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Ray May Move Suit To Memphis

By WILLIAM BENNETT

From The Commercial Appeal
Nashville Bureau

NASHVILLE, July 11. — James Earl Ray's attorney said Friday he will soon file in Federal District Court in Memphis a lawsuit that seeks to retain for Ray full rights to any publication of his memoirs.

Chattanooga lawyer Robert W. Hill Jr., prepared for the new move after Federal District Judge William E. Miller said he has no jurisdiction to try the case in this district.

"It seems to me you've run up against a stone wall so far as venue is concerned," Judge Miller told Mr. Hill.

The jurist ruled, in effect, that legal action of the sort must be filed in the district in which the cause of action arose — Memphis.

Ray, confessed slayer of Dr. Martin Luther King Jr., did not attend the hearing, nor did the defendants — attorneys Percy Foreman of Houston and Arthur Hanes Sr. of Birmingham, and writer William Bradford Huie.

The convict, serving a 99-year sentence for the killing of Dr. King in Memphis, claims the three defendants took advantage of his ignorance and had him sign away rights to his story of the murder.

A spectator at the hearing was former State Corrections Commissioner Harry Avery, who was fired by Gov. Buford Ellington partly because of his dealing with Ray at the prison. It was reported Avery was gathering material for a book in his interviews with Ray.

A reporter for The Commercial Appeal asked Avery what had brought him to the courtroom and Avery replied, "I just came up to see the court in action." Asked if there was any other reason, Avery said, "It's none of your business."

Mr. Hill, in arguing that the civil lawsuit should be tried in Nashville, pointed to possible hazards involved in Ray's being transported from the prison here to Memphis.

Judge Miller considered transferring the case to district court at Memphis but concluded he had no grounds for such a transfer. Consequently the case was dismissed.

Arthur Hanes Jr., who represented his father at the hearing, sought to have the senior Mr. Hanes removed as a defendant because "there are no contracts between him (Mr. Hanes) and Mr. Ray."

The junior Mr. Hanes said since Ray had no funds to hire counsel for his defense he entered into a deal whereby Mr. Huie would get 40 per cent of the proceeds from published accounts involving the case and Mr. Hanes and Ray would receive 30 per cent each.

When Mr. Hanes left the case he assigned his rights to Ray and Ray in turn, the junior Mr. Hanes said, assigned his rights to his new attorney, Mr. Foreman.

Nashville attorney John Hooker Sr., representing Mr. Huie and Mr. Foreman, argued successfully that the Middle District Court had no jurisdiction because Ray is not a citizen of Tennessee and also because the cause of action did not arise here, but in Memphis.

Mr. Hill contended Ray's civil rights were violated because of certain statements made by Mr. Foreman on television to the effect that most of his clients had committed homicide and that everyone knew the facts in the Ray case.

"What civil rights?" Judge Miller asked.

"The right to be let alone," Mr. Hill replied.

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

PAGE 13

COMMERCIAL APPEAL

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Appeal Arguments For Ray Set Today

KNOXVILLE, July 14. — (AP) — The Tennessee Court of Criminal Appeals will hear arguments Tuesday on whether it should consider James Earl Ray's appeal from his conviction in the slaying of Dr. Martin Luther King Jr.

Ray pleaded guilty in King's death March 3 and was sentenced in Memphis by Criminal Court Judge W. Preston Battle to 99 years in state prison. Battle died a few weeks later.

Ray claimed later he was pressured by his former lawyer, Percy Foreman of Houston, Texas, into entering the guilty plea — a charge Foreman denied — and sought a new trial.

Judge Arthur C. Faquin, who succeeded Battle in handling the case, denied Ray's motion for a new trial at a May 21 hearing in Memphis.

Legal sources said it was doubtful the appellate court will rule on the question of a new trial for Ray. The court is expected to take the matter under advisement and decide only if a hearing on the appeal issue will be set for a later date.

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

PAGE 21

COMMERCIAL
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Denial Of New Trial For Ray Is Upheld By Appeals Court

KNOXVILLE, July 15.—(AP)—The Tennessee Court of Criminal Appeals refused Tuesday to review a denial by a Memphis judge for a new murder trial for James Earl Ray in the slaying of Dr. Martin Luther King Jr.

Presiding Judge Mark A. Walker of Covington announced the court's decision after it had deliberated the matter less than four hours.

Defense attorney J. B. Stoner of Savannah, Ga., said the appellate court's ruling will be appealed to the State Supreme Court.

Ray pleaded guilty in Memphis March 10 to the sniper slaying last year of King, a civil rights leader, and was sentenced by Criminal Court Judge W. Preston Battle to 99 years in state prison. Battle died 21 days later.

In seeking a new trial, Ray claimed he was pressured by his former lawyer, Percy Foreman of Houston, Texas, into entering the guilty plea. Foreman denied the charge.

Judge Arthur C. Faquin, who succeeded Battle in handling the Ray case, denied Ray's motion for a new trial at a May 26 hearing in Memphis.

The gist of the defense argument before the appellate court Tuesday morning was that Faquin erred in not set-

ting aside the sentence on grounds that Battle died before he had time to hear Ray's motion for a new trial.

Stoner also argued that Faquin erred in his refusal to consider as motions for a new trial letters which Ray had written to Judge Battle from the State Penitentiary in Nashville.

Thomas E. Fox of Nashville, deputy state attorney general argued that Ray, by pleading guilty, surrendered his right to both a new trial and appeal.

Ray, now serving his sentence in the State Penitentiary, hired Stoner, Chattanooga lawyer Robert W. Hill Jr. and Memphis attorney Richard Ryan to represent him after dismissing Foreman.

Ray was not present at the hearing.

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

— PAGE 3

— COMMERCIAL APPEAL

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Ray Suit Gets Official Status Without Bond

A federal suit filed in behalf of James Earl Ray was processed yesterday after a misunderstanding on \$250 was resolved.

Chattanooga attorney Robert W. Hill Jr. filed the suit through the mail, but it was held up pending payment of a \$250 cost bond. The bond, it was discovered yesterday, was not needed because Ray signed a pauper's oath.

The suit names Ray's former attorneys, Percy Foreman of Houston and Arthur Hanes of Birmingham, and author William Bradford Huie of Hartselle, Ala.

The suit is the first federal action initiated by the confessed killer of Dr. Martin Luther King Jr. Ray is serving a 99-year sentence.

Ray has lost appeals for a new trial in Criminal Court in Memphis and before the Tennessee Court of Criminal Appeals.

The suit filed yesterday, however, is a civil action and is not related to a new trial.

The suit charges that Mr. Foreman, Mr. Hanes and Mr. Huie conspired to make money on the sensational case by "taking in" Ray in an agreement that gave Mr. Huie exclusive publication rights to the Ray story.

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

PAGE 13

COMMERCIAL APPEAL

MEMPHIS, TENN.

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Hoover Knows Where The Danger Is

By RICHARD WILSON

WASHINGTON. — J. Edgar Hoover said so much in testimony before Congress, and so little of it was reported, that reviewing the scope of it in capsule form gives a bewildering picture of a nation in dangerous turmoil.

How is one to judge these darkening shadows of violence and disruption? Not, surely, from the paranoid's view of an encircling conspiracy. Yet, the totality and diversity of the appeal to violence can cause the skeptical reader of Hoover's report to Congress to wonder where the limits of tolerating insurrection lie.

Here, in capsule form, are a few of his findings:

STUDENTS FOR A Democratic Society and the new left have openly turned to violent plans and tactics. These range from all manner of violent demonstrations to the use of bombs and incendiary devices with the aim of creating an era of chaos which will destroy the present form of government.

Funds to finance the new left activities come from wealthy benefactors, several foundations, an organization of college professors, small donors in the \$10 to \$50 range, those identified as either past or present members or sympathizers with the Communist Party, student organizations, fund-raising drives.

Five black power organizations advocate or practice various forms of insurrection: The Black Panther party, The Republic of New Africa, The Nation of Islam, The Revolutionary Action Movement and The Student Nonviolent Coordinating Committee, the latter having

developed recently into "a full-blown all-Negro revolutionary movement." The past year, Hoover reported, has seen a proliferation of such organizations concerned with guerrilla warfare and terrorism.

Hoover expresses suspicion without offering very convincing evidence of foreign influences, some arising from Cuba. Contrary to the general supposition that Castro's Cuba has lost its revolutionary drive, Hoover reports the revolutionary movement there is going strong and is sparing no effort to expand the Communist takeover to the rest of Latin America. Castro, says Hoover, is supplying men, material and logistical support to help overthrow existing regimes in Latin-American countries.

The Chinese, Hoover claims, are becoming a problem. He suggests that some of the 300,000 Chinese residing here are susceptible

to recruitment for espionage and propaganda work. He is bothered by 40,000 Hong Kong based Chinese seamen, at least a few of whom are believed to be serving as couriers. Thousands of them enter United States cities each year, and Hoover notes that more than 700 jumped ship in United States ports in 1968 to vanish into the nation's Chinese communities.

BY CONTRAST, Hoover finds the rightist appeal to violence rather puny. The Minutemen are down to about 500. Fourteen Klan type organizations have about 8,500 members, with thousands of sympathizers. The Nazi Party is beset by internal strife. It is evident that the effort to break up these groups is having some effect. Hoover is continuing to infiltrate the Klan at all levels.

One wonders why, if the violent right can be so suppressed the violent left can-

not be suppressed. The answer is not too hard to find. A vague, but real, social sanction protects the violent left. People who find the Klan vulgar and repugnant beyond words can find moral, social and intellectual justification for the causes of the bloody left. Thus the contributing college professors, heiresses, foundations, and the enthralled youth.

But there should be no confusion on where the danger lies. It lies with the more numerous, better organized, more zealous, stronger motivated violent left with its techniques of guerrilla warfare and terrorism, its neo-Marxist doctrines, and its heroes, Che and Mao. Even discounting Hoover's alarming prospectus the problem is real and not much is being done about it except by Hoover.

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COMMERCIAL APPEAL

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Missing Funds Delay Suit Filed On Ray's Behalf

A \$250 technicality is holding up a petition received by the federal court clerk's office here yesterday charging that three men conspired to "violate" the civil rights of James Earl Ray, who pleaded guilty to killing Dr. Martin Luther King, Jr.

The suit names former Ray attorneys Percy Foreman of Houston, Arthur Hanes of Birmingham and author and magazine writer William B. Huie of Hartselle, Ala.

The first federal action instituted by Ray, the suit charges that the three men "entered into a conspiracy to violate" Ray's civil rights by capitalizing on commercial aspects of the world-famous case.

The suit was filed through the mail by Chattanooga attorney Robert W. Hill Jr. in behalf of Ray — but it lacked the \$250 cost bond required before it can be processed and the defendants summoned to answer the complaints. The failure to include the fee was apparently an oversight.

Ray, who is serving a 99-year sentence in the state penitentiary at Nashville on a plea of guilty in the April 4, 1968, assassination in Memphis, has unsuccessfully appealed for a new trial in Criminal Court in Memphis and before the Tennessee Court of Criminal Appeals.

The suit received at the clerk's office yesterday, however, is a civil matter that

does not pertain to efforts for a new trial.

The suit charges that Mr. Foreman, Mr. Hanes and Mr. Huie conspired to make money on the sensational case by "taking in" Ray in an agreement that gave Mr. Huie the "exclusive" publication rights to the Ray story.

It asks that a preliminary injunction be issued against the defendants enjoining them "from the further exposure of the alleged facts surrounding" the case.

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

PAGE 3

COMMERCIAL APPEAL

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Poor Sales Of First Work On Ray May Daunt Others

By CHARLES EDMUNDSON

The bonanza dreams of five writers who planned books on James Earl Ray, confessed slayer of Dr. Martin Luther King Jr., are fading in light of a reported slight sale of the first volume to appear.

Charles Holmes, who acted as public relations adviser for Sheriff William N. Morris during Ray's imprisonment and trial, said last night that so few copies of the first book have been purchased that the publishers are reported to have called it off the bookstands.

Clay Blair, once editor of the late Saturday Evening Post, had his "The Strange Case of James Earl Ray" on the bookstands a week after Ray pleaded guilty here March 10. An "instant book," it was all prewritten before the verdict was in. Only a few pages had to be tossed off and inserted on the afternoon Ray was allowed to plead guilty.

What was meant to be only a first run of 300,000 copies of the paperback turned out to be the only run.

William B. Huie, who paid \$35,000 for Ray's handwritten version of part of what happened, was supposed to have had his "He Slew the Dreamer" in the bookstores in both paperback and hard cover in May. He told The Commercial Appeal yesterday the book will now appear only in hard cover and not until January.

Ray has filed a suit, awaiting trial in United States District Court at Memphis, charging that Mr. Huie conspired with Ray's first two attorneys, Arthur Hanes of Birmingham and Percy Foreman of Houston to capitalize on commercial aspects of the world famous case.

The change of plans for Mr. Huie's book is believed to be partly due to the poor showing of the Blair book and partly to questions raised in Ray's suit.

James D. Squires, a reporter for the Nashville Tennessean, was scheduled to have had a book out only two weeks later than the Blair book. But the presses will never roll for that one. Mr. Squires, however, wrote the book and collected a liberal advance.

George E. McMillan of Atlanta was commissioned by Little, Brown & Co. to write "Portrait of an Assassin." It is still expected to be published.

Gerold Frank, author of "The Boston Strangler" and other best sellers, several of which have been made into movies, never meant for his book, to be published by Doubleday, to appear until 1971. He thinks his book, designed to go into Ray's mental processes and the social conditions influencing him, will have a more basic appeal than some of the others. His reported advance was \$100,000.

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

PAGE 11

COMMERCIAL APPEAL

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Detective Pressed For License Fee

The county is trying to get private investigator Renfro T. Hays to pay \$56 for a license for the period during which Hays worked as an unlicensed investigator on the James Earl Ray case.

Sheriff's deputies said yesterday they have not been able to serve a civil warrant on Hays, requiring him to appear in General Sessions Court.

The warrant was sworn out by County Court Clerk Robert M. Gray, who said he has collected \$111 for a fee and late payment penalty for a state license for a private investigator from Hays' lawyer.

However, said Mr. Gray, the attorney did not pay the \$56 the county has coming.

C. M. 'Pat' Murphy Jr., attorney for Hays, said yesterday he paid for the state license to block an attempt by attorneys for Ray to have Hays' suit against Ray dismissed.

Mr. Murphy said he doesn't think failure to pay the county license fee would affect the lawsuit.

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

PAGE 48

COMMERCIAL APPEAL

WICHITA, KANS.

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Ray Is Granted Request To End Brother's Visits

NASHVILLE, Sept. 4. — (UPI) — Acting on a request by James Earl Ray, Warden W. S. Neil issued orders Thursday prohibiting Jerry Ray from visiting his brother in his maximum security cell at the state penitentiary.

Neil said James Earl Ray made a written request two days ago that Jerry Ray "be taken off his visiting list, but left on the correspondence list." He said Ray gave no reason for the request.

Robert W. Hill of Chattanooga, one of Ray's attorneys, said Ray apparently is angered by statements by his brother in which Jerry Ray, in a St. Louis television interview, said James Earl Ray believes Dr. Martin Luther King Jr. was assassinated by federal agents.

Meanwhile, a legislative committee in Nashville Thursday decided to take a look at a Tennessee Bureau of Criminal Identification report which led to the firing of former state Corrections Commissioner Harry Avery.

Avery was fired May 29 after a controversy grew over his handling of Ray and the condition of the prison system. The controversy concerning Ray surrounded reports Avery had interviewed Ray for the purpose of writing a book.

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

PAGE 24

COMMERCIAL APPEAL

MEMPHIS, TENN.

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December Date Set For Hearing Ray's Complaint

A United States court hearing has been set for Dec. 1 on James Earl Ray's complaint that two of his former attorneys and an author conspired to capitalize financially in the case of Ray, convicted slayer of Dr. Martin Luther King Jr.

United States Dist. Judge Robert M. McRae Jr. yesterday set the date after conferring in his chambers for an hour and a half with attorneys for the plaintiff and the defendants.

The judge said he would not order Ray to appear at the hearing.

Ray is serving a 99-year sentence in the state prison in Nashville for the sniper assassination of Dr. King here April 4, 1968.

The defendants in the suit are former Ray attorneys Arthur Hanes Sr. of Birmingham and Percy Foreman of Houston and author William Bradford Huie of Hartselle, Ala.

Arthur Hanes Jr. is representing his father in the suit. John Hooker Sr. of Nashville is representing Mr. Foreman and Mr. Huie. Attorneys Robert W. Hill of Chattanooga and Richard J. Ryan of Memphis are representing Ray.

"It was just a matter of groundwork," Mr. Hanes said after the closed-door, pretrial conference.

"We haven't really gotten into the merits of the lawsuit," Judge McRae said.

The suit seeks to prevent publication of articles or books about the case by any of the three defendants.

The suit also asks that contracts Ray signed with the attorneys and author to divide publication profits be nullified. Ray charged in the suit that he was pressured to plead guilty to the King murder — an allegation denied by the defendants.

The judge, who said Ray's testimony would be taken by deposition, set Nov. 14 as the deadline for attorneys' compiling pretrial evidence.

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

PAGE 18

COMMERCIAL APPEAL

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Ray Asks Court For New Full Trial

JACKSON, Tenn., Oct. 6. — (AP) — James Earl Ray petitioned the Tennessee Supreme Court Monday to grant him a full trial on charges he assassinated Dr. Martin Luther King Jr.

Ray's three lawyers filed a petition with the court clerk here, seeking to overturn a decision handed down by Criminal Court Judge Arthur C. Faquin of Memphis who denied the original new-trial motion. The State Court of Criminal Appeals later upheld Faquin's decision.

Ray, who pleaded guilty last March 10 to the sniper slaying of King, is serving a 99-year sentence in Tennessee State Prison at Nashville.

The motion asks that the Supreme Court grant a petition for certiorari — that is, that the court review Faquin's decision and order a new trial for Ray.

The motion is based on the fact that Criminal Court Judge W. Preston Battle of Memphis died a short time after accepting Ray's plea and pronouncing sentence. Tennessee law provides that any new-trial motion pending before a judge who dies must be granted.

But Faquin ruled on May 26 that that law was not applicable to the Ray case because Ray, by pleading guilty, irrevocably waived in advance any right of appeal or of a new trial.

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

PAGE 22

COMMERCIAL APPEAL

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Solitary Called Dangerous To Ray

NASHVILLE, Sept. 25. — (UPI) — Charging that James Earl Ray's health is declining because of his "solitary confinement," attorney J. B. Stoner said Thursday he would ask federal court next week to order Ray transferred from the maximum security unit at the state penitentiary.

"He's lost a lot of weight and his health will be ruined," Stoner said following a visit with Ray at the white-walled prison. "He's been in solitary confinement too long for his health not to suffer."

State Safety Commissioner Lake Russell said Ray had daily access to a doctor and he had heard no reports that the convicted killer of Dr. Martin Luther King Jr. was in failing health. "I think if there had

been some radical change in the man's health, I would have been told about it," he said.

Warden W. W. Neil said he would have no comment on Ray's complaint until he had seen the petition.

"It hasn't been brought to my attention that he has lost any weight," said Neil. "I haven't heard any personal complaints from him."

Neil added, however, that it was possible that Ray might have complained to one of the prison hospital workers who visit the maximum security area daily.

Stoner also charged that prison officials had built something in Ray's cell which prohibited the prisoner from taking proper exercise.

Neil said concrete was

poured around the toilets in all cells in the maximum security unit "because the men were tearing them apart."

Russell said recently that Ray would be retained in maximum security until his fights in the courts are exhausted.

Ray is appealing in state courts his murder conviction in the King assassination. He has also filed a federal court suit seeking to void contracts with two of his former attorneys and with Alabama author William Bradford Huie.

Ray has been housed in a six-by-nine-foot cell since March 11, the day after he pleaded guilty to murder at Memphis in exchange for a 99-year sentence.

Harry S. Avery, Russell's predecessor, said earlier this

year he thought it would be "unwise" to allow Ray to mingle with the general prison population. An unofficial count shows that at least 13 persons have been killed inside the prison since 1957.

Stoner told reporters Thursday that Ray was "not afraid" to mingle with other prisoners.

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

PAGE 26

COMMERCIAL APPEAL

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44-1987-Sub-C-425

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Pre-Trial Hearing Slated On Ray Suit

A pre-trial hearing on James Earl Ray's suit against his former attorneys and an Alabama author has been scheduled for 1:30 p.m. Thursday in Federal District Court in Memphis.

Federal Dst. Judge Robert M. McRae, in a letter to attorneys in the case, said the hearing will be held in chambers. Such hearings customarily are open only to attorneys representing parties to a suit.

Judge McRae said he will discuss setting a future hearing to cover Ray's application for both temporary and permanent injunctions, preliminary motions in the case and guidelines on evidence discovery procedure.

Ray has filed a request for court orders restraining the defendants from "further exposure of the alleged facts surrounding the slaying of Martin Luther King."

The suit is aimed at preventing publication of articles or books by Ray's former attorneys, Percy Foreman of Houston and Arthur Hanes of Birmingham, and author William Bradford Huie of Hartselle, Ala.

Huie's book on Ray and the King murder is expected to be released in January.

The suit also asks that contracts Ray signed with the two attorneys and the author to divide up publication profits be nullified. Ray charged in his suit he was pressured to plead guilty to the King murder, an allegation denied by defendants in answers filed in the case.

Ray's suit was originally filed in Nashville. It was dismissed there because of a ruling that it should have been filed in Memphis.

No date has been set for trial of the case.

Ray is serving a 99-year sentence in the state prison at Nashville.

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PAGE 3

COMMERCIAL APPEAL

MEMPHIS, TENN.

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Pre-Trial Hearing Slated On Ray Suit

A pre-trial hearing on James Earl Ray's suit against his former attorneys and an Alabama author has been scheduled for 1:30 p.m. Thursday in Federal District Court in Memphis.

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Ex-Ray Lawyers To See Judge

Two attorneys who have previously represented James Earl Ray will meet with William Bradford Huie, Alabama author, and Federal Judge Robert M. McRae Thursday, in a pre-trial conference.

Ray, who pleaded guilty to the slaying of Dr. Martin Luther King and was given a 99-year sentence, is seeking to restrain Huie and his former attorneys Arthur Hanes Sr. of Birmingham, Ala., and Percy Foreman of Houston, Tex., from "further exposure of the alleged facts surrounding the slaying of Dr. Martin Luther King Jr."

Judge McRae said the closed door session Thursday would involve discussion of a date on which the suit could be heard.

Hanes and Foreman, who represented Ray prior to his pleading guilty, were named in the suit as the men who negotiated contracts under which Huie was provided with information for a book about Ray and the slaying.

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

PAGE 4

MEMPHIS PRESS
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Hanes Loses Effort To Avoid Ray Suit

A former attorney for James Earl Ray, convicted slayer of Dr. Martin Luther King Jr., lost a preliminary courtroom battle yesterday attempting to free his law firm from entanglement of an injunction sought by Ray.

Arthur J. Hanes Jr. said his father, who was dismissed from the Ray case shortly before it was due for trial, no longer has any connection with the case and is embarrassed by the suit.

A hearing has been set for Dec. 1 on the request for an injunction by Ray to prohibit Mr. Hanes, attorney Percy Foreman of Houston, Texas, and author William Bradford Huie of Hartselle, Ala., from publishing any articles or books about Ray.

"We're not connected with, part of or kin to any publication . . . of this story," said Mr. Hanes, who is representing his father.

Mr. Hanes said his father's rights to 30 per cent of the profit from a book Mr. Huie intends to publish were transferred to Mr. Foreman when he entered the case.

United States Dist. Judge Robert M. McRae Jr., who rejected Mr. Hanes' request yesterday, has said Ray will not be required to attend the hearing. Ray is serving a 99-year sentence in the state prison in Nashville for the sniper assassination of Dr. King here April 4, 1968.

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

PAGE 4

COMMERCIAL APPEAL

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Ray Has Queries For Hanes

Birmingham attorney Arthur Hanes, former counsel of James Earl Ray, will soon be asked to explain his connection with publications concerning his client.

J. B. Stoner of Savannah, Ga., co-counsel representing Ray in his current federal suit seeking to bar publication of articles and stories about Ray, today submitted a lengthy set of questions for Hanes to answer under court order.

The admitted slayer of Dr. Martin Luther King Jr. has charged that Hanes, Alabama author William Bradford Huie and Texas attorney Percy Foreman conspired to defraud him of fees gained from publication of his story.

Questions to be asked Hanes concern his contract with Huie covering book rights, how much Hanes was paid for a magazine article he wrote and whether Huie had advised him as to how to conduct Ray's defense.

The suit is scheduled to be heard by U.S. District Judge Robert M. McRae Jr. in December.

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

PAGE 3

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Counsel For Ray Files Questions

An attorney representing James Earl Ray in a civil suit in federal court against his former attorneys and a magazine writer has filed a series of questions concerning past articles and a planned book about the case.

Attorney J. B. Stoner of Savannah, Ga., filed more than 20 questions seeking information from former Ray attorney Arthur H. Hanes of Birmingham, on dealings concerning publication of stories on the Ray case.

The questions go into the business relationship between Mr. Hanes, Percy Foreman of Houston, Texas, another former attorney of the convicted slayer of Martin Luther King Jr., and writer William Bradford Huie of Hartselle, Ala.

The questions must be answered within 15 days.

Ray, serving a 99-year term for the slaying of Dr. King, seeks to restrain the defendants from "further exposure of the alleged facts" surrounding the case.

A hearing has been set for Dec. 1 on the request for an injunction by Ray.

In Nashville yesterday, a state House committee voted to let the controversy involving Harry Avery, former corrections commissioner, to "lie in peace."

The group, however, decided that a study should be made of the Tennessee Bureau of Criminal Identification, the agency whose report about Avery's plans to write a book about Ray led to his dismissal as corrections commissioner.

Members of the House State and Local Government Committee agreed to "study the TBI and set guidelines as to what it can and cannot do." W. E. 'Bud' Hopton, TBI director, refused to turn the report of the investigation into the Avery matter over to the House committee.

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

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COMMERCIAL APPEAL

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Deposition Taken From Ray For Suit

NASHVILLE, Nov. 22. — (UPI) — A deposition was taken Saturday from convicted assassin James Earl Ray in connection with a federal court suit he filed against two former attorneys and an Alabama author.

John J. Hooker Sr., a Nashville attorney, said Texas attorney Percy Foreman, who is named in the suit, was present while the deposition was taken from Ray.

Hooker is Foreman's attorney in the proceedings brought by the convicted slayer of the Rev. Martin Luther King Jr.

Also named in the suit are William Bradford Huie, an Alabama author, and attorney Arthur J. Hanes Sr. of Birmingham, Ray's first attorney after he was arrested in the King slaying.

Ray is seeking to void contracts with the men concerning rights to his story which was written by Huie and published in a national magazine.

Hooker said the deposition was being taken in the maximum security building of the State Penitentiary where Ray is being held.

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

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COMMERCIAL APPEAL

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Ray's Suit Dismissed By McRae

Federal Judge Robert M. McRae Jr. today dismissed a suit filed on behalf of James Earl Ray seeking a ban on publication of certain information regarding the case.

McRae made the dismissal with prejudice saying, "There is not enough proof to go forward in this matter."

J. B. Stoner, Ray's attorney, said the decision would probably be appealed.

Ray, in a deposition read in court today, said his two former attorneys, Percy Foreman of Houston and Arthur J. Hanes of Birmingham, Ala., conspired along with author William Bradford Huie to further their own financial interests in handling his defense.

Ray, serving a 99-year sentence for the admitted slaying of Dr. Martin Luther King Jr. in Memphis, gave the deposition in the Tennessee prison at Nashville.

Ray's present attorneys, Stoner of Savannah, Ga., and Richard J. Ryan of Memphis, said their client entered into contracts with Hanes and Huie and later with Foreman through which he would furnish information to Huie for publication in magazine articles, books and movies.

"We contend that in a criminal case in case in which a man has been charged with murder . . . even though no one has been electrocuted in Tennessee for several years . . . on their face, these contracts jeopardized the criminal defense for the plaintiff (Ray)," said Stoner. "The only reason Ray signed the contracts was that they were imposed on him by his attorneys and he was given no alternative under the circumstances other than to sign."

Referring to articles published by Hanes, Huie and Foreman in an April 15, 1969 issue of Look Magazine, Stoner said, "We think the articles show very clearly that the defendants, (Foreman, Hanes and Huie) were always more interested in

publicity activities and in making money through these activities than in representing the plaintiff in his criminal case . . . an obvious conflict of interests."

Ray was imprisoned in London when he signed the first of a series of contracts and agreements, Stoner said. Others were signed while he was locked in the maximum security section of the Shelby County Jail, Stoner said.

"These are involuntary contracts, since he was locked up, at the mercy of his attorneys," he added.

John J. Hooker Sr. of Nashville, representing Foreman and Huie, said he has had "considerable difficulty in trying to decide what this suit is about."

"Mr. Ray first charges that his civil rights in some way were violated," Hooker continued. "As I read the statutes, any conspiracy to violate someone's rights must involve force, intimidation or threat. But there is not one line in Mr. Ray's statement to suggest that anybody threatened, attempted to intimidate or apply pressure to Ray."

Hooker said Ray took the initiative in seeking representation by Hanes and that "Huie was in it because he is a widely published writer who wanted to discover the truth about the murder of Dr. King. Foreman was in the case at the request of Ray's brother."

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

PAGE 15

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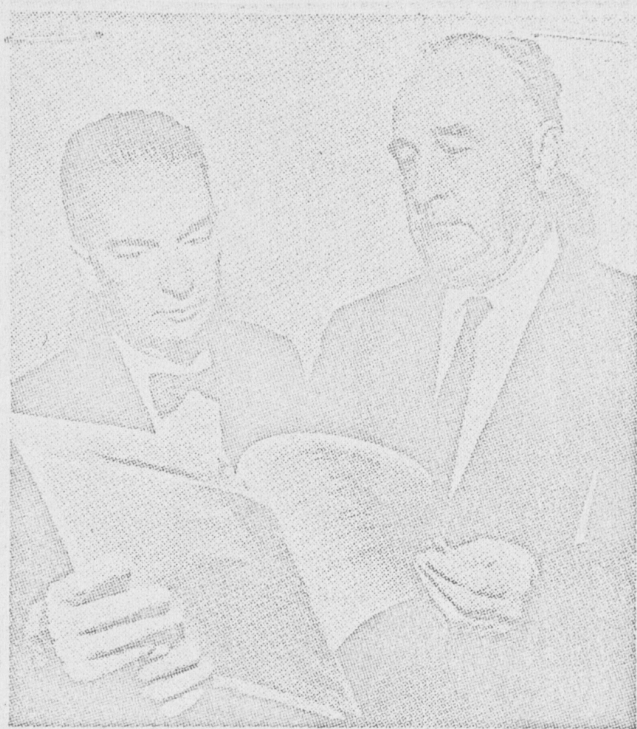
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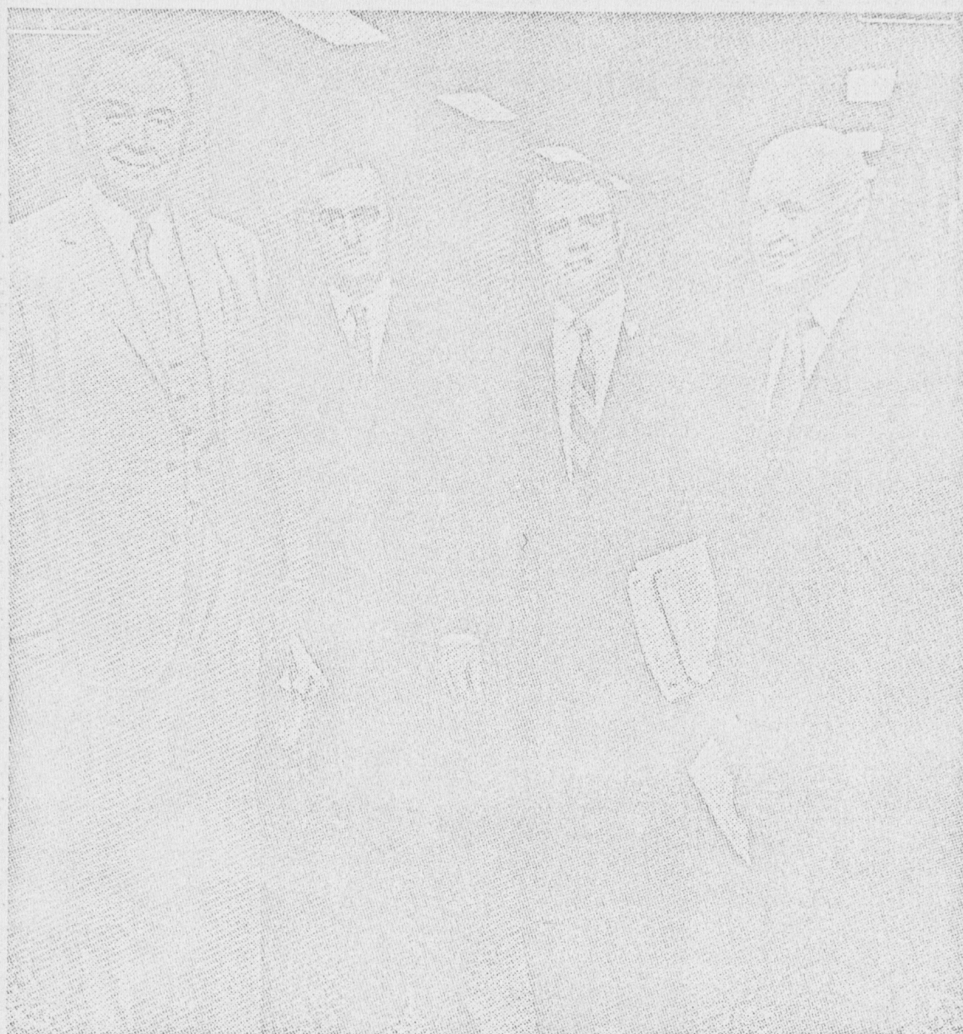
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RAY'S NEW ATTORNEYS

J. B. Stoner of Savannah, Ga., left, and Richard J. Ryan of Memphis presented the case of James Earl Ray today. Although not present, Ray testified through a deposition taken at the Tennessee State Prison at Nashville.



STRATEGY TALKS

Pausing briefly before entering a hearing on a suit filed in behalf of James Earl Ray in Federal Court today were, from left, Percy Foreman of Houston, Arthur J. Hanes Sr. and Arthur Hanes Jr. of Birmingham, Ala., and William Bradford Huie, author, of Hartsell, Ala.

—Press-Scimitar Staff Photos by James R. Reid

(Mount Clipping in Space Below)

Dismissal Ruled In Suit By Ray

By ROBERT KELLETT

A federal court suit seeking to void a series of contracts between James Earl Ray and his former attorneys and to forbid publication of certain information in connection with the slaying of Dr. Martin Luther King was dismissed yesterday.

United States Dist. Judge Robert M. McRae Jr., acting on a motion from attorneys for the defendants, told Ray's current attorneys: "I do not see that this proof would ever ripen into that proof of fraud that would cause this court to void these contracts."

Ray, the convicted slayer of Dr. King, did not appear in court, but said in a 118-page deposition that he had been pressured into signing the contracts which pledged revenues from writings by Alabama author William Bradford Huie first to attorney Arthur Hanes and later to attorney Percy Foreman.

Attorneys Richard J. Ryan of Memphis and J. B. Stoner of Savannah, Ga., representing Ray, said that the actions of the attorneys contributed conflicts of interest and the contracts which they received from Ray were involuntary.

John J. Hooker, Nashville attorney representing Mr. Foreman and Mr. Hanes, argued that no evidence had been presented that Ray was pressured to sign the contracts and made reference to more than 20,000 words which he wrote in long hand and sent to Mr. Huie to assist in preparing magazine articles and a book.

Mr. Hooker asked the court to "let him (Ray) explain how with all these writings in his own handwriting he can claim he was overreached."

Arthur Hanes Jr., who represented his father, sought to emphasize that his father had done everything possible to properly represent Ray before he was dismissed two days before a trial was scheduled Nov. 12, 1968.

Ray's deposition included two direct denials that he killed Dr. King.

Mr. Hooker, questioning Ray in Nashville, asked: "Did you or not, on April 4, 1968, fire a shot that fatally wounded and killed Dr. Martin Luther King?"

"No, sir," was the reply from Ray.

In his next question Mr. Hooker asked: "You deny that you fired any such shot into the head or some part of the body of Dr. Martin Luther King on that particular date or any other date?"

"Yes, sir, that's correct," was the second answer.

Mr. Stoner indicated that Judge McRae's decision will probably be appealed.

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

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Ray May Appear In Court Dec. 29 On Cell Protest

NASHVILLE, Dec. 9. — (UPI) — James Earl Ray, convicted killer of Dr. Martin Luther King Jr., apparently will appear in federal court here Dec. 29 to tell in person why he thinks he should be removed from his maximum security cell at the state penitentiary.

Judge William E. Miller Tuesday ordered a full evidentiary hearing for Ray and said "provision will be made for the petitioner's personal presence at the hearing under proper security precautions."

Robert Hill of Chattanooga, one of Ray's three lawyers, said Ray would "definitely" be at the hearing.

"He has a right to be present at hearings on all his motions," Hill said. "Too much of this has been underground already."

The principal issue to be resolved at the hearing, Miller said, is whether Ray's "present incarceration in solitary confinement constitutes the sort of cruel and unusual punishment which is prohibited by the Eighth Amendment to the Constitution."

Miller's law clerk, Guy Cooper, received a mailed petition from Ray Nov. 24. The petition claimed Ray's confinement to a small maximum security cell where he has been housed for eight months constitutes "cruel and inhuman treatment."

Named as defendants by Ray are state Corrections Commissioner Lake F. Russell and prison Warden W. S. Neil.

The petition seeks both preliminary and permanent injunctions barring prison officials "from further unlawful incarceration" of Ray.

Russell has said he thinks it is in Ray's "best interest" to keep him in maximum security until there is a settlement of various suits which have been brought in Ray's behalf.

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

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COMMERCIAL APPEAL

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Prison Officials Oppose Ray's Plea

NASHVILLE, Dec. 10. — (AP) — State prison officials said Wednesday they will oppose James Earl Ray's federal court bid for an order releasing him from maximum security at the state penitentiary.

"I don't want to see a precedent established," said Corrections Commissioner Lake Russell.

Ray, serving 99 years after pleading guilty to a first-degree murder charge in the 1968 slaying of Dr. Martin Luther King Jr. at Memphis, will be taken before United States District Judge William E. Miller Dec. 29. He contends his constitutional rights are being violated by confinement in maximum security.

In filing for the order two weeks ago, Ray named Russell and Penitentiary Warden William S. Neil as defendants.

Meanwhile, it was reported that Ray may be transferred to the recently classified maximum security prison at Brushy Mountain, near Petros, if he loses his bid.

Russell has said repeatedly that Ray will remain in maximum security for his own protection until he exhausts his appeal for a new trial. But Ray contends that if there is a plot against his life, as former Corrections Commissioner Harry Avery contended, it should be exposed so he can mingle with other prisoners.

"If the court lets him out of his security cell against our better judgment," Russell said, "then they (the court) would have to let everybody out."

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

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COMMERCIAL APPEAL

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Appeal Attacks 'Torture' Of Ray

NASHVILLE, Dec. 23. — (UPI) — James Earl Ray said his ability to endure solitary confinement is diminishing rapidly, and his attorney compared his imprisonment to Nazi torture in a brief filed in federal court here Tuesday.

The supplemental brief was signed by one of Ray's three attorneys, Robert Hill Jr. of Chattanooga, in connection with a hearing Dec. 29 at which Ray will seek his release from Maximum security at the Tennessee State Prison.

Ray said he was not asking to be let out into the regular prison population and said he knew of jobs he could do that would make his exposure minimal. The state has said it will seek to prove that Ray's release from maximum security would endanger his life.

Hill's brief contained a description of "inhuman treatment" to Ray since his arrest in London on a charge of slaying Dr. Martin Luther King Jr. Appended were two affidavits signed by Ray last summer.

"I do not believe that I can withstand either mentally or physically this type of imprisonment much longer," Ray said in an affidavit notarized June 23.

In an emotionally-worded brief, Hill criticized officials' handling of Ray from the time of his arrest to his imprisonment here.

Ray was placed in a small cell in Memphis, Hill charged, and was constantly under surveillance by closed-circuit television cameras, one of which "focused directly upon the toilet.

(While housed at the Shelby County Jail, Ray was quartered in a 35-foot cellblock containing several cells, including quarters for two deputies.)

"He was, of course, the brunt of crude jokes by prison officials and watchmen who had seen him on TV," he said. Hill also said Ray was harassed by a "radio playing blaring music approximately 24 hours a day.

"To systematically strip away all inner psychological defenses through nine months of constant light, sound and observation is as legally diabolical as many of the Nazi practices which we so often condemn," Hill said.

In his affidavits, Ray said the radio music made him "very nervous" and that guards refused to open windows in the cell, which Ray said resulted in "nosebleeds and continuous headaches.

"Officials required that a bright light be directed to all parts of the cell," he added.

Ray charged he was placed in maximum security in Nashville because he refused to give certain information to former state Corrections Commissioner Harry S. Avery and the FBI.

The defense has filed a motion with United States Dist. Judge William E. Miller — who will preside at the Dec. 29 hearing at which Ray is scheduled to appear — to subpoena Avery, Gov. Buford Ellington and a Vanderbilt University psychiatrist.

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

PAGE 12/24/69

COMMERCIAL APPEAL

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Ray Will Leave Cell For Hearing

NASHVILLE, Dec. 28. — (UPI) — James Earl Ray is to leave the state penitentiary Monday for the first time since last March 11 to carry his fight for release from maximum security confinement before United States District Judge William E. Miller.

Tight security precautions, including a search of all entering the courtroom — newsmen included — will be in effect for the hearing.

Ray, serving 99 years for the murder of Dr. Martin Luther King Jr., contends in his federal court suit that his close confinement "constitutes the sort of cruel and unusual punishment which is prohibited by the Eighth Amendment to the Constitution."

Robert W. Hill Jr. of Chattanooga, one of Ray's attorneys, has compared the defendant's imprisonment to Nazi torture.

Hill's brief, dealing mainly with Ray's imprisonment in Memphis after his capture in London, said, "To systematically strip away all inner psychological defenses through nine months of constant light, sound and observation is as legally diabolical as many of the Nazi practices which we so often condemn."

Ray said in a June 23 notarized affidavit attached to the brief, "I do not believe that I can withstand either mentally or physically this type of imprisonment much longer."

The state contends Ray is being kept in maximum security at the state prison here for his own "best interest." The state also denies his health is jeopardized by the confinement and counters with the claim that release from maximum security would endanger his life.

Ray says, however, that he is not asking to be let out into the regular prison population, but that he ~~knew~~ of jobs he could do that would make his exposure minimal.

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

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COMMERCIAL APPEAL

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44-1987-Sub-C-437

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Ray Petitions To Get Out Of Maximum Security

By LARRY BRINTON
James Earl Ray today petitioned U. S. District Court to join State Prison officials from continuing to keep him confined in the maximum security cell where he has been held for the past eight months.

The petition was filed this afternoon with U. S. District Court Judge William E. Miller after being received by mail by deputy court clerk Guy Cooper.

Charging that his confinement in the maximum security cell was "cruel and inhuman treatment," the convicted slayer of civil rights leader Dr. Martin Luther King Jr. requested federal court to issue a preliminary injunction and a permanent injunction restraining prison officials "from further unlawful incarceration" of Ray.

Defendants

Named as defendants in the petition were Lake F. Russell, commissioner of the Tennessee Department of Corrections, and William S. Nil, warden of State prison here.

Ray was sentenced to a 99-year term on March 10 in Shelby County where he pleaded guilty to the rifle-ambush slaying of King.

The defendant, under heavy guard, was transported the next day to Nashville where he was placed in the maximum security building.

Russell, warden at the prison at that time, said Ray was confined to the maximum security cell for his own protection. Former corrections commissioner Harry Avery later claimed he had knowledge of an alleged plot by other inmates to kill Ray.

'Unusual Treatment

In Ray's petition for injunctive relief, signed by Ray and attorneys Richard J. Ryan, Memphis, J. B. Stoner, Savannah, Ga., and Robert W.

Miller, Jr., Chattanooga, the defendant, alleged he has been kept in solitary confinement and stated the treatment and incarceration "under maximum security is an unusual treatment in that he has not violated in any sense by word or deed any rules of the prison, statutes or ordinances of the state."

Ray contended in the petition that three days after he arrived at the prison he "began legal action to set aside his guilty plea on the grounds that it was not a voluntary plea" and that prison officials have made statements that he was going to remain in maximum security "until he ceases and desists from making all and any overtures for relief..."

The petition alleges that the convicted slayer has been told he will remain in maximum security until he halts all of his conviction appeals.

Inmate Slain

Pointing up that one inmate has already been slain while he has been confined at the Nashville penitentiary and that officials claim there is a plot against him, Ray alleged "that if there is a plot upon the life of your petitioner, it should be brought out in the open and dealt with" because the concern of prison officials for his safety is causing him "untold anxiety, apprehension, ill health and he believes he cannot intelligently cope with it further."

In addition to seeking the preliminary and permanent injunction, the petition requested that the defendant be required to appear "at the earliest day convenient" for a hearing, that all costs be charged to the defendant and that Ray's attorneys be allowed reasonable fees.

Judge Miller signed an order allowing Ray to file the petition as a pauper, but did not set a date for a hearing.

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

PAGE 12

THE NASHVILLE
BANNER

NASHVILLE, TENN.

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