

James Earl Ray Loses Court Suit

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MEMPHIS, Tenn., Dec. 1
(AP).—A suit brought by
James Earl Ray to prevent
publication of certain events
about his life and the slaying
of Dr. Martin Luther King Jr.
was dismissed Monday by
U. S. District Court Judge
Robert M. McRae Jr.

"There is not enough proof to go forward in the matter," the judge said.

I attended Communist schools, with Her. Martin Luther King. to get information for the United States Government. Make up, or perhaps I can have you renored, like I did Judge. Fortas, Warrenard Learn to pray to " God. Go. american

December 29, 1969 4. S. District Court Judge, Robert M. Sue Hae, Jr. Memphis, Tennessee. Dear Judge me Rae, Jv: as a Government Informer, I am giring you the truth, Red. Snartin Luther King, was a Communist and paid hy Cuba and Ridssia.

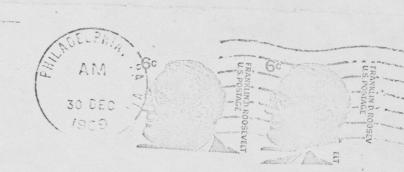
How do I know?

The truth is that

ZIP CODE

W. J. Due

Peroud



AIR MAIL

W. S. District Court Judge, Robert M. Mo Rae, Jr. Memphis, Jennessee.

44-38861-5846

(Memphis letter to Bureau, 1/5/70)

MEMPHIS 44-1987 BUFILE 44-38861

RE: MURKIN

ENCLOSURES TO BUREAU (12)

-- ATTENTION FBI LABORATORY



321



ENCLOSURE

OPTIONAL FORM NO. 10 MAY 1962 EDITION GSA FPMR (4 CFR) 101-156 UNITED STATES GOVERNMENT Memorandum DIRECTOR, FBI (44-38861) SAC, LOS ANGELES (44-1574) (RUC) SUBJECT': JAMES EARL RAY, aka; Dr. MARTIN LUTHER KING, JR. - VICTIM 00: Memphis

TO

Mr. Tolson Mr. eLoach Mr. Waters. Mr. Casper. Mr. Callahan. Mr. Conrad. r. Felt DATE: 12/10/69 Mr. Tavel Mr. Soyars. Tele. Room... Miss Holmes. Miss Gandy

Re Kansas City airtel to the Director dated 8/13/69.

Enclosed for the Bureau are four copies of a Letterhead Memorandum (LHM) and for Memphis two copies of an LHM recording interview of JOHN HAMILTON MORRIS regarding his allegation that JAMES EARY RAY was paid to kill MARTIN LUTHER KING, JR.

A review of Los Angeles files reveals MORRIS to be the subject of Bureau files 91-25689 and 91-12519.

REC-93

Bureau (Encls. the Angeles TJA/jah (5)

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

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2025 RELEASE UNDER E.O. 14176



In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

Los Angeles, California
December 10, 1969

JAMES EARL RAY; Dr. MARTIN LUTHER KING, JR. - VICTIM

On December 1, 1969, John Hamilton Morris was interviewed at the Los Angeles County Jail, Los Angeles, California, regarding information contained in a letter written by him on July 22, 1969, to Peter Goldman, 444 Madison Avenue, New York, New York. This letter contained information that James Earl Ray was paid by "Big D".

Morris stated that he is a journalist, that as a journalist he has his sources, and that as a journalist he does not reveal the identity of his sources. Morris stated it was common knowledge that Ray was paid to kill Martin Luther King. Morris was asked to explain what he referred to as common knowledge. He said that everyone knew that the Central Intelligence Agency (CIA) was behind the murder of Martin Luther King. He continued that the CIA backed the Minutemen and Robert De Pugh of the Minutemen. The CIA wanted King out of the way so it had De Pugh make the arrangements. Ray being a small time criminal, was selected to do the actual killing and CIA the brains behind the whole scheme. When De Pugh was no longer needed by the CIA, he was arrested. Morris said that this scheme is common knowledge.

Morris volunteered that he has been declared medically and criminally insane.

Records of Atascadero State Hospital, Atascadero, California, as of April 13, 1959, revealed that John Hamilton Morris, born at Martin, Michigan, was admitted to that hospital on September 22, 1958, as criminally insane. At that time, he had a criminal record dating back to September 26, 1940, and had over 20 arrests, including grand theft, car theft, mail fraud, postal loss, forgery, and money postal orders. These records reveal that Morris was not found criminally insane by this hospital and had been turned over to the court in San Mateo, California, for further action.

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JAMES EARL RAY, Dr. MARTIN LUTHER KING, JR. - VICTIM

John Hamilton Morris appeared at U. S. District Court, Southern District of California, Los Angeles, on February 23, 1967, for jury trial. At the conclusion of the trial on February 24, 1967, Morris was found guilty of violation of Title 18, Section 2113 (a), U. S. Code. On March 20, 1967, Morris was sentenced to 15 years custody of the U. S. Attorney General.

Morris filed an appeal of this conviction April 21, 1969, before the U. S. Court of Appeals for the Ninth Circuit. He based his appeal on his not having been protected under Title 18, U. S. Code, Section 4244, in that under this statute, the U. S. Attorney failed in his responsibility to move for a determination of competency where he had reasonable cause to believe the accused might be incompetent. His appeal argues that under the same section and by Constitutional mandate, it was incumbent on the court to order a determination of competency, where reasonable cause appeared to indicate the accused might be incompetent; said failure violated Morris's guarantee of due process under the Fifth Amendment of the Constitution.

The appellant further argues that the courtappointed counsel failed to provide that assistance guaranteed by the Sixth Amendment of the Constitutional rights of due process in the fair trial.

The final point of the appellant's argument is that the Court's sentencing procedure was both a failure of its statutory responsibility and an abuse of its discretion under Title 18, U. S. Code, Section 4244; and under 4208 (b) which provides for committment of the accused to the custody of the Attorney General for a period of time not to exceed six months, for the purpose of evaluation to assist the trial court in passing a meaningful rehabilitative sentence.

On July 28, 1969, Assistant U. S. Attorney Darrell Mac Intyre, Los Angeles, advised that on July 24, 1969, a decision was received from the Ninth Circuit Court of Appeals that the conviction of John Hamilton Morris had been reversed.

JAMES EARL RAY, Dr. MARTIN LUTHER KING, JR. - VICTIM

Morris appeared at U. S. District Court, Los Angeles, and entered a plea of guilty to violation of Title 18, Section 2113 (a), U. S. Code. Trial was set for November 4, 1969. Morris was to be afforded psychiatric examination prior to trial date. As of December 9, 1969, the trial of Morris had not commenced.

The Los Angeles Herald Examiner, daily metropolitan Los Angeles newspaper, in its issue of July 5, 1968, carried an article on Page A-1 captioned, "Dynamite Hijack Try Just a Dud", datelined Las Vegas, Nevada (UPI). This article reported that a Federal prisoner identified as John Hamilton Morris, 48 of Martin, Michigan, tried to hijack a commercial airliner, July 4, 1968, by falsely reporting he had dynamite on his person. His high altitude plot failed completely.

The U. S. Attorney at Las Vegas was expected to take this incident before the Grand Jury and ask for an indictment charging Morris with attempted hijacking.

The following is an arrest record of John Hamilton Morris, FBI Number 4 222 144:

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.

O. Edger 2 decree.

The following FBI record, NUMBER 4 222 144

, is furnished FOR OFFICIAL USE ONLY.

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
٠				
War Dept Walle DC	John Hamilton Morris #6578257	enlisted 8-23-39		
PD Honolulu TH	John H. Morris #A-11460-D-1	2-26-40	vag	to Mil Auth
PD Sacramento Colif	John Hamilton Morris #28181	12-28-4) /	enrt to Martine: Calif BT and enrt to Los Ang: Calif PT	Martinez les Calif 12-30-44 *cla dism because resitution wa
SO Martinez Calif #27961	John Hamilton Morris " 80 Sacramento Calif	12-30-44	7	made. 1-22-45 rel 1-22-45 on 2 : prob
FD Los Angeles Calif	John Morris #75882	2-18-45	GT fug from Seattle	3-15-45 rel to Seattle Wash Auth 5-28-46 sant to the served and reto return to Calif
SO Los Angeles Calif	John H. Morris #A-57532	3-9-45	GL - Wash	3-20-45 rel c Seattle Wash
PD Seattle Wash SO Seattle Wash	John Hamilton Morris //30571 John Hamilton Morris //22008	3-21-45 3-26-45	hotel	5-26-45 time spent in Jall 5-28-45 cont time served to cal
PD Jersey City NJ	John H. Morris #10578 -	4-7-47	poss stolen auto	4-17-47 page 15-20-34 page 15-
SO Jersey City UJ	John Mamilton Morrus #31492	4-18-47	Ms I burning autored stolen motored wehicle male burning of a movehicle.	of indictable No. 250 April or term 1947
SO Jersey City NJ	John Hamilton Morris #31492	5-1-47 4 =	Vio Postal Laws	

Notations indicated by * ARE NOT BASED ON FINGERPRINTS IN FBI files. The notations are based on dura furnished this Bureau concerning individuals of the same or similar names or aliases and ARE LISTED ONLY AS INVESTIGATIVE LEADS.

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION WASHINGTON 25, D. C.

1. Edgon Hoones

The following FBI record, NUMBER

4 222 144

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
USM, Newark, NJ	John Hamilton Morris, #11520	gustody 5-1-47	Vio. of Dyer Act	6-16-47, 3 yrs.
USM, Newark, NJ	John Hamilton Morris, #11520	not giver	forging the ks, etc	sent. 3 yrs. 6-16-47
Federal Ref., Chillicothe, Ohio	John H. Morris #27423	7-9-47	NMVTA, using mails to defraud	3 yrs.
USP, Terre Haute, Ind	John H. Morris #5090	8-27-47 (in trans. from Chillicoth	def raud	3 yrs.
USP, Leavenworth Kans	John H. Morris #64506	11-5-47 (in trans, from USP Terre Haute, In	٠.	3 yrs.
Medical Center for Fed Prisoners Springfield Mo	John H. Morris #6954-H	1-11-49 trans from USP Leavenwoo		3 yrs. (3-3 yrs con 2-13-50 disc
USA, Springfield, Mo.	John Hamilton Morris #1211	2-13-50	forged Securities in Interstate Commerce	pend. 2-15-50, remo to Kana.
PD, Topeka, Kans.	John Hamilton Moorid #7945	3-21-50	interstate vio (chacks)	USM prisoner
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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION WASHINGTON 25, D. C.

1. Edgai Mooner Director.

3 The following FBI record, NUMBER

4 222 144

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	•			1
JSM Topeka Kans.	John Hamilton Morris #CR-13666	2-21-50	Interstate Comm. Viol.	3-21-50, sensity of the sensity of t
				run concurred & to run concurred rent with per of imprisonment imposed on concurred to the concurrent rent with per of imposed on concurrent rent rent rent rent rent rent rent
				1. and pay costs of this prosecution. serve at USP Leavenworth, Kans.
US Fenty Leavenwort Kans	h John H. Morris #66575	4-20-50	transp I/S forged Secur	5/yrs 9-27-53 Cond Rel
SO Riverside Calif	John Hamilton Morris #61246	3 -1- 56	Title 18 Sec 500 USC	Federa l
PD Indio Calif	John Hamilton Morris #20787	3-1-56	raising & cashing US Postal Money Orders	held for USM
USM Los Angeles Calif	John H. Morris #24036	3-6-56	forg postal Money Order	11-12-57 case
SO Los Angeles Calif	John Hamilton Morris #A-57532/ B-412495	3 - 6 - 56	forgery/Postal Money Orders	5-2-56 rel co Springfield l
	John H. Morris #24242	4-27-56	subersive use of US Mails	
Med Center for Fed Prs Springfield Mo	John Hamilton Morris #P-185-H	5-5-56 MCFP Red fr. USM S-Calif		r-18 Sec. 429 return to cou 3-27-57

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ED STATES DEPARTMENT OF JU FEDERAL BUREAU OF INVESTIGA WASHINGTON 25, D. C.

U.

Director.

4 222 144 The following FBI record, NUMBER

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Springfield Mo	John Hamilton Morris #S-20937	8-27-57	H/F U SCM (sub- versive use of mails Postal MO viol)	Calif
PD Los Angeles Calif	John Hamilton Morris #LA 75 882-M	11-12-57	forg of fict name forg 4 cts	nt glty by reason of in sanity D45 1-29-58 Cs 196783 on ch of warr 130792(4) fo fict name for 4 cts
SO Los Angeles Calif	John Hamilton Morris #A-57532/B- 516022	11-7-57	failure to appear for jury trial	11-12-57 rel case dism & cust Los Ang PD
PD San Mateo Calif	John Hamilton Morris #28219	6-6-58	forg (chex)	7-10-58 held ans Sup Crt see suppleme
SO Redwood City Calif	John Hamilton Morris #24505	7-10-58	forg & ETE Fresno & San Jos PD	on 1-27-59
St Bu Sacramento Calif	John Hamilton Morris #ASH 6096	9-22-58	criminally Insane 1368 PC Atascadero St Hosp Atascadero Calif	to Fresno S 1-5-59 disc
SO Fresno Calif	John Hamilton Morris #60409	2-12-59	PC 836 escape	2-12-59 no chgs filed
PD Fresno Calif	John Hamilton Morris #12972	2-18-59	forg-PT escape	see supplema
FBI Chgo Ill	John Hamilton Morris # 7 -	8-24-59	bank robb	

Notations indicated by * ARE NOT BASED ON FINGERPRINTS IN FBI files. The notations are based on dark formerly furnished this Bureau concerning individuals of the same or similar names or aliases and ARE LISTU ONLY AS INVESTIGATIVE LEADS. 16-70582-4 U. S. GOVERNMENT PRINTING OFFICE

TED STATES DEPARTMENT OF JULICE FEDERAL BUREAU OF INVESTIGATIO.

WASHINGTON 25, D. C.

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The following FBI record, NUMBER

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Chgo Ill	John H. Morris #E-48842	8-24-59	GP	TOT USM Chgo 8-25-59%
USM Chgo Ill	John H. Morris #60391	8-25-59	bank robbery 2	yrs & \$500. 12-23-59
Cock Co Jail Chgo	John H. Morris #239175	8-25-59	safe keeping / USM	1-10-60 del t
USP Leavenworth Kans	John Hamilton Morris #77308-L	1-11-60	bank rob	2 yrs
USP Moneil Isl Wash	John Hamilton Morris #28201-M	6-22-60	bank robb & armed bank robb	10 yrs & 5 m & 11 dag
USPen Leavenworth Kans	John Hamilton Morris #77308-L	5-31-61	Bank Robbery	5-31-61 Rec from USP McNeil Islam as transfer 8-10-66 MR
USM Los Angeles Calif	John Hamilton Morris #089-21749	12-7-66	Bank robbery	
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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION WASHINGTON 25, D. C.

1. Edgar Hoom Director.

The following FBI record, NUMBER

4 222 144

, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	Ac John Hamilton	Manada	landa da Nasa Tanan A	
	petty theft.		anted by Los Ange	
	US Prob Off US C therefrom 10-1-5	rt House	rior to 9-21-54 r Rm 826 Chgo Ill r	potify Chief per inf rec
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i d	IN CUSTODY PER P	RINT No 2	4242 USM Los Ange	eles Calif.
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	#12972,, 2-4-59 8	2-19-59	2-4-59 forg dis	•
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	Jail susp.	Lilicia Cis	sp sabj sent to c	he year co
	phone USSS Intel	l Div Rm	rris Location De 825 1800 G St NW fect until 4-18-	Wash DC inf
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	Federal Parole or 12-4-69 inf rec C		y release extends	to
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Notations indicated by * ARE NOT BASED ON FINGERPRINTS IN FBI files. The notations are based on data furnished this Bureau concerning individuals of the same or similar names or aliases and ARE LISTED ONLY AS INVESTIGATIVE LEADS.

2/5/70

1 - Mr. McDonough

ALB TOO

REC- 120 TO:

SAC, Memphis (44-1987)

FROM: Director, FBI (44-38861)

MURKIN

RePHairtel 1/15/70 and BuLab report 2/2/70.

Reference is made in Philadelphia sirtel 1/15/70 to a Memphis letter dated 1/5/70.

Bufiles do not indicate copy of such letter was directed to Bureau. If not furnished Bureau previously, do so now or submit appropriate communication for dissemination if information involved indicates such action would be advisable.

1 - Philadelphia (44-1368)

EJM: js (5)

MAI	ED 8
FEB	5 1970
CON	AM-FBI

Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy
MAIL ROOM
TELETYPE UNIT

DeLoach __ Walters

Bishop _

The State of the S

l - Mr. McDobough

無力:1·1/27 (4)

BA SON



Laboratory Work Sheet

Re:

File # Lab. #

Examination requested by:

Examination requested:

Result of Examination:

Date received:

Examination by:

Specimens submitted for examination

One christmes card, one PMES piece of paper and one envelope bearing the known handwriting of K YIGTOR One christmas card, one !

REPORT of the



FEDERAL BUREAU OF INVESTIGATION WASHINGTON, D. C. 20535

To: FBI, Philadelphia (44-1368)

Re: MURKIN

7-1b

Date:

February 2, 1970

FBI File No. 44-38861

Lab. No.

D-700116085 LF

Specimens received 1/16/70

K490 One envelope and accompanying greeting card, one sheet of blue ruled paper, one photocopy of a portion of an envelope, one photocopy of articles regarding Victoria Craig, and two pages of news letter, all bearing known handwriting of VICTORIA CRAIG

Result of examination:

It was concluded that the questioned writing on previously submitted Q413 through Q417 was prepared by the writer of specimen K490.

The submitted material wis returned herewith. Photographs have been made.

DeLoach		
Walters		
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FD-36 (Rev. 5-22-64

FBI

		Date: 1/15/70
Transmi	it the following in	(Type in plaintext or code)
	AIRTEL	
Via		(Priority)
	TO:	DIRECTOR, FBI (44-38861) ATTN: FBI LABORATORY
(A)	FROM:	SAC, PHILADELPHIA (44-1368)(P)
$ \lambda $	SUBJECT:	MURKIN
Y 5		70.011.000
CN:V Ad00,		Re Memphia letter dated 1/5/70. 700116085
AND SPECIMENS	is being similarit	Enclosed herewith for the Bureau are sample ings of VICTORIA CRAIG, aka "Yankee". The writing forwarded to the Laboratory because of the ty in handwriting in referenced letter and the ing of VICTORIA CRAIG.
	Gardens, Society, CRAIG was when the pack Gard 4 *x6 * car	VICTORIA CRAIG, 4644 Strahle Street, Pennypack Pa., is employed at the Western Savings Fund Broad and Chestnut Streets, Philadelphia. Mrs. s first contacted by this office on March 29, 1966, name VICTORIA CRAIG, 4644 Strable Street, Penny- dens, Philadelphia, Pa., was found in a group of cds maintained in a file card box at "Minutemen"
LAB" S	unstable versive c	ters. At the time she appeared extremely emotionally and claimed she had been a member of various sub- organizations for over 20 years. She said she had
4,8,	John an 1	informant for HERBERT PHILBRICK in these matters.
2 11	n of her li	She said she lived in Arlington, Mass., for most ife but her husband and she moved to Florida and
A	through s	some unexplained misfortune they lost their home.
<u> </u>	She came	
		to Philadelphia about one year before the interview.
A		
		At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent
	personage	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent so which included letters from legislatures, RICHARD
	personage Cardinal	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent which included letters from legislatures, RICHARD CUSHING of Boston, General WALKER and some letters BEL", whom she identified as HERBERT PHILBRICK.
ALL AND ASSESSED.	personage Cardinal from "REE 2) - Burea	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent which included letters from legislatures, RICHARD CUSHING of Boston, General WALKER and some letters BEL", whom she identified as HERBERT PHILBRICK. SAL (44288861) Encls. 7) (RM)
	personage Cardinal from "REE 2) - Burea	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent which included letters from legislatures, RICHARD CUSHING of Boston, General WALKER and some letters BEL", whom she identified as HERBERT PHILBRICK. SAL (44288861) Encls. 7) (RM)
	personage Cardinal from "REF 2 - Burea 2 - Memph 2 - Phila	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent swhich included letters from legislatures, RICHARD CUSHING of Boston, General WALKER and some letters BEL", whom she identified as HERBERT PHILBRICK. AU (44298861) Enclys. 7) (RM) Aisia adelphia (44-1368) ENCLOSED 2-5-70 COM: 15
	personage Cardinal from "REF 2 - Burea 2 - Memph 2 - Phila	At the time of the interview, Mrs. CRAIG carried shopping bag with the official letters from prominent which included letters from legislatures, RICHARD CUSHING of Boston, General WALKER and some letters BEL", whom she identified as HERBERT PHILBRICK. SAL (44288861) Encls. 7) (RM)

1/16/70

VIELEF

ATTM: FRI LAHORATORY DIRECTOR, FBI (u4-39861) $\mathbb{D}0$:

SAC, PHILADELPRIA (44-1368)(P) FROH:

SUBJECT: MIRKIM

Re Memphia letter dated 1/5/70.

handwriting of VICTOREA CRAIG. simitarity in handwriting in referenced letter and the is being forwarded to the Laboratory because of the handwritings of VICTORIA CRAIG, aka "Yankee". The writing Enclosed herewith for the Bureau are sample

been an informant for HERBERT PHYLBRICK in these matters. versive organizations for over 20 years. She said she had unstable and claimed she had been a member of various subheadquarters. At the time she appeared extremely emorionally # % & Cards maintained in a file card bex at "Minuterer" pack Gardens, Philadelphia, Pa., was found in a group of when the name VICTORIA CRAIG, 4644 Strable Street, Penny-CRAIG was first contacted by this office on March 29, 1966, Society, Broad and Chestmut Streets, Philadelphia. Mrs. Gardens, Pa., is employed at the Western Savings Fund VICTORIA CRAIG, 4644 Strahle Street, Pennypack

She came to Philadelphia about one year pefore the interview. through some unexplained misfortune they lest their home. of her life but her husband and she moved to Florida and She said she lived in Arlington, Mass., for most

from "REBEL", whom she identified as HERBERT PHILBRICK. Cardinal CUSHING of Boston, Ceneral WALKER and some letters personages which included letters from legislatures, RICHARD a large shopping bag with the official letters from prominent At the time of the interview, Mrs. CRAIC carried

2 - Bureau (#6488361)Chols. ?)(FM) 2 - Memphia

2. - Philacelphia (94-1369)

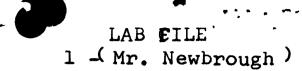
A - 187-1721 (VICTORIA CRAIC)

otropic (A.) tradi EMC: kpb PH 44-1368

By letter dated 7/21/65, the Boston Office indicated that Mrs. CRAIG was a notorious letter writer who made generalised allegations of government mishandling and the Communist menage. According to this letter, she is known to use exaggeration, diatribe, and vituperation in her correspondence.

At the time of the interview, Mrs. CRAIS insisted she loved her country and burst into tears as the thought she was being investigated. She insisted the Minutemen were extremely loyal people and that she knew absolutely nothing which she felt might be dangerous in them. Since that time Mrs. CRAIG has forwarded to the Philadelphia Office numerous pamphlets put out by resistance type groups and Quaker groups concerning anti Vietnam war activities. Philadelphia Office accepts information from her but she has never been directed in any way to help the Philadelphia Office.

The Laboratory is requested to compare the handwriting of Mrs. CRAIG with sample handwritings furnished by Memphis. If the Laboratory so desires, they can keep the samples for their records as they need not be returned to Philadelphia. aboratory. Transmittal Form





FEDERAL BUREAU OF INVESTIGATION WASHINGTON, D. C. 20535

To: FBI, Philadelphia (44-1368)

Date: February 2, 1970

Re: MURKIN

John Edgar Hoover, Director

FBI File No. 44-38861 Lab. No. D-700116085 LF

Examination requested by: Philadelphia

Reference:

Airtel 1/15/70

Examination requested:

Document

Remarks:

COMM-FBI FEB3

Walters

Gandy _

Mohr Bishop Casper. Callahan Conrad Felt_ Gale . Rosen Sullivan _ Tavel _ Soyars Tele. Room Holmes __

Enclosures (3) (K490, 2 Lab report)

2 Memphis (44-1987) Enclosures (2) (2 Lab report)

MAIL ROOM TELETYPE UNIT ADMINISTRATIVE PAGE

2025 RELEASE UNDER E.O. 14176

1991:2000 (70)

REC- 120

FFE		5-22-64
F 12-30	(He-	5-22-64
4 -		

		FBI		
		Date: 1/1	.2/70	
mit the following in _	(T		-	
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BESSIE BUFFALOE, Clerk

IN THE SUPREME COURT OF TENNESSEE

AT JACKSON

STATE OF TENNESSEE

vs.

SHELBY CRIMINAL

JAMES EARL RAY

MEMORANDUM DENYING PETITION FOR CERTIORARI

The petitioner, James Earl Ray, who will hereafter be referred to as defendant, was indicted in the Criminal Court of Shelby County, Tennessee, for the murder from ambush of Dr. Martin Luther King.

Murder in the first degree in Tennessee is described as follows:

Murder in the first degree - Every murder perpetrated by means of poison, lying in wait, or by any other kind of willful, deliberate, malicious, and premeditated killing, or committed in the perpetration of, or attempt to perpetrate, any murder in the first degree, arson, rape, robbery, burglary, or larceny, is murder in the first degree. T.C.A. 39-2402.

The punishment for murder in the first degree in Tennessee is set out as follows:

Punishment for murder in the first degree - Every person convicted of murder in the first degree, or as accessory before the fact to such crime, shall suffer death by electrocution, or be imprisoned for life or over twenty (20) years, as the jury may determine. T.C.A. 39-2405.

The defendant was represented by privately_retained able counsel, and entered a plea of guilty to murder in the first degree, which plea was accepted by the trial judge, the late Honorable Preston W. Battle, and the defendant was sentenced to ninety-nine years to be served in the State Penitentiary.

After this, the defendant, by letter, sought to have the sentence set aside and wrote the trial judge that he had fired his attorney and desired to re-open the case.

The trial court refused to grant the defendant any relief, and a petition for certiorari was filed in the Court of Criminal Appeals, which court heard the matter and refused to grant the petition.

The defendant has filed a petition for writ of certiorari to this Court and has, in effect, two assignments of error, (1) that certain letters written by him to the late Judge Preston W. Battle constituted a motion for a new trial, and (2) that the trial court erred in ruling that the defendant knowingly, intelligently and voluntarily entered a plea of guilty, thus waiving any right he might have had to an appeal.

The defendant upon the advice of his well-qualified and nationally known counsel pleaded guilty to murder in the first degree, the offense with which he was charged, a cold blooded murder without an explained motive.

Consequently, his right to appeal was waived, because it is well settled in Tennessee that when a defendant pleads guilty and fully understands what he is doing, as we believe, this defendant did, there can be no legal ground to justify the granting of a new trial. Otherwise, the doors of our state prisons would remain ever ajar to those who are incarcerated therein on pleas of guilty, and who becoming dissatisfied, seek relief on motions for new trial. The dockets of our courts would become congested with such procedure, and these cases would never be closed. There must be a conclusion to litigation sometime, even in a criminal case, in spite of the liberal interpretations of the law by some of our courts. To allow such procedure would be permitting those defendants to toy with the courts.

In State ex rel. Richmond vs. Henderson, 439 S.W.2d 263, 264, it was said by this Court:

"This rule has been applied to any number of situations arising in a criminal case, including that situation involving the advice or urging of defense counsel for the defendant to enter a plea In cases in which this exercise of of guilty. judgment by counsel (that of urging a defendant to enter a plea of guilty) has been attacked, it has uniformly been held that this is not a ground for invalidating the judgment. Davis v. Bomar, 344 F.2d 84 (6th Cir.), cert. denied, 382 U.S. 883, 86 S.Ct. 177, 15 L.Ed.2d 124 (1965); Application of Hodge, 262 F.2d 778 (9th Cir. 1958); Shepherd v. Hunter, 163 F.2d 872 (10th Cir. 1947); Crum v. Hunter, 151 F.2d 359 (10th Cir. 1945), cert. denied, 328 U.S. 850, 66 S.Ct. 1117, 90 L.Ed. 1623; Diggs v. Welch, 80 U.S.App.D.C. 5, 148 F.2d 667, cert. denied, 325 U.S. 889, 65 S.Ct. 1576, 89 L.Ed. 2002."

The Supreme Court, speaking further in McInturff v. State, 207 Tenn. 102, 106, said:

"Now, we think it is axiomatic that the defendant, having confessed judgment for the fine and costs, had no right of appeal, nor did the court have the power to grant such an appeal, because no one can appeal either in a criminal or a civil case from a verdict on a plea of guilty or a judgment based upon confession of liability."

The defendant, in his motion for a new trial, if considered in its most favorable light could be construed as such, alleges that he was misled into entering a guilty plea, and in his petition for certiorari he alleged that he did not knowingly and voluntarily waive his right to appeal. The substance of the above allegations is that the defendant was deprived of his constitutional right (Sixth Amendment) to have the assistance of counsel. However, there is not one fact in petitioner's brief to support the above allegations.

In Hudspeth v. McDonald (1941), 120 F.2d 962, 968, the court said:

"There is a vast difference between lacking the effective assistance of competent counsel and being denied the right to have the effective assistance of competent counsel. It is the denial of the right to have such assistance that gives the right to challenge a judgment of conviction by haboas corpus. It is held without exception that the right to have counsel may be waived and that it is only when it is not waived that the validity of the proceedings may be challenged..."

In the trial court the petitioner was represented by competent counsel. He entered a plea of guilty on the advice of his counsel, and there is no doubt that his counsel

explained to him that the penalty for murder in the first degree in Tennessee carried the death penalty, and that such plea was made with an eager ear, a willing mind and willing heart.

The defendant, after due and thoughtful consideration and after being properly advised, entered a plea of guilty to murder in the first degree, and thus took the known offered sentence of ninety-nine years, rather than taking the calculated risk of receiving a more severe penalty at the hands of a jury. He now seeks to back out of this trade with the State and asks for a new trial. There is nothing from which it can be inferred that the defendant was misled, or that his guilty plea was made involuntarily without knowing the consequences thereof, thus the defendant is precluded from any appellate relief.

We are not deciding on the defendant's guilt or innocence. He and his retained counsel made that decision themselves, with the approval of a jury and the trial judge. We are simply deciding whether or not, after he entered a plea of guilty and received a sentence of ninety-nine years, he can thereafter have a change of heart and make a motion for a new trial. We think not.

Experience teaches us that submissions in criminal cases are brought about by reason of the fact that the defendant and his lawyer realize that in pleading guilty and receiving a lesser sentence, the defendant thereby avoids the chance of a jury imposing a greater sentence.

In Tennessee, a reasonable person does not shoot and kill an unarmed, unsuspecting and innocent victim without just

punishment and retribution under our law. The defendant, by his own voluntary and uncoerced action received such, or what he thought was then just punishment, and will now not be heard to complain.

This well planned and well executed killing would indicate the defendant to be of at least or over-average intelligence, and certainly of such intelligence as to understand what he was doing when he went to the "bargaining table," to decide his fate, - whether to plead as he did or take his chances at the hands of a jury. He made the bargain. There is no claim that the State or the court below coerced or influenced him in any manner to make this decision. It was his and his alone, with the aid of the advice of his chosen private counsel. Whether or not they made a mistake in judgment is not for us to say.

In Tennessee, as in all other liberty loving civilized countries, ambush killers are not looked upon with much favor, to say the least. In a country where you do not shoot a sitting duck or a fowl unless in flight; where a rabbit or other game of the field is allowed its chance to run; and where one does not shoot down his fellowman unless that man has committed an overt act that would justify the defendant in so doing, jurors are inclined to deal harshly with such defendants. The defendant and his attorney, with his years of experience, knew this, and in the light of this knowledge of human nature to reactionently against those who have committed unprovoked violence,

they made the decision to plead guilty and such plea, in the opinion of the Court, should stand.

The next question for consideration is whether the / proceedings, at the time the defendant entered his guilty plea, were such a "farce" or "sham" that it can be said that the defendant was denied due process.

The concept of due process of law as contained in the Fourteenth Amendment is concerned solely with whether or not. the State played any part in the wrong done the accused. U. S. v. Banmiller (1962), 205 Fed. Supp. 123.

"And so where ... a defendant in a criminal case has retained counsel of his own choice to represent him it is settled by an overwhelming weight of authority that the commission by his counsel of what may retrospectively appear to be errors of judgment in the conduct of the defense (such as urging the defendant to plead guilty) does not constitute a denial of due process chargeable to the State." Davis v. Bomar (1965), 344 F.2d 84, 87.

"Intervention by this (federal) court requires that the denial of relator's rights be the doing of the State. There is no indication here that the State participated in any such denial" U. S. v. Banmiller, supra, at 128.

In determining whether or not the writ should be granted, it should be kept in mind that it has become well-established law in this State that the writ of certiorari is not granted as a matter of right but it is a matter that addresses itself to the discretion of the Court. State ex rel. Karr v. Taxing District of Shelby County, 84 Tenn. 240; Ashcroft v. Goodman, 139 Tenn. 625; Gaylor v. Miller, 166 Tenn. 45; Biggs v.

Memphis Loan and Thrift Co., Inc. 215 Tenn. 294; and Boyce v. Williams, 215 Tenn. 704.

The Court finds that the defendant willingly, knowingly and intelligently and with the advice of competent counsel / entered a plea of guilty to murder in the first degree by lying in wait, and this Court cannot sit idly by while deepening disorder, disrespect for constituted authority, and mounting violence and murder stalk the land and let waiting justice sleep.

Therefore, the petition for certiorari is denied.

ERBY I JENKINS; S. J.

Dyer, C. J. Creson, J., Humphreys, J.

Concur

McCanless. J., not participating

44-38861-5849

44-38861-5849 ENCLOSURE

IMES EARL RAY

DENIED NEW

Guilty Plea Held Valid By Jurists

Opinion States
He Waived All
Appeal Rights

KNOXVILLE, Tenn. —
(UPI) — Saying it could not sit idly by while "mounting murder and violence stalk the land," the Tennessee Supreme Court refused a new trial today to James Earl Ray, consicted killer of Dr. Martin Luther King Jr.

(Indicate page, name of newspaper, city and state.)

page 1

MEMPHIS PRESS-SCIMITAR,

MEMPHIS, TENNESSEE

Date:

1/8/70

Edition:

Final

Author:

Editor: CHAS. H. SCHNE IDER

Title:

MURKIN

Character:

OF

44-38861

Classification:

Submitting Office:

MEMPHIS

Being Investigated

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ENCLOSURE

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The sharply-worded opinion said Ray had knowingly pleaded guilty in Criminal Court at Memphis to the slaying of the civil rights leader. The eight-page decision added that Ray had been represented by competent and nationally prominent counsel, and that he had waived all rights of appeal in entering his plea.

"The court finds that the defendant willingly, knowingly and intellingently with the advice of competent counsel entered a plea of guilty to murder in the first degree by lying in wait, and this court cannot sit idly by while deepening disorder, disrespect for constituted authority, and mounting violence and murder stalk the land and let waiting justice sleep," the Supreme Court said.

Nay is serving 30 years in the state penitentiary for the April 4, 1968, sniper slaying of King in Memphis. His bid for a new trial had been rejected by the state Court of Criminal Appeals and it was this decision that was appealed to the Supreme Court.

Today's decision traced the history of the Ray case through Tennessee courts, from his guilty plea at Memphis March 10, to his letter to the late Judge Preston Battle stating his intention to seek a new trial, through his subsequent appeals.

It said that Ray had waived his right of appeal. "... It is well settled in Tennessee that when a defendant pleads guilty and fully understands what he is doing, as we believe this defendant did, there can be no ground to justify the granting of a new trial," the court

Otherwise, the doors of our state prisons would rea main ever ajar to those who are incarcerated therein on pleas of guilty, and who become dissatisfied, seek relief on motions for a new trial."

The court rejected Ray's contention that his letter to Judge Battle two days after his imprisonment at Nashville constituted an automatmotion for a new trial which, because of Battle's death shortly afterward, must be automatically granted under Tennessee law.

The high court decision closed the door on efforts through the state court system for a new trial in the

Ray case.

There are other possible avenues open, however.

Ray's attorneys have hinted that he might carry the fight into the federal courts.

At the time he pleaded guilty to the King slaying, Ray was represented by Percy Foreman, a nationally known attorney from Houston, Tex.

Foreman entered the case after Arthur Hanes, former Birmingham, Ala., mayor, had been dismissed by Ray.

Ray has carried on a running court battle with both Foreman and Hanes since his trial, petitioning federal court to declare invalid contracts with Ray for publication of a book about his involvement in the King murder.

William Bradford Huie, the author, also was involved in the suits but federal rulings in these petitions also have gone against Rav.

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Mississippi River

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At Memphis it will rise 4 foot by Friday and then fall 2 foot by Saturday and 6 foot by Sunday morning.
At Helena it will rise 8 foot by Friday, 3 foot by Saturday and then fall 2 foot by Sunday morning.

MISSISSIPPI RIVER

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condemned the Rev. James his followers for the Sept. 29 tal assembly chambers. There w nay votes scattered among the a

Wins Award

One of the Nixon administrati ranking black officials has be Freedoms Foundation award for a neighborhood self-help project ton state. Arthur Fletcher, ass tary of labor, won the award form a development corporati pressed neighborhood in Pasco residents bought stock in the and now own a shopping center

Going Back

A 24-year-old ex-Marine v Congressional Medal of Honor plans to re-enlist at San Fra because he "couldn't find ar civilian that appealed to me." A. Pittman, who has had only since suffering an eye defect said he spent 20 frustrating 1 hometown of Stockton, Calif., come a law enforcement officer.



Forecast

Sunny this afternoon and clear to-night. Fair Friday. Continued very cold through Friday. High this afternoon ground 18, low tonight about 5, high Friday near 24. Winds northwest 10-15 m.p.h. with gusts up to 25 m.p.h. this afternoon, becoming less then 5 m.p.h. tonight. Outlook for Saturday: Partly cloudy and not so cold.

Mid-South Weather

WEST TENNESSEE: Sunny this afternoon and clear fonisht, becoming fair Friday. Continued very cold through Friday. High this afternoon 15-25, low tonight zero to 10 abave, high Friday mostly in the 20s. Winds narthwest 10-15 m.p.h. with gusts to 25 m.p.h. this afternoon becoming less than 5 m.p.h. tonight. Outlook for Saturday. Parity cloudy and not se cold. NORTHEAST ARKANSAS: Sunny this afternoon and clear to tonight, becoming parity cloudy Friday. Continued very cold through Friday. High this afternoon in the low to middle 20s, lew tonight zero to 10 above, high Friday in the 20s to low 30s. Winds west to partity cloudy parity cloudy priday continued light and variable by late tonight. Gutlask on Saturday: Parity cloudy and not so saturday.

MORTH MISSISSIPPI: Sunny this

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