 RELEASE UNDER E.O. 14176

that a document was prepared entitled "Motion for a New Trial" (See Exhibit No. 3). This document was given to the Warden who made a copy of the same and later presented it to James Earl Ray, the defendant; that he refused to sign the same without advice of counsel; that same day James Earl Ray wrote another letter to the Honorable Preston W. Battle, (See Exhibit No. 2), and this time stated that he wanted to go the thirty day appeal route.

On March 31, 1969, Judge Battle returned to Memphis from a short vacation period and was met at 9 A.M. of that day by one of the attorneys for James Earl Ray, the defendant herein. On that day Judge Battle exhibited the two letters he had received from James Earl Ray. Shortly thereafter in mid-afternoon of March 31, 1969, Judge Battle died of a heart attack. Shortly thereafter an Amended and Supplemental Motion was filed on behalf of James Earl Ray setting out the death of Judge Battle, and among other things, that the Plea of Guilty extended to Judge Battle was not one of a voluntary nature.

Subsequent to this the State of Tennessee filed a Motion to Strike the Motion for New Trial of the defendant-petitioner. On May 26, 1969, upon a hearing of this cause before the Honorable Arthur C. Faquin, Judge of Division II of the Criminal Court of Shelby County, Tennessee, the Honorable Judge Arthur C. Faquin found for the State of Tennessee and sustained their Motion to Strike.

2025 RELEASE UNDER E.O. 14176

Subsequent to this defendant-petitioner filed a Prayer for Appeal asking for permission and leave to file his appeal from this ruling, and this was denied by the Honorable Judge Arthur C. Faquin on June 16, 1969.

MEMORANDUM OF AUTHORITIES:

Defendant would allege that at the time the letters of record were written (attached to Petition as exhibits) there was in effect in the State of Tennessee a statute, namely:

T.C.A. Sec.27-201.

> Motion for Rehearing or New Trial. - A rehearing or motion for new trial can only be applied for within thirty (30) days from the decree, verdict or judgment sought to be affected, subject, however, to the rules of court prescribing the length of time in which the application is to be made, but such rules in no case shall allow less than ten (10) days for such application. The expiration of a term of court during said period shall not shorten the time allowed.

ife and asualty Ins vs radley

In Life & Casualty Ins. Co. vs Bradley 178 Tenn. Page 531 it was found "Any motion to set aside a verdict is in legal effect a motion for a new trial".

Defendant would further allege that at the time of Judge Battle's demise there was a certain Statute in effect in the State of Tennessee, namely:

T.C.A. ec.17-1

> New Trial after Death or Insanity. - Whenever a vacancy in the office of trial judge shall exist by reason of the death of the incumbent thereof, or permanent insanity, evidenced by adjudication, after verdict but prior to the hearing of the motion for new trial, a new trial shall be granted the losing party if motion therefor shall have been filed within the time provided by rule of the court and be undisposed of at the time of such death or adjudication.

2025 RELEASE UNDER E.O. 14176

Defendant would state that the demise of the trial judge was within the contemplation of the above statute and cites further, "Decisions long acquiesced in upon which important rights are based, should not be disturbed, in the absences of cogent reasons to the contrary, as is of the utmost importance that our organic and statute law be of certain meaning and fixed interpretation.

Jackson vs Handel

Jackson vs Handel 327 SW2d 55, citing Pitts vs Nashville Baseball Club 127 Tenn. 292 and Monday vs Millsaps 197 Tenn. 295, and 46 C.J.286 cited in Life & Casualty Ins. Co. vs Bradley 178 Tenn. Page 530.

State vs McClain

Defendant further cites under said statute, "Only authority who may approve verdict and overrule motion for new trial by signing the minutes is the judge who heard the evidence and actually tried the case. State vs McClain, 210 S.W.2d 680, 186 Tenn. 401.

Louisville & N.R. Co. vs Ray

Also cites, "Motion for new trial must be acted on by the trial court, before the appellate court will consider it, because such action is indispensable for the purpose of enabling the appellate court to say whether the trial court acted correctly, under this statute, in granting a new trial", Louisville & N.R.Co. v Ray, 124 Tenn. 16, 134 S.W. 858, Ann Cas. 1912 D. 910.

Dennis vs State

O'Quinn vs Baptist Memorial Hosp.

Also cites, "The only authority to approve the verdict and overrule the first motion for a new trial by signing the minutes, was the Judge who heard the evidence and actually tried the case", Dennis v. State, 137 Tenn. 543 and O'Quinn v. Baptist Memorial Hospital, 183 Tenn. 558.

2025 RELEASE UNDER E.O. 14176

Howard vs. State

Also cites, "This situation has given the Court grave concern; and has led us to an assiduous re-examination of what we believe to be all of the case and statutory authority in Tennessee bearing upon the question of whether the above-mentioned minutes of the Court's actions are valid and efficacious - without authentication by the signature of the Trial Judge. If not, it seems to inescapably follow that (1) there is no valid and effective judgment on the verdict of the jury; and (2) there is no valid and efficacious ruling of the Court on defendant's motion for new trial", Howard v. State, 399 S.W.2d, 739.

Walker vs Graham

Defendant would allege that springing from the Motion for a new trial, if it were denied in the ordinary course, is the Bill of Exceptions, and defendant cites, "In the absence of a properly authenticated bill of exceptions the admission of evidence cannot be reviewed by the Supreme Court", Walker v. Graham 18 Tenn. 231, cited in Dennis v. State, 137 Tenn. 543.

Carpenter vs Wright

Also cites, "The right to a bill of exceptions is made dependent upon motion for a new trial in Circuit and Criminal Courts", Carpenter vs. Wright, 158 Tenn. 289.

Dennis vs State

Defendant also cites, "It seems to be well established as a general rule that, where a party has lost the benefit of his exceptions from causes beyond his control, a new trial is properly awarded. That rule has been recognized and applied more frequently perhaps in cases where the loss of

2025 RELEASE UNDER E.O. 14176

the exceptions has occurred through death or illness of the judge, whereby the perfection of a bill of exceptions has been prevented", Dennis vs State, 137 Tenn. 554.

Swang vs State

That the Plea of Guilty of itself does not forfeit the Motion for a New Trial, and he cites, "By the Constitution of the State (Article I, Sec. 9), the accused, in all cases, has a right to a "speedy public trial by an impartial jury of the county or district in which the crime shall have been committed", and this right cannot be defeated by any deceit or device whatever. The courts would be slow to disregard the solemn admissions of guilt of the accused made in open court, by plea, or otherwise; but when it appears they were made under a total misapprehension of the prisoner's rights, through official misrepresentation, fear or fraud, it is the duty of the Court to allow the plea of guilty, and the submission, to be withdrawn, and to grant to the prisoner a fair trial, by an impartial jury", Swang vs. State, 42 Tenn. 212.

Knowles vs State

Defendant would further cite Jake Knowles vs the State, 155 Tenn. Page 181, in which the Court states as follows:

> "The bill of exceptions shows that when the case was first called for trial on the 22nd of September, a continuance was had upon the agreement that unless settlement should be made before October 2nd following a plea of guilty would be entered. It appears that both the presiding judge and Attorney General understood it to be agreed also that a sentence of from five to twenty years would be accepted, but

2025 RELEASE UNDER E.O. 14176

upon the calling of the case on October 2nd, counsel for the defendant disclaimed having so understood the agreement and insisted that the determination of the punishment should be submitted to the jury. Thereupon the plea of guilty was entered and counsel for the State and the defendant addressed and the judge charged the jury. Some discussion was had before the jury of the disagreement as to the term of punishment, but the judge properly charged that they were to disregard this matter.

However, as before stated, no evidence was introduced. The jury after hearing the charge returned their verdict assessing the punishment.

Shannon's Code, Section 7174, is as follows:

'Plea of guilty.--Upon the plea of guilty, when the punishment is confinement in the penitentiary, a jury shall be impaneled to hear the evidence and fix the time of confinement, unless otherwise expressly provided by this Code.'

We have no reported case deciding the question thus presented, but the provision that upon a plea of guilty a jury shall be impaneled to hear the evidence and fix the time of confinement in felony cases seems clearly to indicate a purpose to vest in the jury the power to exercise a sound discretion impossible of intelligent exercise without a hearing of at least such of the evidence as might reasonably affect the judgment of the jury as to the proper degree and extent of the punishment. And especially is this true under the maximum (1923) sentence law applicable to this case.

2025 RELEASE UNDER E.O. 14176

> While loathe to reverse and remand in a case of such obvious and admitted guilt, we find it necessary to do so for the reasons indicated. It becomes unnecessary to consider other assignments of error."

Defendant denies that he waived a right that was available to him, and cites:

> "Waiver - Existence of Right - To constitute a waiver, the right or privilege alleged to have been waived must have been in existence at the time of the alleged waiver", 56 Am.Jr.13,Page 113. "Thus, one accepting dividends declared by a receiver in bankruptcy without demanding interest on the amount due does not waive his right to interest, where no right to demand interest at the time of dividend payment existed", 56 AmJr.13,Page 114, citing State ex rel, McConnell v.Park Bank & T.Co. 151 Tenn.196.

In an unreported opinion the Court of Criminal Appeals of Tennessee in the cause of State of Tennessee, ex rel. Vermon R. Owens vs. Lake F. Russell, No. 49 Hamilton County, Honorable Campbell Carden, Judge, it was stated:

> "Without in any way criticizing the content and use of these forms for preserving a formal record of guilty pleas of defendants, we hold that execution of these forms by the petitioner and his attorneys and the trial court's acceptance of the petitioner's plea of guilty upon that basis, does not and cannot forever preclude the petitioner from raising any question about the voluntariness of his guilty plea. Surely it

2025 RELEASE UNDER E.O. 14176

State ex rel Owens

cannot be said that such a procedure permanently forecloses the issue of voluntariness and prevents the accused from ever asserting that his guilty plea was induced by promises of lenient treatment or threats or misrepresentation or fraud, if such was the fact.

"This is true for the plain and simple reason that a conviction based upon an involuntary plea of guilty is void, and, therefore, the question of the voluntariness of a plea of guilty is never foreclosed while any part of the resulting sentence remains unexecuted. The law is no longer open to debate or question that a guilty plea is involuntary and void if induced by promises of preferential treatment or threats or intimidation or total misapprehension of his rights, through official misrepresentation, fear or fraud. Henderson v. State ex rel. Lance, 419 S.W.2d 176; Machibroda v.United States, 368 U.S.487, 82 S.Ct.510, 7 L.Ed2d 473: Olive v.United States, 327 F2d 646 (6th Cir., 1964), cert. den., 377 U.S.971, 84 S.Ct. 1653,12LEd2d 740; Scott v. United States349 F2d 641 (6th Cir.1965)." Said opinion was concurred in by the Honorable Mark A. Walker and was written by W. Wayne Oliver, Judge of the Criminal Court of Appeals. Honorable Judge Galbreath did not participate in this cause.

Boyd v. State

"The voluntary or involuntary character of the confession is a question of law to be determined by the trial judge from the adduced facts", WHARTON ON CRIMINAL EVIDENCE Vol.2, Page 38, citing Boyd v. State, 21 Tenn. 39.

People v. Ramos

Requiring a waiver of right to appeal was held improper in People v. Ramos, 282 N.Y.State 2d 938 (2nd Dept. 1968).

2025 RELEASE UNDER E.O. 14176

Defendant states that he has lost the benefit of the thirteenth juror through the death of the trial judge. "Trial judge is charged by law to act as the thirteenth juror, and if he is dissatisfied with verdict of jury, it is his duty to grant a new trial", London v. Step, 405 SW2d 598, 34 Tenn. L. R 713. "Federal district court does not sit as thirteenth juror as do Tennessee state trial judges, Sifton v. Clements, 257 F. Supp. 63.

London v. Step

Sifton v. Clements

Respectfully submitted,

ATTORNEYS FOR THE DEFENDANT:

RICHARD J. RYAN

J. B. STONER

ROBERT W. HILL, JR.

2025 RELEASE UNDER E.O. 14176

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

Two copies each of a "Petition of JAMES EARL RAY for Writ of Certiorari" and of the defendant's brief filed with the Clerk of the Tennessee Supreme Court on 10/6/69 at Jackson, Tennessee.

MM airtel to Bureau, 10/9/69.

327

ENCLOSURE

44-38861-5831

2025 RELEASE UNDER E.O. 14176

FD-36 (Rev. 5-22-64)

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

Date: 10/10/69

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

Via AIRTEL AIRMAIL
(Priority)

Civil Rights

TO : DIRECTOR, FBI (44-38861)

FROM: SAC, BIRMINGHAM (44-1740) (P)

MURKIN

REC-62

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

ARTHUR J. HANES

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

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

4 ENCLOSURE

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

1 COPIES MADE, DATE 5-4-78 BY ACB/SS RE making FOR REVIEW AT FBIHQ UNDER DELIST TO HSCA RE REQUEST DATED 5-3-78 (SEE BUFILE 62-117290)

1cc: AAG Civil Rights Division
Form 6-94

OCT 16 1969
1 cc CIVIL RIGHTS UNIT

ST-140

REC-62

44-38861-5832

3 OCT 20 1969

58 NOV 3 1969

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

PERS. REC. UNIT

2025 RELEASE UNDER E.O. 14176

10-12 ek

REC'D - CIVIL RIGHTS
FBI

RECEIVED
FEDERAL INVESTIGATION
DIVISION

OCT 12 1 11 PM '69

U.S. DEPT. OF JUSTICE

OCT 13 7 02 AM '69

OCT 9 9 1969

2025 RELEASE UNDER E.O. 14176

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Birmingham, Alabama
October 10, 1969

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

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

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

3218 GREENPOLL [illegible] CAHABA [illegible]

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

2025 RELEASE UNDER E.O. 14176

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

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

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

2025 RELEASE UNDER E.O. 14176

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

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

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

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

2025 RELEASE UNDER E.O. 14176

6-94 (Rev. 1-31-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
CIVIL RIGHTS DIVISION

DATE: **October 16, 1969**

FROM : Director, FBI

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

Reference is made to _____ memorandum dated _____ (your file _____).

There is enclosed one copy of the report of Special Agent _____ dated _____ at _____.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☒ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. **NOTE: Enclosed is one copy each of a Petition for Writ of Certiorari and a brief filed by attorneys for James Earl Ray with the Tennessee Supreme Court on 10-6-69.**

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. DeLoach

DATE: October 16, 1969

FROM : A. Rosen

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

SUBJECT: MURKIN

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

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

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

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

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

REC-34 44-38861-

EJM:jmv
(7)

3 OCT 20 1969

57 NOV 3 1969

PERS. REC. UNIT

2025 RELEASE UNDER E.O. 14176

2025 RELEASE UNDER E.O. 14176

10-21-69

AIRTEL

1 - Mr. McDonough

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

From: Director, FBI (44-38861)

MURKIN

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

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

MAILED 22
OCT 21 1969
COMM-FBI

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

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

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EJM:jmv
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SEE NOTE PAGE TWO

REC 12 44-38861-5834

19 OCT 22 1969

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MAIL ROOM TELETYPE UNIT

2025 RELEASE UNDER E.O. 14176

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2025 RELEASE UNDER E.O. 14176

Airtel to SACs, Memphis
Savannah

RE: MURKIN

The Savannah Office which is the office of origin in the case covering activities of the National States Rights Party and Stomer and the Memphis Office which is following the court action in the James Earl Ray case should be alert for any additional information along these lines from any source including future court proceedings and immediately advise the Bureau of such information.

The Memphis Office should advise appropriate responsible Tennessee state officials handling the King murder case of the information from the Department and that there is no basis to the allegation that the FBI offered anyone any money to frame Ray for the assassination of King. Information furnished Tennessee state authorities is to be confirmed in writing.

NOTE:

See Memorandum Rosen to DeLoach dated 10-20-69, captioned, "MURKIN," EJM:jmv.

2025 RELEASE UNDER E.O. 14176

Assistant Attorney General
Internal Security Division

October 21, 1969

1 - Mr. McDonough

Director, FBI

MURKIN

ASSASSINATION OF MARTIN LUTHER KING, JR.

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

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

1 - Assistant Attorney General
Civil Rights Division

EJM:jld
(5)

NOTE:

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

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MAILED 22
OCT 21 1969
COMM-FBI

EX-117
REC 12 44-38861-52

19 OCT 22 1969

56 OCT 28 1969
MAIL ROOM TELETYPE UNIT

2025 RELEASE UNDER E.O. 14176

OCT 21 10 59 AM '69

REC'D-READING ROOM
F B I

OCT 20 5 45 PM '69

REC'D DeLOACH
F B I

OCT 21 12 34 PM '69

REC'D-READING ROOM
F B I

RECEIVED DIRECTOR
F. B. I.

OCT 21 12 47 PM '69

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-38861) DATE: 10/20/69

FROM : SAC, KANSAS CITY (44-760) -P-

SUBJECT: JAMES EARL RAY, aka;
DR. MARTIN LUTHER KING, JR. - VICTIM;
CR - CONSPIRACY;
UFAC - ROBBERY

(OO-Memphis)

Re Phoenix letter to Bureau, dated 9/4/69.

On 9/26/69, Senior Officer Specialist CLYDE STEWART, U. S. Penitentiary, Leavenworth, Kansas, advised SA WALTER A. WITSCHARD that inmate JOHN HAMILTON MORRIS #83856 was "out to Court" since 9/11/69. STEWART advised that it would be impossible to anticipate MORRIS' return but that he would notify SA WITSCHARD upon MORRIS' return.

LEADS:

KANSAS CITY DIVISION:

AT LEAVENWORTH, KANSAS:

Will at USP-L at Leavenworth, interview JOHN HAMILTON MORRIS, USP-1 #83856, Cell B 576, employed Shoe Factory, reference Phoenix letter to Bureau, 9/4/69, upon MORRIS' return from Court.

2 - Bureau
2 - Memphis (44-1987)
2 - New York
2 - Kansas City
WAW:ENL
(8)

ST-140

REC 85 44-38861-586

9 OCT 29 1969

57 OCT 29 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

2025 RELEASE UNDER E.O. 14176