

Gipson & Tucker

Page Two

September 25, 1973

have no intention of anticipating that eventuality.

Yours very truly,

Thomas F. Turley, Jr.
United States Attorney

TFT:ew

cc Joseph Baker

Memphis, Tennessee
September 27, 1973

**JAMES EARL RAY;
Dr. MARTIN LUTHER KING, JR. - VICTIM;
CIVIL RIGHTS - CONSPIRACY**

Attention is called to the memorandum dated September 24, 1973, captioned as above, wherein it was reported that Attorneys Harvey L. Gipson and Robert A. Tucker, Memphis, Tennessee, had filed a Motion for Discovery in the Chancery Court of Shelby County, Tennessee, in the case styled "Charles Quitman Stephens, Complainant, v. State of Tennessee, Et Al, Defendants."

Attached to and made a part of this memorandum is a letter dated September 25, 1973, from United States Attorney Thomas F. Turley, Jr., Western District of Tennessee, Memphis, Tennessee, to Attorneys Gipson and Tucker, Memphis, Tennessee.

4 - Bureau (44-38861)
① - Memphis (44-1987)

JCH:jap
(5)

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FILED *mp*

44-1987 Sub M 812

September 25, 1

Gipson & Tucker
Attorneys at Law
Exchange Building
Memphis, Tennessee 38103

Gentlemen: Re: Charles Q. Stephens
v.
State of Tennessee, et al
Shelby Chancery 72,333-3 R.D.

The United States of America is not a party to the above suit, nor are the

"Memphis Office of the Federal Bureau
of Investigation"

or the

"local office of the Attorney General
of the United States of America",

neither of which latter is a suable entity, so your notice to me that your "Motion For Discovery and Production of Documents and Things For Inspection, Copying or Photographing" will be called for disposition at 10:00 a.m. Friday, October 5, 1973, was a waste of your time to write and mine to read it.

If and when you get your suit in such shape that it would be appropriate for me to respond on behalf of the United States or any of its instrumentalities I shall be pleased to do so promptly, as I am confident the Chancellor well knows, but I

have no intention of anticipating that eventuality.

Yours very truly,

Thomas F. Turley, Jr.
United States Attorney

TFT:ew

cc. Joseph Baker

RE: 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*

9/27/73

AIRTEL

TO: DIRECTOR, FBI (44-38861)
ATTENTION: LEGAL COUNSEL

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

SUBJECT: MURKIN

- Re Memphis airtel to Bureau, 9/24/73.

Enclosed for the Bureau are 4 copies of an LHM dated as above. This memorandum contains a letter dated 9/25/73 which was addressed to Attorneys HARVEY L. GIPSON and ROBERT A. TUCKER by United States Attorney THOMAS F. TURLEY, JR., WDT, Memphis, Tenn.

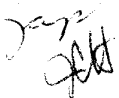
UACB, the SAC of the Memphis Office will be guided by the instructions of the USA in regard to his responding to the above mentioned Motion for Discovery.



2 - Bureau (Encs. 4)

① - Memphis

JCH:jap
(3)



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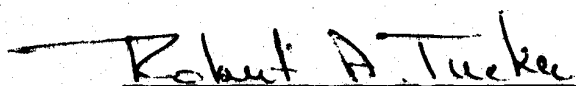
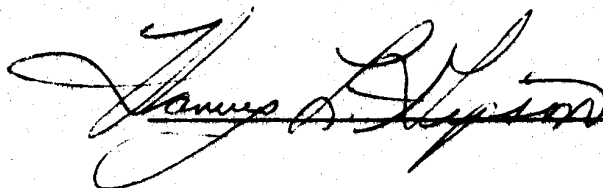
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44-1987-Subm 813

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



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

(2)

Sub M
44-1987-1814

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FBI - MEMPHIS	
<i>Hester JK</i>	

2025 RELEASE UNDER E.O. 14176

GIPSON AND TUCKER
ATTORNEYS AT LAW
EXCHANGE BUILDING
MEMPHIS, TENNESSEE 38103
AC 901-525-6331

HARVEY L. GIPSON
ROBERT A. TUCKER

October 1, 1973

Mr. Joseph V. Baker
Special Agent in Charge
Federal Bureau of Investigation
167 N. Main Street
Memphis, Tennessee 38102

Re: Charles Q. Stephens *44-1987-Sub m*
vs *-803*
State of Tennessee, et al
No: 72333-3 R.D.

Dear Mr. Baker:

Please find enclosed Amended Motion for Discovery
in the above cause.

This amended motion will be heard at 10:00 a.m.
on Friday, October 5, 1973.

Sincerely,

GIPSON & TUCKER

Harvey L. Gipson
Robert A. Tucker

Enclosure *mjh*

44-1987-Sub m 815

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FBI - MEMPHIS	

Hester

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE

CHARLES QUITMAN STEPHENS, *

Complainant, *

VS *

NO: 72333-3 R.D. *

STATE OF TENNESSEE, et al. *

Defendants, *

AMENDED MOTION FOR DISCOVERY AND PRODUCTION
OF DOCUMENTS AND THINGS FOR INSPECTION,
COPYING OR PHOTOGRAPHING.

Comes now your Complainant, Charles Quitman Stephens, through his attorneys of record, and would respectively show unto this Honorable Court as follows:

That heretofore he filed his motion for Discovery in this cause alleging his entitlement to said Discovery under Rule 34 of the Tennessee Rules of Civil Procedure 1971. It is Complainant's contention that all rules of discovery are to be taken in pari materia, since Rule 34 is the basis for discovery in his Original Motion for Discovery, and to eliminate any question, Complainant brings this his Amended Motion for Discovery to include in his original motion all Rules for Discovery under the Tennessee Rules of Civil Procedure 1971.

WHEREFORE PETITIONER PRAYS:

1. That all defendants herein in addition to the Memphis office of the Federal Bureau of Investigation, the local office of the Attorney General of the United States of America, the Attorney General of the State of Tennessee for the Fifteenth Judicial Circuit. The Shelby County

(1)

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

or sent by certain persons offering rewards through newspapers and copies of any replies thereto.

4. Copies of all editions of the Commercial Appeal and Press Simitar wherein any offer of reward was made for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.

5. Copies of the minutes and resolutions of all meetings wherein an offer of the reward was discussed, authorized, and made.

6. All documents, notes, and things the above intends to use as evidence in the trial of this cause.

VI

First National Bank
Union Planters National Bank
Tri-State Bank of Memphis
National Bank of Commerce

1. Copies of all records reflecting reward accounts pertaining to the assassination of Dr. Martin Luther King.

44-1987 Sub M 816

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FBI - MEMPHIS	

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2025 RELEASE UNDER E.O. 14176

GIPSON AND TUCKER

ATTORNEYS AT LAW

EXCHANGE BUILDING

MEMPHIS, TENNESSEE 38103

AC 901-525-6331

October 9, 1973

HARVEY L. GIPSON
ROBERT A. TUCKER

Mr. Joseph V. Baker
Special Agent in Charge
Federal Bureau of Investigation
167 N. Main Street
Memphis, Tennessee 38102

Re: Charles Q. Stephens - 44-1987
vs
State of Tennessee, et al. *Sub M 803*

No: 72333-3 R.D.

Dear Sirs,

Please find enclosed the affidavit in Support of a Motion for Discovery and Production of Documents and Things for Inspection, Copying, and or Photographing as amended and the enumerated list of Documents and Things requested to be produced.

This affidavit and enumerated list was ordered filed by Chancellor Rond upon the hearing of the motion on Friday, October 5, 1973.

Sincerely,

GIPSON & TUCKER

Harvey L. Gipson
Robert A. Tucker by HLP

Enclosure *with*

44-1987-Sub M 817
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IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE

CHARLES QUITMAN STEPHENS, *

Complainant, *

VS *

NO: 72333-3 R.D.

STATE OF TENNESSEE, et al., *

Defendants. *

AFFIDAVIT IN SUPPORT OF A MOTION FOR DISCOVERY
AND PRODUCTION OF DOCUMENTS AND THINGS FOR
INSPECTION, COPYING, AND OR PHOTOGRAPHING
AS AMENDED.

STATE OF TENNESSEE

COUNTY OF SHELBY

I, Harvey L. Gipson, residing in the City of Memphis in said County and then by me first duly sworn upon his oath disposes and says to-wit:

That affiant is one of the attorneys of record for Complainant Charles Quitman Stephens in the above mentioned cause and for the reasons enumerated herein files this his Affidavit in support of the afore mentioned motion.

Affiant further states that neither the Complainant or the Complainant's attorney can secure the requested information from any of the sources other than the sources enumerated in his motion and that at a prior hearing the Complainant's attorney was denied the information even though the Complainant's attorney had issued a subpoena duces tecum.

Affiant further states that based upon the hereinafter enumerated reasons that your affiant is entitled to the motion sought to-wit.

1. That said information was given over five (5) years ago.
2. That the witness, Charles Quitman Stephens was caught up in shock and emotion of the events.

IN THE CHANCERY COURT OF SHELBY COUNTY TENNESSEE

CHARLES QUITMAN STEPHENS,

Complainant,

VS

STATE OF TENNESSEE, et al.,

Defendants.

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NO: 72333-3 R.D.

DOCUMENTS AND THINGS

Requested to be Produced By:

I

✓United States Attorney's Office
Federal Bureau of Investigation
Attorney General's Office, State of Tennessee
Shelby County Sheriff's Office
City of Memphis
Memphis Police Department

1. All signed statements made by Charles Stephens.
2. All oral statements reduced to writing made by Charles Stephens.
3. Pictures identified by Stephens of the scene and the person committing the assassination of Martin Luther King.
4. All drawings made of James Earl Ray based upon information given investigators by Charles Stephens.
5. All statements, documents and other things which would show that information given by Charles Stephens led to the arrest and conviction of James Earl Ray.
6. All statements, documents and other things either written, oral, reduced to writing and electronic reproductions made or compiled from information given by Charles Stephens.
7. Identity and addresses of all investigative officers which interviewed Charles Stephens during their investigation of the assassination of Martin Luther King.

(1)

8. List of all places, dates and times in which Charles Stephens was interviewed by investigation officers.
9. Identity and addresses of all persons present during all interviews by law enforcement agencies of Charles Stephens.
10. Copy of any and all law enforcements files compiled by any law enforcement agency on Charles Stephens at the time he gave information.

II

City Councilmen Individually

1. All notes or memorandums made by the individual councilmen independantly or in connection with other councilmen during or after any meetings pertaining to the offer of a reward in this cause.
2. All electronic recordings any individual councilman made of meetings of the City Council pertaining to the offer of a reward.
3. All documents, notes, and things the above intends to use as evidence at the trial of this cause.

III

City of Memphis

1. Copies of minutes of meeting of the Memphis City Council wherein the subject of reward was discussed for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.
2. A list of the names and addresses of all persons present at such meeting or meetings.
3. A list of the dates, times, and places of all meetings referred to in #1 and the duration of said meetings.
4. A list of all witnesses which the City of Memphis intends to use in the trial of this matter.

5. Copies of all documents, notes, memorandums, and photographs which defendant intends to use as evidence at the trial.
6. Copies of all electronic reproductions of meetings pertaining to offering of reward for the assassin of Dr. Martin Luther King.
7. All documents, notes, and things the above intends to use as evidence in the trial of this cause.

IV

Memphis Area Chamber of Commerce
Downtown Association
Future Memphis Incorporated
National Alliance of Postal and Federal Employees

1. Copies of all minutes and resolutions of meetings discussing offer of rewards leading to the arrest and conviction of the assassin of Dr. Martin Luther King including any electronic reproductions of said meetings.
2. Copies of any letters of transmittal in the publishing of said offer.
3. Identity of all persons present during any meeting concerning offering of reward with their addresses.
4. All documents, notes and things which the above intends to use as evidence at the trial of this cause.

Memphis Publishing

Memphis Publishing Company
Commercial Appeal

1. All letters, memorandums and or notes received or made by Memphis Publishing Company pertaining to the offer of rewards for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.
2. Copies of all sketches and information pertaining to offer of reward and assassination of Dr. Martin Luther King made by any servant, agent or employee of said Defendants.
3. Copies of all letters, memorandums or notes received

Memphis, Tennessee
October 11, 1973

**JAMES EARL RAY;
Dr. MARTIN LUTHER KING, JR. - VICTIM
CIVIL RIGHTS - CONSPIRACY**

Attention is called to memorandum dated September 24, 1973, and memorandum dated September 27, 1973, regarding a Motion for Discovery filed in the Chancery Court of Shelby County, Tennessee, in the case styled Charles Quitman Stephens, Complainant, versus State of Tennessee, Et Al, Defendants.

Attached hereto and made a part of this memorandum is an "Amended Motion for Discovery and Production of Documents and Things for Inspection, Copying or Photographing" which has been filed in the Stephens versus Tennessee lawsuit.

Assistant United States Attorney Larry E. Parrish, Western District of Tennessee, Memphis, Tennessee, has advised that this amended motion in no way alters the fact that neither the United States nor the Federal Bureau of Investigation is involved in this matter, and he stated the filing of this amended motion requires no response on the part of the Government.

4-Bureau (44-38861)
①-Memphis (44-1987) (P*)
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M. W. [Signature]

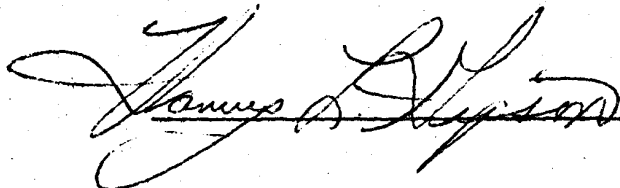
44-1987-Sub M 818

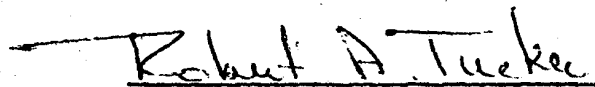
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Sheriff's Office, and the Memphis Police Department, be ordered by this Honorable Court to make available to your Complainant, through his attorneys of record, all documents, photographs, drawings, writings, electronic recordings, mock-ups, and oral 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





GIPSON AND
TUCKER
ATTORNEYS AT LAW
LARGE BUILDING
MEMPHIS, TENN. 38103
PHONE 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* -

10/11/73

AIRTEL

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

Re Memphis airtel to Bureau dated 9/27/73.

Enclosed for the Bureau are four copies of an LHM dated as above. This LHM contains an "Amended Motion for Discovery and Production of Documents and Things for Inspection, Copying or Photographing" which has been filed in the Chancery Court of Shelby County, Tenn., by attorneys for CHARLES QUITMAN STEPHENS.

3-Bureau (Encls. 4)
1-Memphis
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44-1987-Sub M 87

Memphis, Tennessee
October 12, 1973

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

Attention is called to previous memoranda in this matter, the most recent of which was dated October 11, 1973, concerning a Motion for Discovery filed in the Chancery Court of Shelby County, Tennessee, in the case styled Charles Quitman Stephens, Complainant, versus State of Tennessee, Et Al, Defendants.

Attached hereto and made a part of this memorandum are the following three documents:

1. A letter dated October 9, 1973, addressed to Mr. Joseph V. Baker, Special Agent in Charge, Federal Bureau of Investigation, Memphis, Tennessee, from attorneys Harvey L. Gipson and Robert A. Tucker.
2. Affidavit in Support of a Motion for Discovery and Production of Documents and Things for Inspection, Copying and or Photographing as Amended.
3. Documents and Things requested to be produced by United States Attorneys Office, Federal Bureau of Investigation, Attorney General's Office, State of Tennessee, Shelby County Sheriff's Office, City of Memphis, Memphis Police Department.

Documents two and three have been filed in the Chancery Court of Shelby County, Tennessee, in the Stephens versus Tennessee lawsuit.

United States Attorney Thomas F. Turley, Jr., Western District of Tennessee, Memphis, Tennessee, has advised that since no service of any kind has been made on either the United States Attorney's Office or on the Federal Bureau of Investigation, neither of these agencies is a party to this lawsuit, nor are they required to respond to this most recent action taken by Gipson and Tucker.

4-Bureau (44-38861)
1-Memphis (44-1987) (P*)
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GIPSON AND TUCKER

ATTORNEYS AT LAW

EXCHANGE BUILDING

MEMPHIS, TENNESSEE 38103

AC 901-525-6331

October 9, 1973

HARVEY L. GIPSON
ROBERT A. TUCKER

Mr. Joseph V. Baker
Special Agent in Charge
Federal Bureau of Investigation
167 N. Main Street
Memphis, Tennessee 38102

Re: Charles Q. Stephens
vs
State of Tennessee, et al.

No: 72333-3 R.D.

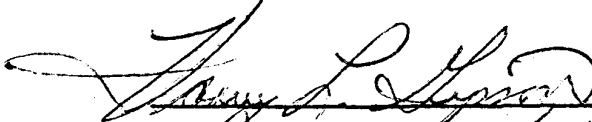
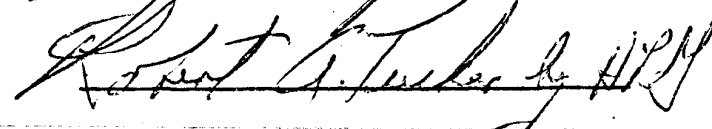
Dear Sirs,

Please find enclosed the affidavit in Support of a Motion for Discovery and Production of Documents and Things for Inspection, Copying, and or Photographing as amended and the enumerated list of Documents and Things requested to be produced.

This affidavit and enumerated list was ordered filed by Chancellor Rond upon the hearing of the motion on Friday, October 5, 1973.

Sincerely,

GIPSON & TUCKER

Enclosure *with*

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE

CHARLES QUITMAN STEPHENS, *

 Complainant, *

VS * NO: 72333-3 R.D.

STATE OF TENNESSEE, et al., *

 Defendants. *

AFFIDAVIT IN SUPPORT OF A MOTION FOR DISCOVERY
AND PRODUCTION OF DOCUMENTS AND THINGS FOR
INSPECTION, COPYING, AND OR PHOTOGRAPHING
AS AMENDED.

STATE OF TENNESSEE

COUNTY OF SHELBY

I, Harvey L. Gipson, residing in the City of Memphis in said County and then by me first duly sworn upon his oath disposes and says to-wit:

That affiant is one of the attorneys of record for Complainant Charles Quitman Stephens in the above mentioned cause and for the reasons enumerated herein files this his Affidavit in support of the afore mentioned motion.

Affiant further states that neither the Complainant or the Complainant's attorney can secure the requested information from any of the sources other than the sources enumerated in his motion and that at a prior hearing the Complainant's attorney was denied the information even though the Complainant's attorney had issued a subpoena duces tecum.

Affiant further states that based upon the hereinafter enumerated reasons that your affiant is entitled to the motion sought to-wit.

1. That said information was given over five (5) years ago.
2. That the witness, Charles Quitman Stephens was caught up in shock and emotion of the events.

IN THE CHANCERY COURT OF SHELBY COUNTY TENNESSEE

CHARLES QUITMAN STEPHENS,

Complainant,

VS

STATE OF TENNESSEE, et al.,

Defendants.

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*
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NO: 72333-3 R.D.

DOCUMENTS AND THINGS

Requested to be Produced By:

I

United States Attorney's Office
Federal Bureau of Investigation
Attorney General's Office, State of Tennessee
Shelby County Sheriff's Office
City of Memphis
Memphis Police Department

1. All signed statements made by Charles Stephens.
2. All oral statements reduced to writing made by Charles Stephens.
3. Pictures identified by Stephens of the scene and the person committing the assassination of Martin Luther King.
4. All drawings made of James Earl Ray based upon information given investigators by Charles Stephens.
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7. Identity and addresses of all investigative officers which interviewed Charles Stephens during their investigation of the assassination of Martin Luther King.

8. List of all places, dates and times in which Charles Stephens was interviewed by investigation officers.
9. Identity and addresses of all persons present during all interviews by law enforcement agencies of Charles Stephens.
10. Copy of any and all law enforcements files compiled by any law enforcement agency on Charles Stephens at the time he gave information.

II

City Councilmen Individually

1. All notes or memorandums made by the individual councilmen independantly or in connection with other councilmen during or after any meetings pertaining to the offer of a reward in this cause.
2. All electronic recordings any individual councilman made of meetings of the City Council pertaining to the offer of a reward.
3. All documents, notes, and things the above intends to use as evidence at the trial of this cause.

III

City of Memphis

1. Copies of minutes of meeting of the Memphis City Council wherein the subject of reward was discussed for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.
2. A list of the names and addresses of all persons present at such meeting or meetings.
3. A list of the dates, times, and places of all meetings referred to in #1 and the duration of said meetings.
4. A list of all witnesses which the City of Memphis intends to use in the trial of this matter.

5. Copies of all documents, notes, memorandums, and photographs which defendant intends to use as evidence at the trial.
6. Copies of all electronic reproductions of meetings pertaining to offering of reward for the assassin of Dr. Martin Luther King.
7. All documents, notes, and things the above intends to use as evidence in the trial of this cause.

IV

Memphis Area Chamber of Commerce
Downtown Association
Future Memphis Incorporated
National Alliance of Postal and Federal Employees

1. Copies of all minutes and resolutions of meetings discussing offer of rewards leading to the arrest and conviction of the assassin of Dr. Martin Luther King including any electronic reproductions of said meetings.
2. Copies of any letters of transmittal in the publishing of said offer.
3. Identity of all persons present during any meeting concerning offering of reward with their addresses.
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Memphis Publishing

Memphis Publishing Company
Commercial Appeal

1. All letters, memorandums and or notes received or made by Memphis Publishing Company pertaining to the offer of rewards for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.
2. Copies of all sketches and information pertaining to offer of reward and assassination of Dr. Martin Luther King made by any servant, agent or employee of said Defendants.
3. Copies of all letters, memorandums or notes received

or sent by certain persons offering rewards through newspapers and copies of any replies thereto.

4. Copies of all editions of the Commercial Appeal and Press Simitar wherein any offer of reward was made for information leading to the arrest and conviction of the assassin of Dr. Martin Luther King.

5. Copies of the minutes and resolutions of all meetings wherein an offer of the reward was discussed, authorized, and made.

6. All documents, notes, and things the above intends to use as evidence in the trial of this cause.

VI

First National Bank
Union Planters National Bank
Tri-State Bank of Memphis
National Bank of Commerce

1. Copies of all records reflecting reward accounts pertaining to the assassination of Dr. Martin Luther King.

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.

- 9* -

10/12/73

AIRTEL

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

Re Memphis airtel to the Bureau dated 10/11/73.

Enclosed for the Bureau are four copies of an LHM dated as above. This LHM contains a letter dated 10/9/73, to the SAC, Memphis, from attorneys GIPSON and TUCKER, Memphis, Tenn.; an Affidavit in Support of a Motion for Discovery and Production of Documents and Things for Inspection, Copying and or Photographing as Amended; and a list of Documents and Things which attorneys Gipson and TUCKER desired to be produced. The latter two documents have been filed in the Chancery Court of Shelby County, Tenn., by attorneys for CHARLES QUITMAN STEPHENS.

3-Bureau (Encls. 4)
1-Memphis
JCH/mah
(4)

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44-1987-Sub A 821

(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

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 27 1973	
FBI — MEMPHIS	

[Handwritten signature]
44-1987-Sub M822

12/27/73

AIRTEL

AIR MAIL

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)
① - Memphis

JCH:cjs
(3)

qj

qjt

SEARCHED *[initials]*
INDEXED *[initials]*

44-1987-Sub M 823

NR 02 ME PLAIN

5:09 PM IMMEDIATE 12/27/73 FLG

TO : DIRECTOR, FBI (44-38861)

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

MURKIN

ON 12/27/73, USDC CLERK, MDT, NASHVILLE, TENN., RECEIVED FROM JAMES EARL RAY, INMATE, TENNESSEE STATE PENITENTIARY (TSP) ONE PETITION AND ONE COMPLAINT. THE PETITION IS FOR TEMPORARY RESTRAINING ORDER ATTEMPTING TO PREVENT THE CONTEMPLATED TRANSFER OF RAY FROM TSP TO A FEDERAL PENITENTIARY. THE COMPLAINT IS A \$10,000 SUIT AGAINST TENNESSEE STATE OFFICIALS ALLEGING VIOLATIONS OF CIVIL AND NATURAL RIGHTS BECAUSE OF TREATMENT, OR LACK THEREOF, WHILE INCARCERATED IN SHELBY COUNTY JAIL AND TSP.

SET FORTH ON PAGE 6, PARAGRAPHS 15 AND 16 OF THE COMPLAINT, RAY STATES HE PREVIOUSLY FURNISHED HIS ATTORNEY, PERCY FOREMAN, A TELEPHONE NUMBER IN BATON ROUGE, LA., WHICH FOREMAN EITHER "1) NEGLECTED TO INVESTIGATE; 2) INVESTIGATED AND SUPPRESSED IN RESULTS THEREOF; 3) FURNISHED SAID INFO TO THE PROSECUTION AND HIS LEGAL ASSOCIATE, THE LATE JOHN J. HOOKER, SR. OF THE NASHVILLE BAR OR, 4) AVAILED SAID INFO TO HIS (FOREMAN'S) LITERARY CONFIDANTS, WILLIAM BRATFORD HUIE AND GEROLD FRANK."

RAY FURTHER ALLEGED THAT A TELEPHONE NUMBER IN BATON ROUGE, LA., FURNISHED TO FOREMAN, AND INVESTIGATED THROUGH FOREMAN WAS

SEARCHED

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INDEXED

FILED

44-1987 Sub-M 824

ME 44-1987

PAGE TWO

LISTED TO A PARRISH OFFICIAL UNDER THE INFLUENCE OF A TEAMSTER UNION OFFICIAL AND THAT A TELEPHONE NUMBER IN NEW ORLEANS, LA., AREA WAS LISTED TO "AN AGENT OF A MID-EAST ORGANIZATION DISTRUST BECAUSE OF DR. MARTIN LUTHER KING'S REPORTED FORTHCOMING, BEFORE HIS DEATH, ARAB PUBLIC SUPPORT OF THE PALESTINE CAUSE."

THE ABOVE COMPLAINT CONSISTING OF 15 PAGES AND EXHIBITS A-M FAIL TO DISCLOSE THE TELEPHONE NUMBERS OR IDENTITIES OF ANY INDIVIDUALS WHO MAY POSSIBLY HAVE BEEN INVOLVED IN THE CAPTIONED MATTER.

A COPY OF THE ABOVE DESCRIBED RESTRAINING ORDER AND COMPLAINT ARE BEING FURNISHED THE BUREAU BY AIRTEL.

END.

MES, FBIHQ CLR

F B I

Date: 12/27/73

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

Via TELETYPE IMMEDIATE
(Priority)

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

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RAY FURTHER ALLEGED THAT A TELEPHONE NUMBER IN BATON ROUGE, LA., FURNISHED TO FOREMAN, AND INVESTIGATED THROUGH FOREMAN WAS

PHT:cmc (1)
cmc

Approved: [Signature] Sent 597
Special Agent in Charge

Per [Signature]

U.S. Government Printing Office: 1972, 455-574

44-1987 Sub M-824

F B I

Date:

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

Via _____
(Priority)

ME 44-1987

PAGE TWO

LISTED TO A PARRISH OFFICIAL UNDER THE INFLUENCE OF A TEAMSTER UNION OFFICIAL AND THAT A TELEPHONE NUMBER IN NEW ORLEANS, LA. AREA WAS LISTED TO " AN AGENT OF A MID-EAST ORGANIZATION DISTRUST BECAUSE OF DR. MARTIN LUTHER KING'S REPORTED FORTHCOMING, BEFORE HIS DEATH, ARAB PUBLIC SUPPORT OF THE PALESTINE CAUSE."

THE ABOVE COMPLAINT CONSISTING OF 15 PAGES AND EXHIBITS A-M FAIL TO DISCLOSE THE TELEPHONE NUMBERS OR IDENTITIES OF ANY INDIVIDUALS WHO MAY POSSIBLY HAVE BEEN INVOLVED IN THE CAPTIONED MATTER.

A COPY OF THE ABOVE DESCRIBED RESTRAINING ORDER AND COMPLAINT ARE BEING FURNISHED THE BUREAU BY AIRTEL.

END.

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

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

FILED

DEC 27 1973

JAMES E. RAY, #65477
Plaintiff/ petitioner

BRANDON LEWIS, Clerk
By M. Lewis

vs.

HON. WINFIELD DUNN, Governor,
State of Tenn.

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

Defendants

Civil action no

7358

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 Norford, an employe of the Tenn. State prison, Nashville division, that said prison officials were 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 detainers 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 Tennesseans are incapable of managing their own institutions".
4. That petitioner intends to contest said reported transfer through the Courts.

p.1.

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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 Fédéral 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 E. Ray
65477

44-1987-Sub-825

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

FILED

JAMES E. RAY, 65477
Plaintiff

DEC 27 1973

vs.

BRANDON LEWIS, Clerk
By *M. Gear* D.C.

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

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

Civil Action no 7338.

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.

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.

p. 1.

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(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 here-in-after 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 here-in-after more fully appears.

Plaintiff, JAMES E. RAY, Sues

Defendants, MARK H. LUTHERELL; JAMES H. ROSE; ROBERT V. MOSEFORD; DAVID M. PACK; W. HENRY HAILE, and alleges:

1. That on or about July 19th 1968 plaintiff after being extradited from, London, England to the United States pursuant to cr. indictment no. 16645 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 altho plaintiff was a prisoner of the State of Tennessee two (2) employees from the Federal Government were responsible for the formation of plaintiff's living quarters in said jail, and the composition of rules governing operations of said jail section and the habitants 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 head-aches & 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 ¹ 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 ² 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. Chambliss 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, Bernard Govear, published in newspapers on March 17th 1969, the trial Judge in said cr. indictment (Hoe.

Preston Battle) allegedly told reporter, Givser, in effect that he wanted a guilty plea from the defendant 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 litigant counsel of record, Attorney Arthur J. Hanes cr. of the Birmingham, Alabama, bar.

11. That said Percy Foreman aided & abetted 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 althoe requested to so act 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 transgressions, 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 pauper's oath that no money was available for investigative purposes or Attorney fees. (Transcript, pp. 1-2-27. See Exhibit-C)

(b) On November 27th 1968 Att. Foreman met publishing figure, William

Pratford Huie, of Hartselle Alabama, in Fort Worth, Texas, wherein they unknown to said client entered into parol 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-Huie parol 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 \$165,000 on condition said client plead guilty as charged to said cr. indictment. (See Exhibit-B)

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 under 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 tr. (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)

13. 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 tr. therein. (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 Bratford Huie & Gerold 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 (herein 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 esophagus spasms and on one (1) occasion required hospital treatment wherein medication named Donatal was prescribed...a prison physician attributed this condition to the type confinement plaintiff was exhibiting under both in said Shelby county, Tenn., jail and later the prison, which the doctor diagnosed as hypertension.

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

24. That thereafter plaintiff petitioned the U.S. Dis.ct. for the M.D. of Tenn. (Hon. William E. Miller, presiding) for confinement relief; the court granted a hearing (Civil action no. 9590, Jan. 30th 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, Mr. William L. 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. Lake Russell, who succeed 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 harrassment 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 and therein worked in quarters housing the more violent prone prisoners, as well as having yards rights with, among others, said violent prone prisoners.

29. That in the first quarter of 1971 Mr. Robert H. 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 28th 1972 plaintiff appeared before the prison classification board composed of former, Petros, Warden (Mr. Robert H. Moore) and defendant (Robert Morford) 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, Morford, reading that plaintiff was being re-segregated because of previous escape attempts. (See Exhibit- L).

34. That plaintiff then requested from defendant, Morford, 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, among 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.