

Sheriff's Office, and the Memphis Police Department, be ordered by this Honorable Court to make available to your Complainant, through his attorneys of record, all documents, photographs, drawings, writings, electronic recordings, mock-ups, and oral statements reduced to writing and things pertaining to the assassination of Dr. Martin Luther King, on April 4, 1968, and offers of rewards published in connection with said incident.

2. For such other, and further relief as your Complainant is entitled.

GIPSON & TUCKER
Attorneys for Complainant

James A. Gipson

Robert A. Tucker

GIPSON AND
TUCKER
ATTORNEYS AT LAW
COURT HOUSE BUILDING
MEMPHIS, TENN. 38103
901/525-6331

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

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.

- 4* -

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Asst. Dir.:

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

TO : Mr. Franck

DATE: 11-27-73

FROM : G. E. Malmfeldt

SUBJECT: ~~GEORGE~~ McMILLAN
 FROGMORE, SOUTH CAROLINA
 REQUEST FOR DATA FROM OUR FILES ON JAMES EARL RAY

Captioned individual called Bureau Headquarters on 11-26-73 and was referred to Farrington of the Freedom of Information Act (FOIA) Unit. Mr. McMillan advised that he was working on a book concerning James Earl Ray which he hoped to eventually be published by Little, Brown and Company. In this regard, he stated that he had received various data on Ray which he feels is accurate but which he would like to have verified by the FBI. This information included evidence that there was, in fact, no conspiracy involved in Ray's slaying of Dr. Martin Luther King. He would also like to verify some information coming to his attention concerning Ray's activities while in prison and his association with one Stumm.

The provisions of the FOIA, particularly the exemption covering investigatory files compiled for law enforcement purposes that were not over 15 years old, were explained to him. Although he was quite disappointed over our inability to cooperate with him, he claimed that he fully understood. He stated that he would be back in touch with us some time in the future to determine if our position on furnishing him data on James Earl Ray had changed.

Our files reveal that Mr. McMillan is a free-lance writer who has contacted the Bureau on a number of occasions previously concerning the James Earl Ray case and various civil rights investigations conducted by the FBI in the South. As recently as January, 1971, in response to his request for data from the James Earl Ray case, the Department advised him that the only information which could be made available to him consisted of documents filed on behalf of the States of Tennessee and Missouri in the extradition proceedings concerning

- 1 - Mr. Franck
- 1 - Mr. Miller
- 1 - Mr. Gebhardt
- 1 - Mr. Heim
- 1 - Mr. Malmfeldt

JCF:law (7)

CONTINUED - OVER

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206420 12/13/73

George E. Malmfeldt

6/9/74

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U.S. DEPT. OF JUSTICE

G. E. Malmfeldt to Mr. Franck memo
Re: George McMillan

Ray in the British Court. Since it was the Department's intention to make those limited papers available in the future to authors, publishers or members of the public who wished to inspect them, Mr. McMillan was invited, by the Department, to review those documents only.

RECOMMENDATION:

For information in the event Mr. McMillan contacts the Bureau in the future.

JCF

RF

REG/AM

Emj/AM

F B I

Date: 12/28/73

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

Via AIRTEL _____
(Priority)

TO: *WGR* DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Re Memphis teletype to the Bureau dated 12/27/73.

Enclosed for the Bureau are two photostatic copies of a Petition for Temporary Restraining Order and two photostatic copies of a complaint, both documents filed in U. S. District Court, MDT, Nashville, Tennessee, on 12/27/73, by JAMES E. RAY.

No other action being taken at this time, however, contact will be maintained with USA, Nashville, and further developments will be properly submitted to the Bureau.

EX-105

REC-47

44-38861-5928

12 JAN 2 1974

3 - Bureau (Enc. 4)
1 - Memphis
WGR:dls
(4)

ENCLOSURE

SIX

58 JAN 9 1974

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

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

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

REC'D - CIV RIGHTS
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L
File
no.

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

FILED

DEC 27 1973

JAMES E. RAY, #65477
Plaintiff/ petitioner

BRADLEY J. LYLES, Clerk
By: *[Signature]*

vs.

HON. WINFIELD DUNN, Governor,
State of Tenn.

Civil action no 7338.

MARK H. LUTTWELL, Commissioner
of corrections, State of Tenn.

Defendants

PETITION FOR TEMPORARY RESTRAINING ORDER

Petitioner, acting pro se, alleges:

1. That on or about, December 21st 1973, petitioner was informed by deputy warden, Robert Morford, an employe of the Tenn. State prison, Nashville, division, that said prison officials was negotiating with Federal authorities to transfer petitioner-who is an inmate of said prison- to a United States government penitentiary.
2. That petitioner is under no penitentiary sentence pursuant to a conviction in United States courts, nor does the Federal government hold detainees against petitioner.
3. That said reported transfer is a logrolling operation devised by the Tenn. Attorney General's office, and the State administration, to obstruct petitioner's legal processes under the charge petitioner is incarcerated under and, political considerations for 1976; and not, as Gov. Dunn implied Dec. 21st during a TV news conference, "that Tennessee are incapable of managing their own institutions".
4. That petitioner intends to contest said reported transfer through the courts.

[Signature]
DEC 27 1974

44-38861-5928

ENCLOSURE

5. That an article in the, Tennessean, dated Dec. 22nd 1973, suggest's that their is a move afoot by Federal & State bureaucrats to surreptitiously attempt a removal of petitioner from his present jurisdiction, without reguar to due process of Law, to a Federal mental institution in, Springfield, Missouri.

6. That the State of, Missouri, not the Fdederal Government, has alleged succeeding jurisdiction over petitioner.

7. That petitioner received a back injury approximately thirty (30) days ago which prevents him from standing or sitting in excess of ten (10) minutes at a time, the nature of which would preclude his being transfered a substantial distance without the possibility of irreprable physical harm being done.

8. That petitioner has received inadquate treatment for said back injury and a transfer to Federal jurisdiction would obscure the negligence, if any, between Federal & State authorities.

WHEREFORE, petitioner prays the honorable court issue orders restraining the defendants from transferring petitioner beyon the instant court's jurisdiction, until a hearing can be held, as said reported transfer would result in immediate & irreprable legal & physical damage to petitioner; that the court also overlook technical errow herein- until petitioner can retain counsel which he is in the process of doing- since petitioner is denied use of the prison Law library.

Respectfully submitted:

plaintiff/ petitioner

Station-A

A. Block

Nashville, Tenn. 37203.

James C. Ray
65-4775

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

FILED

DEC 27 1973

JAMES E. RAY, 65477
Plaintiff

vs.

MARK H. LUTTRELL, Commissioner
of Corrections, State of Tenn.

JAMES H. ROSE, Warden, Tenn.,
State prison.

ROBERT V. MORFORD, Dep. Warden,
Tenn., State prison.

DAVID M. PACK, Attorney General
for, State of Tenn.

W. HENRY HAILE, Asst. Attorney
General for, State of Tenn. defs.

BRANDON LEWIS, Clerk
By *M. J. Hill*, D.C.

Civil Action no. 7338.

COMPLAINT

1. ALLEGATION OF JURISDICTION:

(a) Jurisdiction of the parties in the herein subject matter is based upon the amount in recovery.

Plaintiff, acting pro se, is a citizen of the State of Tennessee under "operation of law" in the subject matter; defendant, Mark H. Luttrell (here-in-after, Luttrell) is a citizen of the State of Tennessee; defendant, James H. Rose (here-in-after, Rose) is a citizen of the State of Tennessee; defendant, Robert V. Morford (here-in-after, Morford) is a citizen of the State of Tennessee; defendant, David M. Pack (here-in-after, Pack) is a citizen of the State of Tennessee; defendant, W. Henry Haile (here-in-after, Haile) is a citizen of the State of Tennessee.

The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

44-38861-5928

(b) Jurisdiction founded in the existence of a federal question and the amount in controversy:

The action arises under the sixth, eighth, and fourteenth, Amendments to the United States constitution, U.S.C. Title 28 § 1331 (a) as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existence of a question arising under particular statutes:

The action arises under Act 42 U.S.C.A. § 1983; U.S.C. Title 28 § 1343 (4) and 2201. As hereinafter more fully appears.

Plaintiff, JAMES H. RAY, Sues

Defendants, MARK W. LEBERFELL; JAMES H. ROSS; ROBERT W. WOFFORD; DAVID H. RACE; J. HERBY HALL, and alleges:

1. That on or about July 13th 1968 Plaintiff after being extradited from, London, England to the United States pursuant to cr. indictment no. 16089 was lodged in the Shelby county jail in, Memphis, Tennessee wherein said indictment was issued from.

2. That said jail section (A-Block) Plaintiff was confined in has been described among other ways as a "vault" by reasons of the windows were covered with steel plates, lights were burned twenty-four (24) hrs. a day; also various other tortuous operations were put into effect therein by the State.

3. That although Plaintiff was a prisoner of the State of Tennessee the (1) employees from the Federal Government were responsible for the formation of Plaintiff's living quarters in said jail, and the designation of rules governing operations of said jail section and the habitats therein, Plaintiff and two (2) security guards.

5. That during the period plaintiff was confined in said jail, between July 19th 1968 & March 10th 1969, he was beset with (as the logs maintained by his jailers will confirm) chronic headaches & nose bleeds due to the ventilating system therein; and under the guise of security medical attention was delayed when required.

6. That amongst the security officers stationed in said cell-block section with plaintiff for surveillance their was above average absenteeism due to illnesses due to the aforementioned construction of plaintiff's quarters: at least one(1) officer therein was hospitalized with pneumonia.

7. That the aforementioned confinement conditions were devised and put into operation by the government to enervate the prisoner therein and (sic) impair his ability to defend himself under said cr. indictment and, or, induce a guilty plea therein.

8. That it is public knowledge that the aforementioned confinement practices by governments are, when the situation requires, put into operation against recalcitrant defendants in cr. prosecutions (before & after trials) when the prosecution has the support of dominant governmental & private institutions. (See Exhibit- A).

9. That it was public knowledge that those representing the State, the prosecution, and evidently in this instance the court, and those they represent, the corporate business community, were solicitous of a guilty plea by the defendant in the aforementioned cr. indictment.

1 A book published by McGraw-Hill in 1969 and authored by Prof. William J. Casselias titled "Crime and the legal process" examines in detail, among other legal processes, institutionalized practices employed by the State in the confinement area to influence a cr. defendant's decision particularly to avoid jury trials.

2 In an interview with A.P. reporter, for the year, published in the papers on March 12th 1969, the trial judge in said cr. indictment stated:

Freston Little) will only told superior, lawyer, in effect that he wanted a guilty plea from the wife about therein because he (the Judge) was concerned that said defendant might have got a hung jury or, have been acquitted in a jury trial.

10. That on or about November 12th 1968 Attorney Percy Foreman of the Houston, Texas, Bar became counsel of record for the defendant (herein plaintiff) in the aforementioned cr. indictment by usurping that title by means of fraudulent representations to defendant Court from the legitimate counsel of record, Attorney Arthur J. Adams cr. of the Birmingham, Alabama, Bar.

11. That said Percy Foreman aided & abated the prosecution in the aforementioned confinement conditions of his client (Ray) through negligence in that he (Foreman) made no legal moves to alleviate said confinement conditions altho requested to do so by said client.

12. That said Percy Foreman, who has a history of defrauding clients, exploited the aforementioned confinement conditions his client was existing under for his own (Foreman's) financial enrichment, and to the legal ends sought by the prosecution therein (a guilty plea) through a series of, among other transactions, financial frauds perpetrated against said client & Court documented as follows:

(a) On November 12th 1968 Att. Foreman presented to his client (Ray) a typed written document to sign for his (Foreman's) retainer fee.

(See Exhibit- B)

on December 18th 1968 Att. Foreman represented to the trial court while inducing said client to falsely swear to a lawyer's oath that no money was available for investigative purposes or attorney fees. (Transcript, pp. 1-2-27. See Exhibit-C)

(B) On November 17th 1968 Att. Foreman met publicizing figure, William

...ations, Mobile, of Bartow, Alabama, in Fort Worth, Texas, wherein they unknown to said client entered into parcel agreements to finance Foreman's fee to plead said client guilty, through publishing ventures.
(See Exhibit- D)

on February 3rd 1969 Att. Foreman and said client entered into literary contract pursuant to the aforementioned Foreman's fee parcel agreement providing that Att. Foreman receive the entire proceeds therein to defend said client at "trial or trials" in Shelby county, Tennessee...said contract was later amended on March 9th 1969 to provide Att. Foreman with \$100,000 on condition said client plead guilty as charged to said cr. indictment.
(See Exhibit- E)

on February 4th 5, 1969, Att. Foreman misrepresented to the trial court through two (2) written motions that while he (Foreman) had received no fee and didn't expect to receive a fee the defense was without funds to prosecute the trial prior said indictment and thereby he (Foreman) was petitioning the court for permission to take and sell pictures of his client and, for the State to finance the resulting trial to. (Transcript p.1-2. See Exhibit-F)

on February 7th 1969 Att. Foreman in support of the aforementioned motions orally misrepresented to the trial court that he intended to receive none of the proceeds from the sale of said client's pictures. (transcript p.20-21. See Exhibit- G)

15. That the prosecution & trial court were to a considerable extent conversant with said Percy Foreman's heretofore described financial manipulations under said cr. indictment as witnessed by the transcript. (February 14th 1969 transcript p.34. See Exhibit- H)

14. That in testimony given under oath in November 1969 before the U.S. Dis. Ct. for the W.D. of Tenn., Memphis division (case no. 69-199), said Percy Foreman in effect admitted he defrauded the trial court and his client (herein plaintiff) in the aforementioned cr. indictment through the motions he (Foreman) filed, cited in count 12 herein above, by testifying in said Dis. Ct. that he & client (Ray) had verbally agreed in January 1969 to enter a guilty plea to said cr. indictment. (See Ex- J).

15. That plaintiff as defendant in said cr. indictment furnished said Percy Foreman with various items of information pursuant to a jury trial therein, including one phone number in the, Baton Rouge, Louisiana, area which he (Foreman) either 1) Neglected to investigate 2) investigated and suppressed the results thereof 3) furnished said information to the prosecution & his legal associate, the late John J. Hooker sr. of the Nashville bar or, 4) availed said information to his (Foreman's) literary confidants, William Fratford Huie & Gerald Frank.

16. That subsequent to plaintiff's plea to the aforementioned cr. indictment (on March 10th 1969) he (plaintiff) indirectly furnished in the form of two (2) phone numbers in the, Baton Rouge & New Orleans, area of, Louisiana, information- including that furnished said, Percy Foreman- to the late Z.T. Osborn jr. of the, Nashville, bar to have investigated. "Mr. Osborn reported the resident listed under the, Baton Rouge, phone number was a parish official under the influence of a Teamster Union official in the Baton Rouge area; that the resident listed under the, New Orleans, area was- among other things - an agent of a Mideast organization distressed because of Dr. Martin Luther King's reported forthcoming, before his death, public support of the Palestine Arab cause.

17. That plaintiff would produce exhibit to indicate State agencies, including the Tenn. Attorney General's office, were conversant of the material furnished said, Percy Foreman, cited in counts 15 & 16 herein above.

18. That subsequent to the March 10th 1969 plea by defendant (hereinafter plaintiff) to the aforementioned cr. indictment plaintiff was, on March 11th 1969, transferred to the State penitentiary in Nashville, and forthwith placed in the punitive-administrative segregation building.

19. That plaintiff was shortly thereafter informed by then Correction's Commissioner for the State of Tennessee, Mr. Harry Avery, that if he (plaintiff) would among other things cease efforts to over-turn the aforementioned guilty plea he (plaintiff) would be released from segregation and treated like any other prisoner, Commissioner Avery said he was speaking for the highest authority!

20. That thereafter plaintiff did not cease efforts to have said plea reversed in the courts and subsequently said, Harry Avery, announced at a news conference that plaintiff would never be released from segregation as long as he (Avery) was Tennessee's correction's commissioner.

21. That upon entering said prison plaintiff had recurring severe nose bleeds, which were first manifested in the Shelby county, Tenn., jail, and which on two (2) occasions required medical treatment in the segregation building for relief such as coagulative injections, ect. ect... a prison physician attributed this condition to the type confinement plaintiff was incarcerated under in said Shelby county jail, a lack of natural air.

22. That plaintiff during said period, described in count 21, also experienced attacks of conjugal spasms and on one (1) occasion required hospital treatment wherein medication named Ronatal was prescribed... a prison physician attributed this condition to the type confinement plaintiff was confined under both in said Shelby county, Tenn., jail and later the, which the doctor diagnosed as hypertension.

23. That special attention for plaintiff's ailments, described in counts 21 & 22 herein-above, was frequently delayed under the guise of security by defendant, those, then a deputy warden.

24. That thereafter plaintiff petitioned the U.S. Dis.ct. for the E.D. of Tenn. (Hon. William T. Miller, residing) for sufficient relief; the court granted a hearing (Civil action no. 599, Jan. 20th 1970) and therein former State Correction's commissioner, Harry Avery, who had been dismissed from that position prior to said hearing, testified that he and, Mrs. William H. Barry, administrative assistant to the Gov. of Tenn. had met before plaintiff had pleaded guilty, under the aforementioned cr. indictment and decided he (plaintiff) would upon entering the State of Tenn. prison system be confined in punitive-administrative segregation... Mr. Avery offered a written document to support said testimony to justify his actions in the matter but the court ruled said document inadmissible.

25. That Tenn. Correction's commissioner, Mr. Lida Russell, who succeeds Mr. Avery, testified in effect at said Dis.ct. hearing that he (Russell) intended segregating plaintiff until his litigation was terminated.

26. That Judge Miller granted plaintiff limited relief in said hearing under a "Consent Decree" but shortly thereafter under the guise of security the defendants suspended portions of the relief ordered; and thereafter due to trivial harassment plaintiff was compelled to discontinue the relief order in toto.

27. That in April 1970 plaintiff was transferred to the Tennessee State penitentiary in Petros, Tennessee.

28. That in the, Petros, institution plaintiff was confined in C-Block wherein worked in quarters housing the more highly dangerous prisoners, as well as having yard rights with, and others, said violence and others

29. That in the first quarter of 1971 Mr. Robert W. Moore was appointed Warden of said, Petros, institution and he (Moore) shortly thereafter phased out all forms of segregation by block in the prison.

30. That in May 1971 plaintiff was transferred to A-block and thereafter was under absolutely no forms of segregation in said institution, protective or security, until the prison was closed in July, 1972.

31. That on or about July 22nd 1972 plaintiff was transferred back to the State Penitentiary in, Nashville, and forthwith placed in Unit-6, the segregation building.

32. That on or about July 23rd 1972 plaintiff appeared before the prison classification board composed of former, Petros, Warden (Mr. Robert W. Moore) and defendant (Robert Worford) of the, Nashville, prison and therein said board released plaintiff, with approval of the Warden (defendant Rose), into the general prison population after plaintiff followed prison policy of signing a document requesting and taking responsibility for release into the general prison population.

33. That on or about August 1st 1972 plaintiff was called off the main prison yard to the operations office and given a document by defendant, Worford, reciting that plaintiff was being re-segregated because of previous escape attempts. (See Exhibit- L).

34. That plaintiff then requested from defendant, Worford, to speak with the Warden, defendant Rose, about the confinement matter and thereupon defendant, Rose, verbally gave an assortment of reasons for the re-segregation of plaintiff, such others in effect as follows:

- (a) the newspapers might find reasons to criticize the administration if plaintiff was released into the prison population and some incident took place.

(b) When the defendant, plaintiff in the aforementioned order, advised that he was incarcerated under such conditions because of his (b)(7)(c) attempts to obtain a jury trial thereon, and that plaintiff might be released from segregation if he terminated his litigation.

(c) That he (Rose) was ordered by higher authority to re-segregate plaintiff.

35. That defendant, Rose, then assured plaintiff he would be released from segregation after approximately two (2) months if the Petros, institution was not reopened within that period; and that while plaintiff was confined in the segregation building, he would be granted the relief specified in the aforementioned order issued by Dis. Judge, William F. Miller.

36. That thereafter plaintiff was confined and did work in the segregation building and on request was permitted to go to a small enclosure (yard) behind said building for exercise and therein single with other prisoners serving such violation sentences.

37. That the plaintiff is no more subject to assault from inmates than any other prisoner in the institution; if the plaintiff was subject to assault it would be from the State which has access to his twenty-four hours per day regardless of his confinement quarters.

38. That in September or October of 1972 plaintiff was advised by Mr. Edwin Hayes (a prison employee) and Bob Sasser (79613) (a convict counselor) that the prison's office had informed them that the Governor of Tennessee (Gov. Buford Ellington) had personally ordered plaintiff into segregation.

39. That thereafter during an inspection of the segregation building by defendant, Marshall, plaintiff was informed upon inquiry that no further action was intended for the courts to decide when plaintiff was released from segregation.

40. That in response to a letter from plaintiff dated January 2nd, 1973 the office of the Governor of Tennessee, denied knowledge of plaintiff's confinement circumstances in the prison. (See Exhibit-4).

41. That on May 1st, 1972, during a news conference, Tennessee's Governor, Don Minicield Dunn, endorsed the herein alleged confinement conditions being practiced by State correction officials against plaintiff.

42. That after serving approximately four (4) months, until Dec. 1972, in the segregation building and not being released into the general prison population, and the program promised by defendant (Rose) under Judge Miller's aforementioned order being gradually subverted by prison officials alleging security consideration, plaintiff returned to lock-up status.

43. That it is a tactic of State correction officials to arbitrarily confine a prisoner in segregation until he commits an overt act then justify prior & continued segregation by reason of said act.

44. That in January 1973 plaintiff protested, along with others prisoners in segregation under questionable circumstances, by refusing all meals and throwing said meals back on-to the walk.

45. That thereafter, approximately four (4) days after plaintiff had begun refusing meals defendant, Warford, entered plaintiff's cell and ordered him out to be taken to the 'hole', when plaintiff turned to retrieve his shirt said, Warford, punched plaintiff in the back of the head and called a guard concealed nearby and plaintiff was then transported to the 'hole'.

46. That several days thereafter on being transferred back to the segregation building from the 'hole' plaintiff, who had had a tooth broken off earlier, was required to wait approximately three (3) weeks before receiving dental treatment on order's of defendant, Warford.

47. That on or about February 22nd, 1973 plaintiff was transferred to another more restrictive segregation building (unit-1) and in the process numerous items of personal property was confiscated or destroyed, allegedly to comply with unit-1 rules, as follows: legal books; fan; shaving equipment, ect.ect.

48. That prisoners in the present segregation building (unit-1) are subjected to a multitude of petty & serious inequities in comparison with the regular prison population as follows:

(a) dietary restrictions.

(b) hygienic restrictions.

(c) denial of recreation activities; rehabilitation programs; law library; commissary purchases, ect.ect.

49. That plaintiff is now existing under solitary confinement conditions under precise interpretation of that phrase is that in concert with being transferred to unit-1, in Feb. 1973, orders were put into effect by the Warden's office denying plaintiff association with other prisoners, even on the segregation building yard. (See Exhibit-1).

50. That the plaintiff has now been incarcerated in the Tennessee prison system in excess of five (5) yrs. and except for his interlude in the Petros institution, where the wardens were more independent, confinement conditions have become progressively more onerous, and plaintiff cannot receive equity from the prison disciplinary board, which is suppose to safe guard prisoners due process, since the Warden's office can and frequently has overruled said board when the board rules favorably for inmates.

51. That on or about June 12th 1971 counsel representing plaintiff, Mr. Bernard Constable, argue before the U.S. Dist. Ct. in the U.D. of Tenn. for relief from said confinement (See civil action no. 7006) under an order to show cause issued by said court; therein Inst/ Att. Gen. W. Henry Hulle representing the Tenn. correction commissioner's office made various

misrepresentations of material facts to the court, subject to proof,
as follows:

Hails- (1) the plaintiff has attempted to escape seven times from the Missouri penitentiary (p.14) and twice attempted to escape from the Brushy Mountain (Petros) institution. (p.29)

Fact- "both of these representations are numerically false".

Hails- (2) the plaintiff was not in the general prison population at the Brushy Mountain institution. (p. 15 & 2)

Fact- "the plaintiff was in the general population at the Brushy Mountain institution beginning May, 1971; also, apparently the court has been misled respecting this matter in the Crafton case. (p.15)

Hails- (3) the plaintiff would have the run of the entire segregation building (unit-1) and a chance to meet more prisoners. (p.19)

Fact- "prisoner working in unit-1, all of whom have asked for protection, are released from their cells for approximately one(1) hour three times per day at meal time to help feed the other prisoners & clean the flock; they are restricted during said one (1) hour periods, except when working on walks with officers, to an area approximately 20x60 feet; further, under the special rules of unit-1, workers therein could be placed in the 'hole' and dismissed from their job if caught either talking to non-working prisoners or reading around the unit.

Hails- (4) the plaintiff was re-segregated-after being released two(2) days into the general prison population- because there had been no change in his classification. (p.22)

Fact- "the plaintiff was released into the general population for four (4) days by a classification board consisting of Warden Gregory Mountain Warden, Robert H. Moore; and Deputy Warden, Robert Worford, of the Nashville prison.

2. That the defendants are guilty of the violations as follows:

(a) defendants, Luttrell, Fosse and Morford of the following violations:

- (1) of making fraudulent representations to the Dis. Ct. through the Tenn. Att. Gen's. office in the aforementioned civil suit (no. 7506) in order to prolong plaintiff's lock-up in solitary confinement.
- (2) of arbitrarily with malicious intent withholding timely medical treatment from plaintiff.
- (3) of attempting to impair plaintiff health with the approval of the present Governor of the State of Tennessee.
- (4) of arbitrarily denying plaintiff access to prison law library.

(b) defendants, Pach, and Helle of the following violations:

- (1) of making negligent misrepresentations to the Dis. Ct. in the aforementioned civil suit (no. 7506).
- (2) of being, convergent with, including material cited in count 16 herein above, exculpatory evidence respecting plaintiff to the defendant in the aforementioned cr. indictment through their client, the Att. Gen. of the Nineteenth judicial Dis. of Tenn., and (sic) they owing to their vested interests are advocating and maintain oppressive confinement conditions against plaintiff so as to obstruct & discourage plaintiff from exercising his const. right to appellate review under said cr. indictment.

(c) defendants acting collectively of the violations as follows:

- (1) of acting in collusion to deprive plaintiff of his const. right (civil & criminal) by arbitrarily re-instituting, with an expressed malice direct toward plaintiff, oppressive confinement conditions in order to influence & subvert plaintiff's decisions in the aforementioned cr. indictment he is incarcerated under and (sic) obstruct justice.
- (2) of acting in collusion to avoid the agreements in the aforementioned civil suit (no. 7506).

53. That the plaintiff is entitled to exemplary damages because defendants should be taught that their hereinabove described operation is repugnant and violative of public policy as evidenced among other ways by National political figures & Media editorialists not infrequently pointing self-righteous fingers at what they allege to be inequities in other countries corrections & Legal systems; furthermore, that it is legally reprehensible for the State to resort to the same legal tactics when arbitrarily holding a prisoner under oppressive confinement conditions as they do in controversial cr. suits, i.e., procrastinate for years before a final adjudication, a tactic which C.J. Warren Burger in a public address on Sept. 20th 1973 referred to as "...forcing them (cr. defendants) to wait endlessly while memories grow dim and witnesses move or die.

54. That as a proximate result of the defendants tactics and their predecessors plaintiff has not only been falsely imprisoned for a crime he didn't commit, as interpreted under the Anglo-American Extradition Treaty, and therein subjected to unnecessarily oppressive confinement conditions but several of those allegedly representing him, particularly said Percy Foreman, have also exploited this confinement situation for personal & prosecutorial interests.

WHEREFORE, plaintiff demands a judgment from the defendants for punitive damages of five hundred thousand dollars; and prays the honorable court overlook any technical deficiencies in this complaint until Counsel can perfect same since plaintiff is denied access to the prison Law Library, and (sic) cannot research remedial Law.

James e. Ray

Station-A

Nashville, Tenn. 37203.

James E. Ray
65477

Stalin Era Confessions Revived

By THEODORE SHABAD
The New York Times News Service

MOSCOW — The public recantation by two Soviet dissidents has renewed the issue of political confessions that was dramatized by Arthur Koestler in his 1949 novel "Darkness at Noon."

The basic question is, what set of circumstances can possibly induce presumably strong-willed dissenters — political opposition in the Soviet Union is not for the weak — to avow such a total change of mind and heart as Viktor A. Krasin and Pyotr Yakir did at a widely publicized news conference Wednesday.

Yakir, a 50-year-old historian, and Krasin, a 44-year-old economist, reiterated testimony given at their trial the previous week that they had damaged the interests of the state by publishing an underground typewritten newsletter, the well-known Chronicle of Current Events, and by maintaining links with anti-Soviet organizations abroad.

"I would like to emphasize," said Yakir, the son of a prominent general purged under Stalin, "that it was not fear of punishment that led me to acknowledge my guilt and to recant, but realization of

the harmfulness of my acts, a realization that did not come overnight, but after long soul-searching."

Krasin, speaking in the same even tone, as if reciting

Behind the News

a rehearsed text, in the glare of klieg lights before more than 200 Soviet and foreign newsmen, said:

"I want the Soviet and foreign public to know that our behavior in the investigation and at the trial was the result of a rethinking of our past errors that led us to these crimes, and that any suggestion of the use of pressure, threats or illegal methods against us is devoid of all foundation."

There is obviously no immediate way of establishing whether the metamorphosis of the two men is genuine or a carefully disguised sham designed to earn a reduced sentence for their dissident activities. They were given a term of three years' confinement to be followed by another three years' endorsed residence in a remote part of the country, instead of the maximum combined sentence of 12 years.

Although the sincerity of their repudiations necessarily remains an open question, enough is known from the

Stalin purges to suggest that day-in, day-out cajoling and intimidation can gradually wear down the psychological resistance of a prisoner, as Koestler has shown in his book.

Similar methods were used in the controversial "explanation" sessions at the end of the Korean war in late 1953, when Chinese and North Koreans sought to persuade Communist prisoners of war to choose repatriation.

The method appears to have been particularly effective when used by skilled interrogators operating within a well defined ideological framework and appealing to the sense of patriotism, the feeling of loyalty to one's country, and moral obligation to fellow citizens.

The impact produced by a carefully focused ideological persuasion might be further enhanced by playing on any personal weaknesses of the accused. Yakir, for example, was known to be a heavy drinker, and some dissidents have suggested that he gave information to interrogators only after having been hospitalized twice for deprivation of alcohol.

Reported interrogations of members of Yakir's family, including his daughter, Ikrina, may also have played a role in persuading Yakir to

cooperate with the authorities.

Although there appears to be some superficial similarity between the Yakir-Krasin recantations and the public confessions of the great Stalin purge trials, there are also significant differences.

The defendants in the trials of the 1930's confessed to fabricated acts of espionage after they had been confronted with charges that were later officially declared to have been without foundation.

Yakir and Krasin, on the other hand, were well known as political oppositionists, and at least some of the activities they now declare to have been illegal, such as meetings with foreigners, can be corroborated by any of the western newsmen who received dissident news items from them.

But the tantalizing question of what makes such men recant still leaves unanswered the broader issue of why the Soviet Union feels compelled to root out its tiny dissident group.

The apparently overwhelming preoccupation with even the slightest political opposition seems to reflect an inner insecurity and a fear that disaffection may spread and ultimately undermine the structure of the Soviet system, as now conceived by its leaders.

EXHIBIT A

revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the court room, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of \$165,000.00. These funds over and above the first \$165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of \$14,000.00, and I think these expenses should be paid in addition to a \$150,000.00 fee. I am sure the expenses will exceed \$15,000.00 but I am willing to rest on that figure.

Yours truly,

/s/ Percy Foreman

/s/ James Earl Ray

PF-4

Exhibit 4

(11/22/69)

Shelby County Jail
Memphis, Tennessee

November 12, 1968

Hon. Phil Canale, Jr.
District Attorney General
Shelby County Court House
Memphis, Tennessee

Sheriff William Morris
Shelby County Court House
Memphis, Tennessee

Judge W. Preston Battle
Circuit Judge
Shelby County Court House
Memphis, Tennessee

Gentlemen:

You are holding as evidence in the case of The State of Tennessee v. James Earl Ray a 1967 White Mustang automobile and a Remington rifle. I have this day assigned and by this letter do here now assign them to Percy Foreman, my attorney, of Houston, Texas, as his property absolutely. At the conclusion of my trial, he will request delivery of these items to him or his order. This is your authorization and my request that you give them to him.

Respectfully yours,

/s/ James Earl Ray

EXHIBIT - B

December 18, 1968

JAMES EARL RAY

THE COURT: Alright, Mr. Foreman, I believe about a month ago I asked you to give me a report on your progress in the matter about this time.

MR. FOREMAN: Yes, your Honor. May it please the Court, when I came into this case on the 10th of November, the afternoon, I had no intention or plans or expectations of being, I was committed to many Courts, however, it came to me as my duty both to my profession and to my man, to accept the case. I have spent most of the time, more than three fourths of the time since I was committed to this to arrange my docket so that I would have time for this case. All of the Courts in Texas both Federal and State have deferred to my responsibilities in this case. However, the first two weeks of the effort from the 12th of November, maybe a few days longer than that, were dedicated to attempting to get the results of the investigation of the counsel in the case ahead of myself. I eventually received a transmittal of what reported to be an investigation accompanied with a letter stating that, of course most of the investigation is in the

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-1-

EXHIBIT-C

mind of the lawyer and the, regardless of what
may have been stated or may have been printed
about the case being ready for trial, your
Honor, in my experience and my judgment, the
case was not and is not and will be a miracle
if it is ready for trial on March 3rd. I
was furnished a list of some 360 witnesses
by the prosecution. I was told that 90 to
95 would probably be all that would be used
but I was not given the names of those 90 to
95 so that I am relegated to attempting to
contact and I have made arrangements to that
end to the best of my ability, your Honor.
May it please the Court, there is no money
whatever available in this case for either
investigating expenses or attorney fees as of
now. There have been numerous offers by
publications, magazines and writers to under-
write the fees of this defendant but most of
them have a hook in them. I am not willing
at this late period of my life to prostitute
principles that I hold dear in defense of a
thorough case to a pandering press and it
may be that there will be an arrangement
under which these can be available but they
did not induce me to come into this case and

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-2-

EXHIBIT-C

that have to be answered under oath so raise
your right hand, "Do you solemnly swear that
you will truthfully answer the questions
asked you about your indigency at this time?"

DEFENDANT: Yes, Sir.

THE COURT: Alright, you can put down your hand. Do
you have any money or property available to
make available for the investigation of your
case and for the expenses of so investigating?

DEFENDANT: No, Sir.

THE COURT: Alright, you can be seated.

MR. DWYER: Your Honor, do we have the right to ask him
any questions about his indigency?

THE COURT: No, Sir, I can handle that myself.

MR. DWYER: Thank you, your Honor.

THE COURT: Mr. Foreman, I think the requirements of
this case are peculiar in that as I observed
once before we have some 360 potential witnesses.
They are scattered over North America and Europe.
You as I understand it practice alone.

MR. FOREMAN: Yes, your Honor.

THE COURT: I think that we have here one of the finest
Public Defender's Offices as I know anything
about. They have the necessary expertise
and the necessary policy of any I know of.
They don't merely put up a token defense.

EXHIBIT - C

the psychiatrists in Missouri who had examined Ray told me: "From what we know of him it's hard for us to believe he was capable of the initiative required to commit such a crime. We have to believe that he was directed."

So in what I wrote in September I supported conspiracy. My articles were useful in that I presented Ray as a human being, and I revealed places he had been and things he had done which the FBI didn't know about. The FBI didn't even know that he had plastic surgery until I told them. But all that doesn't justify my mistake of plugging conspiracy. Sure there may have been conspiracy in the strictly legal sense that one or two other men may have had prior knowledge. But not in the sense that so many people want to believe, or that I implied.

Now I wish that I had never gone into this case at all. A lot of nonsense is being talked about the value of my rights to "the story." The story is of relatively little value because it's only the story of another Oswald, another Sirhan, another twisted nut who kills a famous man to get on television. That's all there is to it. I'm going to complete a book for what it's worth, and try to present a true picture of a twisted nut and all the damage he can do. But far from making any money, I don't expect to get back what I will have spent.

And speaking of mistakes, I believe you've made one. This is not your sort of case. You let them get you to Memphis where the old fire horse couldn't resist another race to the fire. But a week after you begin trying to work with Ray you'll know that there is no defense, and you'll be as sick of the case as Hanes was. You did Art a favor by replacing him; you just haven't realized it yet.

Mr. Foreman liked my three-way contract with Ray. All he wanted was for Mr. Hanes to get out so he could have what Mr. Hanes had had. "I like the idea of owning 60 percent of one of your books," he said, "while you own only 40 percent. So you get Hanes out and let me in, then, goddam it, get to work and write us a good book and make us a good movie and make us some money."

"I don't mind you having the money," I said. "But your client hasn't met his obligations. I want to know how, why and when he decided to kill Dr. King."

"He may be incapable of telling anybody that," Mr. Foreman

EXHIBIT-D

LAW OFFICES OF
PERCYN FORREMAN
604 FOUR CORNER BUILDING
HOUSTON, TEXAS 77002

CA 4-9321

MAIN AT RISK

March 9th, 1969

Mr. James Earl Ray,
Shelby County Jail,
Memphis, Tennessee.

Dear James Earl:

You have heretofore assigned to me all of your royalties from magazine articles, book, motion picture or other revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the courtroom, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of \$165,000.00. These funds over and above the first \$165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of \$14,000.00, and I think these expenses should be paid in addition to a \$150,000.00 fee. I am sure the expenses will exceed \$15,000.00 but I am willing to rest on that figure.

Yours truly,

Percyn Forreman

PF-4

James Earl Ray

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EXHIBIT - E

FILED Feb 4, 1965
J. BLACKWELL, CLERK
BY P. C. Cohen D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
Division III

STATE OF TENNESSEE

Vs.

No. 16645 and No. 16819

JAMES EARL RAY,

Defendant

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes presently pending on the docket of this Court and files this Motion to Permit a photographer of his selection to take photographs of said defendant for the purpose of obtaining funds with which to prepare for the trial of his case or cases; and, in support of said motion, would respectfully show said Honorable Court:

I.

Defendant is advised that there is a commercial value to a series of pictures if they can be made available as exclusive to a picture magazine and that this value is respectively either \$3,000.00 or \$5,000.00.

II.

That there is insufficient money available to bring necessary witnesses from other States and other Countries, unless this request be granted. That, if granted, all such monies derived from the sale of said pictures, will be expended in the actual preparation for trial and the trial of said case or cases. That Defendant is without funds or monetary resources with which to prepare his case properly for trial, unless these funds be made available.

III.

Defendant says that the taking of a great number of photographs will be necessary in order to obtain the two or three dozen that would comprise the selection for publication, and this would require a considerable period of time for the photographer to pre-

EXHIBIT D

P. I.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

FILED 2-5-69
J. A. BLACKBELL, CLERK
BY J. L. Blackberry D. C.

STATE OF TENNESSEE

Vs.

NOS. 16645 and 16819

JAMES EARL RAY

MOTION TO DESIGNATE COURT REPORTERS AND PROVIDE FOR
THEIR COMPENSATION BY THE STATE OF TENNESSEE

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes and files this Motion to Designate Court Reporters and to enter an order that will provide for the payment of their fees by the State of Tennessee; and, in support of said motion would respectfully show the Court as follows, to-wit:

I.

Said Defendant has heretofore testified in open court to the fact that he is an indigent person and has been so adjudicated by this Court; and, pursuant to said finding this Court has appointed the Public Defender of Shelby County to act as counsel for said Defendant. Co-counsel, Percy Foreman, admitted for the purpose of appearing in the above cases has received no fee and does not contemplate that he will receive any such fee for his appearance herein.

II.

This motion is filed pursuant to the provisions of the Tennessee Code of Criminal Procedure, Articles 40-2029 through 40-2043, inclusive, the same being Chapter 221 of the Sessions Laws of the Legislature of the State of Tennessee, Acts of 1965, which give the Court the power and authority to grant all of the relief herein prayed for, and, in the opinion of the attorneys for this Defendant, make the granting of such relief mandatory.

III.

Defendant says that Shelby County, Tennessee is a principal metropolitan area of the State of Tennessee, having a population

description of this defendant at all and would be very material evidence if I were on the jury and I think the Trial Judges and trial lawyers would know that such material testimony would be material and we think we are entitled to produce it the only way that we can. I will get to the \$5,000 in a minute, your Honor.

THE COURT: I imagine we will get to a number of things in a few minutes.

MR. FOREMAN: At any rate, I will dispose of that at this time. Your Honor, that \$5,000 is on deposit in a bank in another, in a trust fund and the expense of this case if it were to come within, from the defense standpoint, if it were to come within the \$5,000, it would be some merit to the argument of Mr. Dwyer but the expense, actual out of pocket expense for the trial of this case, if we are relegated to bringing witnesses here for the defense alone, will run \$50,000 or \$100,000, your Honor, and we intend to report to the Court and to give the Court cancelled checks for every item of expense in this case if the Court will receive and review them because I want it said at the conclusion of this trial that

WIT- G

I did not receive anything for my part of this case and it is true that this \$5,000 that he speaks of was paid. It was due under a previous contract between the previous attorney, the defendant and Mr. Huie and Mr. Huie asked permission to pay it but that's all that has been paid, your Honor, and as of today I have no reason to believe that anything else will be paid. It was already accumulated. It was due under this contract to have been paid December the 12th and it was paid as soon as we would permit Mr. Huie to do it. Now, that's the \$5,000. It will not go anywhere near the compensation. Actually, we already have accumulated alleged bills more than twice what the \$5,000 would amount to. Now, going on to the other witnesses here, we don't, we at least hope this Court does not picking our cue from the argument of the prosecuting attorney, believe that anybody can prove any fact either from the Missouri State Penitentiary or elsewhere that we are relegated to what the prosecution believes will be a favorable witness to prove that fact. We are, we

Feb, 7th.

EXHIBIT G

2-14-69

to make daily reports turned over to his
counsel. I think the State of Tennessee is
a lot nearer bankruptcy than anybody realizes,
because that will break anybody. I think
Court reporters and this is no reflection on
anybody, but I think that the reason that we've
got machines now, is because they priced them-
selves out of the market and the available
money for reporting cases for indigents, the
only way it could be done was by use of these
machines. So, I think that we are going to
have to clarify and solve the status of
Mrs. Otwell. Mrs. Otwell was hired while
Mr. Hanes was in the case and while money
was freely flowing from Hule to Ray to Hanes.
Now, Mr. -- since that time, well, Mr. Ray
has gotten up in Court and sworn that he was
indigent and he had no money to provide for
his defense. Since which time it has further
been complicated by a payment of \$5,000.00
to you, Mr. Foreman, as I understand it, by
-- (INTERRUPTED)

MR. FOREMAN: To my control, your Honor, but not to
me, to Mr. Ray. I wouldn't accept it.

THE COURT: I see. Well, that's that and it's further

EXHIBIT-H
34

2 Q. Your conversation with Judge Battle where
3 you told him what you wanted to do, was that in his chambers
4 there in Memphis?

5 A. Yes, sir, I met with Judge Battle many times
6 six or eight times.

7 Q. Now, when did you first receive money from
8 Mr. Huie through Mr. Ray?

9 A. I didn't receive money from Mr. Huie through
10 Mr. Ray. I received a check payable to Mr. Ray, I think the
11 29th of January. Wait, I have a copy of my receipt.

12 Q. Was that the first check?

13 X A. There were two checks. I think the first
14 was January 29th and the other in February. If you will wait
15 a minute I will give you the dates. I think I saw them in
16 here, copies of the receipts. Here is one of them. I received
17 the first \$5,000 check, Mr. William Bradford Huie's check No.
18 1540 on January 29, 1969; I received the second check, No.
19 1544, on the 18th of February. Both of them were drawn on
20 Citizen's Bank of Hartselle, Alabama.

21 Q. On what date did James Earl Ray enter his
22 plea of guilty?

23 A. I think it was March 10, 1969.

24 Q. On what date did Mr. Ray agree to that
25 plea?

3 it in writing, let me see, I have not -- I mean, sometime be-
4 tween then and the 18th, - February 13, I wrote him a letter
5 February 18th he wrote me a letter asking me to or confirming
6 what we had already agreed on verbally.

7 Q. Did Mr. James Earl Ray ever send you a
8 letter saying you could withdraw from the case if you wanted
9 to because of any political or financial reasons?

10 A. No, nothing was ever said about my with-
11 drawing from the case except after it had got here to Nashville
12 from having pleaded guilty and his being transferred to the
13 Tennessee State Penitentiary. I received some kind of com-
14 munication from him, I believe, asking me to take no further
15 action as his attorney. I don't know whether it was a tele-
16 gram or a letter.

17 Q. Do you know former Justice Tom Clark?

18 A. Very well.

19 Q. And you know former Attorney General Ramsey
20 Clark?

21 A. I know him. Not quite as well as I do Tom
22 I used to room with Tom.

23 Q. Have you ever discussed the James Earl Ray
24 case with either one of them?

25 A. No -- let me see. I don't know if I did

~~EXHIBIT C~~

EXHIBIT - J

Tennessee State Penitentiary

STATION A @ NASHVILLE, TENNESSEE 37203

August 1, 1972

MEMORANDUM:

TO: Mr. James Earl Ray
#65477

FROM: J. H. Rose, Warden *JHR*
Tennessee State Prison

Robert Moore, Warden *RM*
Brushy Mountain Prison

After reevaluating the decision to release you to the general population, this is to notify you that you will be placed back into protective custody in Unit #6 because of the following reasons:

- (1) You have an attempted escape from Missouri State Penitentiary.
- (2) Attempted escape on two (2) occasions from Brushy Mountain Penitentiary.

When Brushy Mountain is reopened and you are transferred back to that facility, your status will be reevaluated by that institution in regard to letting you into population.

JHR/RM/bjm

cc: Commissioner Luttrell
Assistant Commissioner Bass

EXHIBIT - L

Wifield Dunn
Governor

State of Tennessee

W. Dale Young
Executive Assistant
to the Governor

January 9, 1973

Mr. James Earl Ray
#65477
Confinement
Tennessee State Prison
Nashville, Tennessee

Dear Mr. Ray:

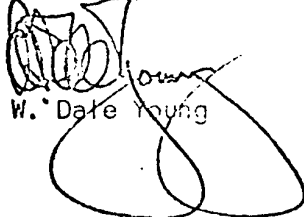
Governor Dunn has asked me to acknowledge the receipt of your letter of January 2, 1973 relevant to your treatment while confined in the State prison system.

Please be advised that the Governor has never personally directed any of the alleged mistreatment you complain of.

The Governor has the utmost faith and confidence in the ability and integrity of his Commissioner of Corrections, the Honorable Mark Luttrell; and he has taken the liberty to forward a copy of your letter to Commissioner Luttrell for his complete and thorough investigation.

With every good wish, I am

Sincerely,


W. Dale Young

ml

EXHIBIT- M



Tennessee State Penitentiary

STATION A • NASHVILLE, TENNESSEE 37203

June 27, 1973

MEMORANDUM

TO: James Earl Ray 65477
Unit 1

FROM: Robert V. Morford, Deputy Warden *RM*

SUBJECT: Exercise Privileges

Your memorandum of June 24 concerning your recreational privileges has been forwarded to my attention. There are several residents beside yourself who are offered exercise in the smaller enclosure rather than the larger yard, and it is not factual that a different set of rules applies to you specifically. In regards to your statement that "about once every three days" you are offered the opportunity of going to the smaller yard, the facts do not support your statement.

A log is maintained on each resident in Unit 1 to indicate when they exercise or when they are offered the opportunity of exercising. This log book, in regards to your situation, reveals the following:

- 1) On June 1, 2, 4, 5, 7, 8, 20, 21, and 22 you were not offered the opportunity to exercise.
- 2) On June 3, 6, 9, 10, and 11 you did exercise in the smaller yard.
- 3) On June 13, 15, 16, 17, 18, 19, 23, 24, 25, and 26

EXHIBIT-N

Page 2

you were offered the opportunity to exercise and refused to do so.

The fact that you have been restricted to your cell in regards to exercise privileges has been your choice and not the Administration's.

RVM/md

cc: Mr. Robert Childress

F B I

Date: 12/27/73

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

Via AIRTEL AIR MAIL
(Priority)

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

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

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

LEADS:

THE MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE

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

- ② - Bureau (Encs. 2) ENCLOSURE
- 1 - Memphis

REC 27

44-38861-5929

JCH:cjs
(3)

15 JAN 2 1974

EX-117

ENCLOSURE ATTACHED

Approved: [Signature] Sent _____ M Per _____
Special Agent in Charge

54 JAN 9 1974

REC'D-CIV RIGHTS

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

JAN 2 4 52 PM '74

JAN 2 4 07 PM '74

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

JAN 3 1974

[Faint, mostly illegible typed text follows, appearing to be a memorandum or report. The text is too light to transcribe accurately.]

(Mount Clipping in Space Below)

TV Station Says Ray Named Others In Plot

NASHVILLE, Dec. 26. — (UPI) — A television station quoted "highly placed sources" Wednesday night as saying James Earl Ray has completed a document in which he names several persons who he claims were involved in a conspiracy to assassinate Dr. Martin Luther King Jr.

However, U.S. Dist. Judge L. Clure Morton said late Wednesday he had received no documents from Ray, who is serving 99 years in the state prison here following his conviction in the 1968 murder of the civil rights leader in Memphis.

Several federal court clerks also said they had received no such document by closing time Wednesday.

WSM-TV said the sources said Ray's statement was attached to a writ mailed to the U.S. District Court Saturday and that it named persons who he claimed gave him money to participate in a conspiracy.

WSM said Ray "is reported to have dismissed his latest attorney, Washington lawyer Bernard Finsterwald, and is apparently representing himself."

Efforts to reach Finsterwald Wednesday night failed.

Last week state Corrections Commissioner Mark

Luttrell said he had approached the U.S. Bureau of Prisons about getting Ray transferred to a federal maximum security penitentiary.

WSM said Ray reportedly did not like the idea and "reportedly drew up a writ which was forwarded to federal court in an effort to block the proposed transfer."

"Officials in the federal court clerk's office said they could find no record of having received the petition from Ray," WSM said. "However, the spokesman said Ray filed a writ as a pauper and that it probably went to Judge L. Clure Morton."

Reached at his home, Morton said he had received no letter or document from Ray.

Morton's assistant, Claude Raymer, told WSM that if Morton had received such a writ, he probably would not release it to the public before making a decision.

But Raymer told the station he had no personal knowledge of any communications from Ray to the court in recent weeks.

One federal court source said that as of closing time Wednesday, no such document had been filed in the civil division.

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

— PAGE 3

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: 12-27-73

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

 Being Investigated

44-38861-5929

(Mount Clipping in Space Below)

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But Raymer told the station he had no personal knowledge of any communications from Ray to the court in recent weeks.

One federal court source said that as of closing time Wednesday, no such document had been filed in the civil division.

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

— PAGE 3

— COMMERCIAL APPEAL

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Date: 12-27-73

Edition:

Author:

Editor: GORDAN HANNA

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