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EXHIBIT 7

UNITED STATES GOVERNMENT

Memorandum

TO : MR. A. ROSEN

DATE: May 22, 1961

FROM : MR. G. H. SCATTERDAY

SUBJECT:

MARTIN LUTHER KING, JR.;

-162-

(6)

Memorandum to Mr. Rosen

Martin Luther King, Jr.

Reverend Martin Luther King, Jr., prominent integrationist who led bus boycott in Montgomery, Alabama, and "sit-in demonstrations," has been associated with National Association for the Advancement of Colored People and Congress of Racial Equality. King has not been investigated by the FBI.

Bureau files reveal: King thanked Socialist Workers Party (cited by Attorney General) for support of bus boycott; attended meetings of Progressive Party (cited by Subcommittee of Senate Judiciary Committee); and was honorary chairman of Young Socialist League campaign on behalf of victims of racist terror.

King in 1950's mentioned as potential victim of assassination plot and in 1957 attended Communist Party training school seminar and reportedly gave closing speech. King President of

We have more details -

Southern Christian Leadership Conference (to further Negro vote registration) and advised "The Civil Rights law...is meaningless unless we go out and make use of it." King thanked Benjamin Davis, Jr., Communist Party official, for giving blood when he was in a hospital following assault. King in 1960 indicated his support for Committee to Secure Justice for Morton Sobell (cited by House Committee on Un-American Activities (HCUA) as communist front) and in 1961 wrote article in "The Nation" which called for integration of FBI to help speed integration. King attended meetings with integration leaders in Montgomery, Alabama, 5-21-61.

EXHIBIT 8

EXHIBIT 9

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. A. H. Belmont

DATE: August 30, 1963

FROM : Mr. W. C. Sullivan

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
IS - C

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

Reference is made to the enclosed material on which the Director has written: "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists. Time alone proved you wrong. I for one can't ignore the memos re King, et al as having only an infinitesimal effect on the efforts to exploit the American Negro by the Communists."

The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. On investigating and writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us.

I do think that much of the difficulty relating to the memorandum rightly questioned by the Director is to be found centered in the word "influence." We do not have, and no Government agency or private organization has, any yardstick which can accurately measure "influence" in this particular context, even when we know it does exist such as in the case of the obvious influence of over Martin Luther King and King's influence over other Negro leaders. Personally, I believe in the light of King's powerful demagogic speech yesterday he stands head and shoulders over all other Negro leaders put together when it comes to influencing great masses of Negroes. We must mark him now, if we have not done so before, as the most dangerous Negro of the future in this Nation from the standpoint of communism, the Negro and national security.

On determining membership of Negroes in the Communist Party, we are not confronted with the same problem. We do have here accurate yardsticks for establishing membership. Of course, our standards are very exacting. This means there are many Negroes who are fellow-travellers, sympathizers or who aid the Party, knowingly or unknowingly, but do not qualify as members. These we must not ignore. The old communist principle still holds: "Communism must be built with non-communist hands." Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive influence

Enclosure

that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive.

The memorandum which the Director penetratively questioned, while showing in the details the communist impact on Negroes, did suffer from such limitations. These limitations we will make every effort to lift in the future. The great amount of attention this Division is giving to communist activities directed toward the Negro should enable us to do this.

For example, here at the Seat of Government, the Negro - communist question takes up as a whole the time of one supervisor and during the past few weeks four men have been so occupied. Additionally, (1) specialized instructions are regularly given the field on communist infiltration of the Negro; (2) monographs have been written on the subject and widely disseminated; (3) regularly disseminated are memoranda and reports; (4) August 21, 1963, we devoted the entire Current Intelligence Analysis to the communist plans for the Negro March of August 28, 1963, (149 copies of this Analysis were disseminated to 44 agencies of the Government); (5) much material on the issue is given to Agents at In-Service; and (6) an SAC Letter is under preparation in this Division now giving the field the benefit of what we learned from the Negro March on Washington and issuing instructions for increased coverage of communist influence on the Negro.

As the memorandum pointed out, "this Nation is involved in a form of racial revolution and the time has never been so right for exploitation of the Negroes by communist propagandists." Nineteen million Negroes constitute the greatest single racial target of the Communist Party, USA. This is a sombre reality we must never lose sight of. We will do everything possible in the troubled future to develop for the Director all available facts relating to Negro membership in the Communist Party, plus the more complex and difficult to ascertain influence of communist organizations and officials over the leaders and masses of Negroes.

We regret greatly that the memorandum did not measure up to what the Director has a right to expect from our analysis.

RECOMMENDATION:

For the information of the Director.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: September 16, 1963

FROM : Mr. F. J. Baumgardner

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - COMMUNIST

This memorandum recommends increased coverage of communist influence on the Negro. The history of the Communist Party, USA (CPUSA), is replete with its attempts to exploit, influence and recruit the Negro. The March on Washington, 8-28-63, was a striking example of such Communist activity as Party leaders early put into motion efforts to accrue gains for the CPUSA from the March. Well-documented information concerning the Party's influence on a principal March leader, Reverend Martin Luther King, Jr., is but an example. The presence at the March of around 200 Party members, ranging from several national functionaries headed by CPUSA General Secretary Gus Hall, to many rank-and-file members, is clear indication of the Party's favorite target (the Negro) today.

All indications are that the March was not the "end of the line" and that the Party will step up its efforts to exploit racial unrest and in every possible way claim credit for itself relating to any "gains" achieved by the Negro. A clear-cut indication of the Party's designs is revealed in its plans to hold a highly secretive leadership meeting in November, 1963, which will deal primarily with the Negro situation. This meeting is to be preceded by a Gus Hall "barnstorming" trip through key areas of the country to meet Party people and thus better prepare himself for the November meeting.

The entire field is being alerted to this situation in a proposed SAC Letter (attached). The field is being instructed to intensify our coverage of communist influence on the Negro by giving fullest consideration to the use of all possible investigative techniques. In addition, the field is being told to intensify its coverage of those communist fronts through which the Party channels its influence and to intensify its investigations of the many Party members and dupes who engage in activities on behalf of the Party in the Negro field. Further, we are stressing the urgent need for imaginative and aggressive tactics to be utilized through our Counterintelligence Program--these designed to attempt to neutralize or disrupt the Party's activities in the Negro field. Necessity for prompt handling of all facets of this matter to insure timely dissemination to the Department and other interested agencies is also being emphasized.

100-3-116

1 - 100-3-76 (CPUSA, Negro Question)

31 OCT 16 1963

Memorandum to Mr. Sullivan
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
100-3-116

The proposed SAC Letter requires key security offices to submit to the Bureau, within 30 days, an analysis of their current coverage of communist activities in the Negro field plus details of their plans for intensification. Also, those 16 offices participating in the Counterintelligence Program on a regular basis are being required to include in their next monthly letters due 10-15-63 their plans to neutralize or disrupt Party activities in the Negro field.

RECOMMENDATION:

If approved, attached SAC Letter go forward apprising the field as above and urging full implementation so that the desired results may be achieved. Also attached for approval are necessary Manual changes.

No. I can't understand how you can so agilely switch your thinking & evaluations. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective & infinitesimal. This – notwithstanding many memos of specific instances of infiltration. Now you want to load the Field down with more coverage in spite of your recent memo depreciating C.P. influence in racial movement. I don't intend to waste time & money until you can make up your minds what the situation really is.

2025 RELEASE UNDER E.O. 14176

EXHIBIT 10

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

9/18/63

MEMORANDUM FOR THE DIRECTOR

While the attached memorandum bears the initials of Mr. Baumgardner, it was prepared from a rough-draft furnished to him by Mr. Sullivan.

It should be understood that Sullivan, Baumgardner, Sizoo and Belmont read the memorandum and agreed with it prior to its submission.

REC-5 62-109060-2534

Enclosure

22 SEP 5 1963

Clyde Tolson

CT:LCB

2 ENCLOSURE

EXHIBIT 11

To: Mr. A. H. Belmont Date: September 25, 196

From: Mr. W. C. Sullivan

Re: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - C

Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

Predication:

Reference is made to the enclosed memorandum dated 9/16/63 and to the attached proposed SAC Letter.

On returning from a few days leave I have been advised of the Director's continued dissatisfaction with the manner in which we prepared a Brief on the above-captioned matter and subsequent memoranda on the same subject matter. This situation is very disturbing to those of us in the Domestic Intelligence Division responsible for this area of work, and we certainly want to do everything possible to correct our shortcomings. We absolutely will not be stubborn about admitting any mistakes we have made or be stiff-necked and unbending concerning our analysis of this matter. The Director indicated he would not approve our last SAC Letter until there was a clarification and a meeting of minds relative to the question of the extent of communist influence over Negroes and their leaders. In this memorandum I will seriously and sincerely try to clarify a most regretable situation. It is prepared not on official office memorandum but rather on plain bond believing that this discussion need not be made a matter of official record.

Common Agreement:

First, I am sure we all are in agreement on the following which was in both the cover memorandum and the detailed brief attached: (1) for the past 44 years the Communist Party, USA, has spent enormous sums of money and ceaseless efforts to influence Negroes and to make communists out of them; (2) the 19 million Negroes in the country today constitute the greatest single racial target of the Communist Party, USA; (3) Negro leader Martin Luther King, _____ does have as an extremely important advisor _____; (4) we are right now in this nation engaged in a form of social revolution and the time has never been so right for exploitation of the Negroes by communist propagandists; and (5) the Communist Party could in the future make prodigious strides and great successes with the American Negro to the serious detriment of our national security. In addition to the above, the material furnished contained many pages of specific examples of communist policies. ~~programs and activities~~

Enclosures Sent 9-26-63 REC-40

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

showing communist involvement in Negro racial matters in this nation, relative to which we can all agree.

Essence of the Situation:

The essence of the situation seems to be this: We presented what facts there are in our files in the Brief in question and I know that the Director certainly would not want us to do other than this. The position taken at the time the Brief was written was that, while there is communist influence being exerted on Negroes and Negro leaders, it has not reached the point of control or domination. This historically has been the position of the Bureau in this matter in light of file reviews going back ten to twenty years. Certainly this is not true with respect to the King connection. H

The Historical Position:

For example, in a detailed document prepared on Communist Party and the Negro in 1953, we find the statement referring to "the failure of the Communist Party to attract even a significant number of Negroes in the United States to its number." Another example is to be found in an analysis in this same field prepared by the Bureau in 1956 to the effect that communist efforts have been "unsuccessful on a state or national level" in infiltrating "legitimate Negro-fraternal, protest and improvement organizations," although they made limited success in some "isolated chapters." The Director's book, Masters of Deceit, published in 1958, states: "It became obvious that the Party, despite great efforts, had failed to win over even a significant minority of Negroes." In 1960 the Director's statement to The Committee on the Judiciary, United States Senate, reads: "It is no secret that one of the bitterest disappointments of communistic efforts in this Nation has been their failure to lure our Negro citizens into the Party." In 1962 similar public statements were made. On page seven of the Brief submitted to the Director under the date of August 23, 1963, this historical position was restated and it was said, "One of the bitterest disappointments of the communists has been their single failure to lure any significant number of our Negro citizens into the Party." This statement was set forth again in the cover memorandum which the Director marked.

The point I wish to make here is this: The fact that this has been our historical position in the Bureau for many years is no reason to assume that it is the correct position at this time, as the Director has clearly explained. Times and conditions change and, as the evidence mounts, naturally we need to change our position along with this evidence.

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

Interpretation:

As we know, facts by themselves are not too meaningful, for they are somewhat like stones tossed in a heap as contrasted to the same stones put in the form of a sound edifice. It is obvious to us now that we did not put the proper interpretation upon the facts which we gave to the Director.

Martin Luther King:

We have been aware of the communist influence for nearly two years on Martin Luther King, Jr., head of the Southern Christian Leadership Conference, and in the comprehensive memorandum entitled "Communist Party, USA, Negro Question," dated 8/23/63 we set out information to the effect that a number of Negro leaders in this country have had subversive connections in their backgrounds and that Martin Luther King, Jr., has been dealing with

As previously stated, we are in complete agreement with the Director that communist influence is being exerted on Martin Luther King, Jr., and that King is the strongest of the Negro leaders. As we have stated before in a memorandum, we regard Martin Luther King to be the most dangerous and effective Negro leader in the country. In addition, we know the Party is directing a major effort toward strengthening its position among the Negroes inasmuch as we have information the Party plans to intensify its efforts to exploit the racial situation for the purpose of gaining influence among the Negroes.

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

SAC Letter to the Field

I would like to set forth here briefly why I think that the enclosed SAC Letter, which was returned to us by the Director, should be sent to the field offices. My first reason is this: We need to renew our efforts and keep the pressure on and leave no stone untufned to develop every and all facts which exist in this matter. Some of these facts may not yet have been unearthed by our field offices, and will not be unless we follow up this matter evermore closely with them. My second reason why I think the SAC Letter should be sent is related to the present changing situation inthe Communist Party - Negro relations area. During the past two weeks in particular there have been sharp stepped-up activities on the part of communist officials to infiltrate and to dominate Negro developments in this country. Further, they are meeting with successes. This should be no surprise to us because since the Negro march on Washington on August 28 communist officials have been doing all possible to exploit the very troubled racial situation. As they said weeks ago, the end of the Negro march would be the beginning of evermore systematic activities on their part to penetrate and influence Negroes and Negro leaders. They are now in full force acting upon this intention of theirs expressed weeks ago. The field should be alerted to this fact and given instructions to investigate exhaustively new communist - Negro activities. The SAC Letter in question will be a great help toward this end, and it should result in our developing important facts relating to the current changes and pertinent activities going on during the past few weeks in this entire field.

Subject of Deep Concern

May I repeat that our failure to measure up to what the Director expected of us in the area of communist - Negro relations is a subject of very deep concern to us in the Domestic Intelligence Division. We are disturbed by this and ought to be. I want him

to know that we will do everything that is humanly possible to develop all facts nationwide relative to the communist penetration and influence over Negro leaders and their organizations.

RECOMMENDATIONS:

(1) That the Director reconsider giving approval for sending the enclosed SAC Letter to the field.

V. O.K. H

(2) In order that other agencies and prominent government officials will be aware of the determined efforts of the Communist Party to exploit the racial situation, if the Director approves we will prepare a concise document setting forth clearly those attempts to penetrate, influence, and control the Negro movement. By setting these facts forth, succinctly and clearly, the reader cannot help but be impressed with the seriousness of the communist activities.

O.K. H

EXHIBIT 12
(Classified)

EXHIBIT 13

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

10/17/63

FILE

MR. TOLSON:

The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it. It is labeled TOP SECRET. However, even such a high classification seems to be no bar today to a leak, and should this leak out it will add fuel to a matter which may already be in the cards as a political issue during the forthcoming Presidential campaign.

The memorandum makes good reading and is based on information from reliable sources. We may well be charged, however, with expressing opinions and conclusions, particularly with reference to some of the statements about King.

We must do our duty. H

This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department. He may resent this. Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement, and we will be carrying out our responsibility by disseminating it to the people indicated in the attached memorandum.

I am glad that you recognize at last that King is a "fake" ... influence

A. H. Belmont

AHB:CSH

100-3-116-45

6 OCT 23 1963

EXHIBIT 14

DEC 15 1976

FGF:JFW:vek

Mr. James Earl Ray
Post Office Box 73
Brushy Mountain Penitentiary
Petros, Tennessee 37845

Dear Mr. Ray:

In May of 1976 the Attorney General of the United States created a task force for the purpose of reviewing the FBI's investigation of the assassination of Dr. Martin Luther King, Jr.

The task force is now in the process of winding up its inquiry before submitting a final report to the Attorney General. However, we feel that our inquiry will not be complete unless we give you an opportunity to state your participation, or lack of participation, in the murder of Dr. King.

Accordingly, we hereby request, through your attorney, James H. Lesar, Esquire, your consent to an interview by members of the task force. If you should agree to talk to us, our time schedule requires us to arrange for the interview to take place not later than December 31, 1976.

Please let us know immediately whether you desire to be interviewed.

Sincerely,

Fred G. Folsom
Director
Martin Luther King, Jr., Task Force

cc: James H. Lesar, Esquire

EXHIBIT 15

Brushy Mountain Penitentiary
Petros, Tennessee 37845

Mr. James H. Lesar
Attorney at Law
1231 fourth Street, S.W.
Wash. D.C.

December 20, 1976

re: Ray v. Tenn. cr. Indictment no. 16645;
Shelby county, Tennessee. (1968)

Dear Jim:

In respect to your letter saying that a justice department attorney, Mr. James F. Walker, would like to interview me concerning the above indictment, I agree with your advice opposing the interview. It would appear that this would only be in the interest of the J.D. and their book writing collaborators, e.g., Gerold Frank, George McMillian, et al.
If they had wanted to interview the defendant, under oath, justice had ample opportunity in the 1974 H.C. hearing in Memphis, Tennessee, through their surrogate, W. Henry Haile; and I understand no representative from justice appeared as a witness at the hearing.

At the present I believe the only body I should testify before is a jury.

I understand you to say justice has not read any of the trs. of prior hearings & suits. Therefore I'll include in the cc copy of this letter to justice a copy of a Complaint that speaks to the MLK jr. matter with attached Ex--A, althoe I doubt if justice or their publishing associates will be interested in the Complaint contents.

Sincerely: James e. Ray #65477
P.O. Box--73
Petros, Tenn. 37845.

cc: James F. Walker, Esq. J.D.

James Ray

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES E. RAY,
Plaintiff

vs.

TIME INC.
GEORGE McMILLIAN
W. HENRY HAILE
WILLIAM BRATFORD HUIE
GEROLD FRANK
HON. ROBERT M. McRAE
BRENDA PELLICCIOTTI
Defendants

Civil Action No. C-76-274.

COMPLAINT

1. ALLEGATION OF JURISDICTION:

(a) Jurisdiction of the parties in the hefein subject matter is based upon diversity of citizenship and 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 TIME Inc. (here-in-after, TIME) is a citizen of the State of New York; defendant George McMillian (here-in-after, McMillian) is a citizen of the State of Massachusetts; defendant W. Henry Haile (here-in-after, Haile) is a citizen of the State of Tennessee; defendant William Bratford Huie (here-in-after, Huie) is a citizen of the State of Alabama; defendant Gerold Frank (here-in-after, Frank) is a citizen of the State of New York; defendant Hon. Robert M. McRae (here-in-after, Judge McRae) is a citizen of the State of Tennessee; defendant Brenda Pellicciotti (here-in-after, Pellicciotti) is a citizen of the State of Tennessee. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

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

The action arises under the fifth, sixth, and fourteenth, amendments to the Untied 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 existance of a question arising under particular statute:

The action arises under Act 42 U.S.C.A. § 1983; U.S.C. Title 28 § 1343 (4). As here-in-after more fully appears.

THIS IS AN ACTION IN LIBEL & CIVIL RIGHTS VIOLATIONS.

GENERAL BACKGROUND:

On April 4th 1968, Rev. Martin Luther King jr., was shot . d killed in, Memphis Tennessee; in May 1968 the plaintiff was indicted by the Shelby county grand jury (cr. indictment no. 16645) for said shooting; on March 10th 1969 plaintiff, allegedly through coercion by his attorney, Percy Foreman & the prosecution, entered a guilty plea to said cr. indictment; on February 2nd 1974 the U.S. 6th circuit court of appeals ordered an evidentiary hearing into the circumstances of said plea, Ray v. Rose 491 F2d 285 (C.A.6, 1974; on February 27th 1975 after hearing said evidentiary proceedings the U.S. District court for the W.D. of Tennessee, Hon. Robert M. McRae, presiding ruled against plaintiff, Ray v. Rose, C-74-166; on May 10th 1976 the U.S. 6th circuit court of appeals upheld Judge McRae's ruling in said evidentiary hearing. Ray v. Rose, C-75-1795.

Plaintiff, JAMES E. RAY, sues

Defendants, TIME INC.; GEORGE McMILLIAN; W. HENRY HAILE; WILLIAM BRADFORD HUIE; GEROLD FRANK; ROBERT M. McRAE; BRENDA PELLICCIOTTI, and alleges:

2. That while awaiting trial in the aforementioned cr. indictment the plaintiff copied down from recollection information he had gained in his 1967 associations, associations which lead to plaintiff being charged under said indictment.

3. That a brief summary of said recollections and their subsequent disposition by plaintiff are as follows:

(a) during one period of plaintiff's confinement in 1968 he wrote down on a money receipt issued forth from the Sheriff's office of the Shelby county, Tennessee, jail information which plaintiff believed had a direct bearing on said cr. indictment. See, Ex--A.

(b) the information consisted of telephone numbers & one name & address; all numbers were written down backwards, including the address.

(c) the two telephone numbers were listed next to the word "Sister", the first being listed in, New Orleans, Louisiana; the second being in, Baton Rouge, Louisiana.

(d) the address is listed under the name, Vera C. Staples.

(e) the telephone number listed under the Baton Rouge address was furnished to plaintiff's attorney, Percy Foreman, who was representing plaintiff in said cr. indictment.

(f) the address was not investigated until plaintiff was incarcerated upon pleaing to said indictment; a compendium of the post trial investigation would indicate: the information cited above was given to a St. Louis, Missouri, labor leader, and informed it pertained to the MLK jr. case, who apparently in turn furnished said information to a Nashville, Tennessee, ex-Attorney to investigate; said Attorney had sources in the State of Louisiana investigate the matter and thereafter said Attorney reported the Baton Rouge listed number resident was under the influence of the Teamsters union; and the New Orleans listed number resident was among other things an agent of a mideast organization disturbed because of Dr. King's reported forthcoming, before his death, public support of the Palestine Arab cause. (References to the address if any was unclear.)

(g) the plaintiff had come by said name & address shortly before crossing the border in November 1967 from Tijuana, Mexico, into the United States; the name was Randolph Erwin Rosen, 1180 N.W. River Drive, Miami, Florida; other reference was made to a LEAA; a check through the Miami directory in 1970 indicted no Rosen listed with the above first & second name; in 1973-74 a Chicago, Illinois, reporter was quired as to the name of a Rosen who was an official in the Progressive Labor Party, the reporter later responded said Rosen, or Rosens, activities were mainly in the New York, New York, area; shortly thereafter said reporter was substantiated by material plaintiff received indirectly from the Hon. Richard Ichord a congressman from

Missouri; thereafter an Attorney in Oklahoma City, Oklahoma, was furnished the Rosen name and asked if he could find any information re the subject in, New Orleans, and informed the subject might have a cr. record; the Attorney reported back that the subject's last name most likely was, Rosenson, and that he had a cr. conviction in New Orleans, Louisiana, federal court for a narcotics violation; thereafter a Tennessee licensed Attorney procured the tr. of said conviction; subsequently another check was made through the, Miami, telephone directory which did list a "Randy Rosendon" but with an address discrepency.

4. That plaintiff intended the above information for exclusive use, after a through investigation, in a jury trial under said cr. indictment--rather than for commercializing in the communications industry--and in consequence withheld parts thereof from plaintiff's cr. Attorneys, who were enmeshed with defendant (novelist) William Bratford Huie in commercial publishing ventures: 1st) Attorney Arthur Hanes sr., who immediately upon entering the suit contracted with defendant, Huie and 2nd) Attorney Percy Foreman, who while not entering into literary contracts with Mr. Huie until January 1969, two months after Foreman's entering the suit, Mr. Foreman did not question plaintiff about said information or other aspects of the cr. indictment--because of his (Foreman's) admitted trial preparation methods--until February 1969.

5. That in February 1969, after Percy Foreman had entered into literary contracts with defendant, Huie, plaintiff furnished Attorney Foreman with the above mentioned, Baton Rouge, phone number and asked him to investigate in connection with the MLK jr. homicide. Shortly thereafter Mr. Foreman replied in effect that if there were to be any telephone numbers refered to in court he (Foreman) would furnish them through contacts in interstate gambling--Mr. Foreman mentioned a, Mr. Meyer Lansky, as his source.

6. That subsequently, after the prosecution and Percy Foreman had maneuvered plaintiff into entering a plea to said indictment, the plaintiff on March 11th 1969 was checked into the Tennessee State penitentiary--Nashville Branch--and therein all plaintiff's personal property including the paper herein attached as EX-A, and including incoming legal & personal letters mailed to said prison, were confiscated from plaintiff. Two or three days later after discussing briefly with State corrections commissioner, Harry Avery, the letters including EX-A were returned to plaintiff by said,

Commissioner, Harry Avery. (except for a thin line circling some writings the property seemed in order.

7. That prior to Plaintiff's transfer to the aforementioned penitentiary, Commissioner Avery, the late Governor of Tennessee, Hon. Buford Ellington, and Governor Ellington's administrative assistant, Mr. Willian L. Barry, had decided and committed to writing (see, Avery testimony in, Ray vs. Russell, U.S. Dis. Ct. M.D. Tn. Civ. Action no. 5590, 1970)Plaintiff's treatment upon entering said penitentiary,ie, arbitrary lodging of Plaintiff in solitary confinement immediately upon his entering prison.

8. That thereafter on (March 13, 1969) when plaintiff commenced petitioning the trial court for a new trial under said indictment, Commissioner Avery attempted to persuade Plaintiff against seeking a trial under said indictment and after failing that informed Plaintiff that he would hever be releasted from solitary confinement while he (Avery) was corrections commissioner.

9. That in the succeeding years until the present Plaintiff has been arbitrarily locked in solitary confinement/segregation for approximately five years, during which time their has been several suicides by prisoners beca ause of the harshment of the confinement including two (2) who burned themselves to-death. See, EX--B.

10. That after the aforementioned plea by Plaintiff the trial Judge, Hon. Preston Battle, departed from Memphis, Tennessee, for a vacation and while on said vacation the then Governor of Tennessee, Hon. Buford Ellington, upon learning of Plaintiff's effort to receive a jury trial under said indictment, dispatched State officials to located Judge Battle to offer him the next Appellate Judgship vacancy if the Judge would deny Plaintiff a trial under the petition refered to in paragraph-8 above.

11. That on or about March 12th 1969 in the prison segregation building Plaintiff was confronted through a ruse by special agent, Robert Jensen of the Memphis, Tennessee, federal bureau of investagation office. The thrust of "r. Jensen's conversation was seeking cooperation of Plaintiff in furthereing the FBI investigation of said cr. indictment. When Plaintiff refused the cooperation offer Mr. Jensen upon departing said Plaintiff could expect Plaintiff Brothers (John & Jerry Ray) to join him in prison, or words to that effect, thereafter:

(a) plaintiff's brother, Jerry Ray, was intimidated to the extent that he had to resign his job in the Chicago, Illinois, area; subsequently after forcing him from his job the FBI attempted to frame him for numerous crimes.

(b) plaintiff's other brother, John Ray, was arrested by police while driving his car in the St. Louis, Missouri, area and subsequently charged by the FBI for aiding and abetting a bank robbery. Tried and convicted with a defendant whom the government alleged actually robbed said bank, John was given 18 years and the alleged robber 10 years; upon appeal the alleged robber's conviction was reversed by the 8th U.S. circuit court of appeals because the fruits of an illegaly search & seizure was used against him; however, the 8th circuit ruled that the fruits of the illegal search was not ground for reversing John Ray's case becasue the alleged evidence (stolen money) was not taken from him; upon re-trial the alleged robber was acquited; subsequently another defendant in the robbery was charged and entered a plea for three (3) years which was later reduced to eighteen months by the government.

12. That in June 1969 Plaintiff filed a civil action in the United States District court for the M.D. of Tennessee seeking to void contracts between plaintiff, the aforementioned Percy Foreman, and defendant, Huie. In attempting to have said civil action (Complaint) dismissed, thus necessitating the refiling by Plaintiff in the W.D. of Tennessee, the defendants Attorney the late, John J. Hooker sr., of the Davidson county Tennessee bar, illegally procured Plaintiff's entire prison record, including domicle informatihn, from the aforementioned corrections commissioner, Harry Avery, and was thus able to have said Complaint dismissed in the M.D. of Tennessee and refiled in the W.D. (civil action no. C-69-199) before Judge McRae, because of said domicle information.

13. That thereafter in civil action no. C-69-199 one of Judge McRae's initial rulings was that said action would be decided by deposition rather than live testimony--subsequently the Judge dismissed the suit on motion of the defendants.

14. That following the United States Sixth circuit court of appeals ruling on February 3rd 1974 ordering an evidentiary hearing into the circumstances of Plaintiff's aforementioned guilty plea under said indictment defendant, Judge McRae, again assumed jurisdiction to conduct said hearing (civil action no.C-74-166) and again ruled that the two principal witnesses, the

aforementioned Percy Foreman & defendant Huie, would not have to undergo live testimony, only depositions. The Judge accomplished this legal maneuver by ruling the Plaintiff's subpoena powers were limited to a 100 mile radius of Memphis, Tennessee.

That Judge McRae further prejudicial & arbitrary actions & inactions listed below effectively diminished the Plaintiff's right under the United States Supreme court mandate for a full and equitable evidentiary hearing:

(a) the court ruled in effect P____ at the solicitation of the State's Attorney, defendant Haile--who had complained to the court that the press was urging the State to ask certain questions of Plaintiff--that General Haile could inquire of Plaintiff's alleged information he (plaintiff) provide said Percy Foreman concerning others persons allegedly culpable under said cr. indictment. Thereafter, althoe Plaintiff did refer to information described above as being given to Mr. Foreman by Plaintiff, and within the confines of the above court ruling, neither defendant, Haile, or, Judge McRae questioned Plaintiff in the matter.

(b) Judge McRae in concert with defendant, Pellicciotti, has consistently--despite petitions from Plaintiff's counsel, James H. Lesar--declined to forward to the U.S. 6th circuit court of appeals relevant & necessary portions of the transcript in said evidentiary hearing: specifically, the definitive portions of said transcript evidencing, Percy Foreman, after invatation, refused to offer live testimony in said evidentiary hearing; and thus through their deleterious inactions in the tr. matter contributed substantially to the 6th circuit decision against Plaintiff therein.

(c) Judge McRae has ignored a petition to take perpetuating testimony, filed after said evidentiary hearing, from defendant, Huie. Mr. Huie being a principal character therein.

15. That prior to said evidentiary hearing, Judge McRae, mislead or attempted to mislead Plaintiff's Tennessee cr. counsel as evidenced by a series of letters Plaintiff received from said Counsel (Mr. Robert I. Livingston) implying that during several encounters with Judge McRae he (Livingston) was lead to believe the court was sympathetic to Plaintiff's case and thus a vigorus presentation by Plaintiff's counsel would not be necessary or desirable.

16. That their have been publicized allegations that, Judge McRae, is more concerned with the political effects of his decisions than the law. See, EX--C.

17. That the clerk of the court defendant, Pellicciotti, wherein said evidentiary hearing was conducted acted in concert with, Judge McRae, in declining to prepare and forward tr. material, described in paragraph 14-b above, to the U.S. sixth circuit thus contributing substantially to the sixth circuit denying Plaintiff relief under said evidentiary hearing.

18. That defendant, Haile, who was the State's chief counsel in the aforementioned evidentiary hearing, but is now in private practice, has libeled Plaintiff by aiding & abetting defendant, McMillian, in McMillian's preparing & authoring the aforementioned artilce for defendant, TIME.

19. That defendant, McMillian, informed Plaintiff's brother, Jerry Ray, of his (McMillian's) relationship with defendant, Haile.

20. That in 1975 defendant, Haile, appeared with defendant, McMillian, at the Tennessee State penitentiary--Nashville Branch--wherein McMillian requested warden, James H. Rose, a personal friend of Haile, to contact Plaintiff and ask if he would consent to an interview by, McMillian. Warden Rose did forward said interview request to Plaintiff which Plaintiff declined and, thereafter, Haile & McMillian viewed the solitary confinement building wherein Plaintiff was housed.

21. That defendant, Haile, while asst. att. gen. for the State of Tennessee several times publicly criticised court decisions unfavorable to him in a manner suggesting he was attempting to intimidate Judges, acts for which he subsequently was dismissed from the A.G.'s office by the Attorney General for the State of Tennessee.

22. That in the January 26, 1976, issue of TIME magazine (EX--D) under the title of "The King Assassination Revisited", defendant, McMillian, authored a malicious article subtitled "I'm gonna kill that nigger King" and alleged said subtitle to be a statement made by Plaintiff. Said article is littered with deliberate fabrications, and while of a hollywoodish character they are delivered with malice intent, begining

"...In 1963 and 1964 Martin Luther King was on TV almost everyday, talking defiantly about how Black people were going to get their rights...Ray watched it all avidly on the cell-block TV at Jeff City. He reacted as if King's remarks were directed at him personally. He boiled when King came on the tube. He began to call him Martin 'Lucifer' King and Martin Luther 'coon'. It got so that the very sight of King would galvanize Ray ". p. 18 said article.

The facts are that their were no TV sets in the cellblocks or, cells, during Plaintiff's entire sojourn in the Missouri State penitentiary at, Jefferson City; and, that defendant McMillian is cognizant of this fact through conversations with Missouri corrections officials whom he has contacted for information numerous times. See, EX--F.

23. That several other deliberate fabrications with malicious intent in said article are:

(a) "Ray and (his fellow convict Raymond) Curtis would set around, often high on speed..." Speed being a form of narcotic. p. 18.

(b) "On April 24, 1967, just one day after Ray escaped from the prison at Jefferson City, he met his Brothers Jack and Jerry in Chicago's Atlantic Hotel..." Allegedly, say's McMillian, discussing the murder of Martin Luther King. p. 18.

(c) that McMillian alleged Plaintiff's Brothers, John & Jerry Ray, had, from conversations with Plaintiff, knowledge before the fact of the MLK Jr. murder. PP. 18 & 23.

24. That the State of Missouri's department of corrections commissioner, Mr. George M. Camp, alleges in effect that defendant McMillian is a fraud in connection with McMillian's aforementioned allegations concerning Plaintiff's conduct while in said Missouri penitentiary. See, EX--E.

25. That the Missouri prisoner defendant McMillian principally relies on to substantiate his allegations, allegations that Plaintiff not only ploted the murder of MLK Jr. but was also a narcotic addict, narcotic peddler, ect. ect., is reveled to be one, Raymond Curtis.
Said, Raymond Curtis, attempted onced to converse with Plaintiff while in said penitentiary, thereafter he (Curtis) voluntarily "checked into" segregation, after being exposed as a proffessional informer, and thus

was thereafter limited in his prison association to his own type.

26. That shortly after Plaintiff's arest in 1968 to anser for said cr. indictment defendant McMillian stated at a news conference that since he (McMillian) knew Plaintiff was guilty of the indictment charge he (McMillian) would not have to investigate the case. Thus it follows a fortiori that McMillian has relied on the work product of other novelist to substantiate sizeable portions of his allegations in said TIME artucle.

27. That defendant McMillian has posted Plaintiff numerous letters, first threatening, then cajoling, in seeking interviews for use in said article and his alleged forthcoming book re Plaintiff.

28. That defendant TIME magazine has a vested (financial) interest in publishing said artilce by McMillian--thus in promoting McMillian's forthcoming book re Plaintiff-- in that McMillian's publisher, Little Brown, is a subsidary of TIME inc.

29. That defendat TIME deceived their own agent (Richard C. Woodbury) in their Chicago, Illinois, office into thinking TIME would run an objective story re the matter. See, EX--*F*.

30. That defendant TIME was consciously endeavoring to influence the United States Sixth Circuit court of appeals in, Ray v. Rose, no. 73-1543, which just a few days subsequent to said article heard agguments in the above Ray v. Rose suit to determine whether to order Plaintiff a new trial under said cr. indictment.

31. That TIME inc. has a history of conspiring to subvert the judicial and political processes by publishing, timely, malicious articles prior to judicial decisions or election of public officials.

32. That because defendant, TIME, has made a fresh investigation)p. 17 said article) into the "case"--their initial investigation evidently being performed by Time inc. LIFE magazine in 1968--TIME is cognizant that a substantial portion of said article is false & malicious.

33. That substantial portions of said artilce by McMillian were supplied to Mr. McMillian by defendants, Frank & Huie--Defendant, Huie, published a novel re Plaintiff in 1970 titled "He Slew the Dreamer"; defendant, -188-,

34. That the false allegations in said article: "that Plaintiff committed a holdup in London, England, and that George C. Wallace would pardon plaintiff, pp. 17 & 23 respectively, were supplied to defendant McMillian by defendant Huie as evidenced by statements made directly to Plaintiff by the above mentioned Percy Foreman (quoating Huie to Plaintiff) along with oral & written declarations by Defendat, Huie. See, [illegible].

35. That defendant Huie in his ongoing media campaign against Plaintiff libeled Plaintiff in a CBS-TV interview hosted by, Dan Rather, on or about January 2, 1976, by falsely alleging in effect that Plaintiff had murdered MLK Jr. and, robbed a loan company in London, England.

36. That the false allegations in reference to Adolph Hitler (p. 23 said article) was supplied to defendant McMillian by Defendant, Frank, as evidenced by statements made directly to plaintiff by Plaintiff's former Attorney (who was interviewed extensively by defendant, Frank) Robert Hill, of the Chattanooga Tennessee bar.

37. That defendant Huie has a history, for commercial reasons, of contentiousness with said, Gov. Wallace.

38. That defendant Frank has a history of defending Zionism even when it includes murder, eg, see Frank's novel, publisher in 1963, titled "THE DEED", and if allegations in count 2-f above are substantiated in court proceeding Mr. Frank's intrusion into said cr. indictment as a Government advocate is readily explicable.

39. That an article in the BILALIAN NEWS published March 12, 1976, page 15, penultimate paragraph, reported MLK Jr. was shifting his political alliances.."Dr. King was shifting his political allinaces and civil rights approach. To support this view observers point to Dr. King's views on the Viet Nam war and his growing support of the labor movement. Dr. King was also coming under the influence of the Teaching of the Honorable Master Elijah Muhammad..."

40. That Plaintiff filed a libel suit in the United States Dis. Ct. for the W.D. of Tennessee titled, Ray v. Frank, Civil Action no. C-73-126, against herein defendant, Frank, in 1973, and had process served upon him through his publisher, Doubleday company. Mr. Frank was subsequently

releived by the Court as a defendant in said suit by falsely alleging (See, EX--C. p. 1) a process deficiency; Mr Frank's in effect falsely alleged that he & Doubleday Company's affiliation was formal & transitory.

41. That the record will confirm that not one of the Plaintiff's accusers in the communication industry have ever offered live testimony in a court of law but on the contrary, they have utilized numerous ruses to avoid process and the subpoena while the record will evidence Plaintiff has not only given live testimony (in the aforementioned evidentiary hearing) but prior to the plea in said cr. indictment was in contention with his cr. counsel in their insistence--in collusion with defendant, Huie--that plaintiff not be a defense witness therein.

Moreover, nothing of substance indicates that the legal system-influencial publishing companies combine are not acting in concert to assure that their shall never be a (jury) trial for Plaintiff, criminal or civil, that's related to said indictment...apparently because it would not be a "show trial",i.e., the Government could not sustain it's heretofore media case.

And it would appear that a cr. defendant without the economic or political influence to effectively contest the above situation is not only subject to the denial of due process but can also expect his family members to be jailed and framed for criminal offences while the same publishing industries, eg, defendant, TIME, complain self-righteously about some distant country's corections or legal system.

Further, it seem's that, by chance, the same media-political combine that coalesced in the Watergate investigation-prosecution and demanded full disclosure are out of the same sack as thoes who prosecuted plaintiff under said cr. indictment and who are now opposed to disclosures.

IN SUMMARY: the above mentioned Percy Foreman has heretofore, since he & the Government maneuvered Plaintiff into said indictment plea, been giving a running commentary in the media on how he (Foreman) accomplished the feat. Now he has published analogously the epilogue to the feat in the STAR magazine wherein he pronounces:

"...with the publicity, appellate courts are reluctant to reverse because it would bring down a heap of criticism from the public who are not familiar with the rule and regulation of law...to find a Judge or a group of Judges with ebought courage would on experience, be unexpected". See, EX--H.

42. That the defendants, TIME inc., George McMillian, W. Henry Haile, William Bratford Huie, and Gerold Frank are guilty of the violation as follows:

(a) of libeling plaintiff in said TIME article with malicios intent.

43. That the defendants, TIME inc., George McMillian, W. Henry Haile, are guilty of the violation as follows:

(a) of acting in collusion, by the nature of said article and it's publishing date, to influence the U.S. 6th circuit court of appeals in, Ray v. Rose, No. 73-1543, adversely to herein Plaintiff, thus obstructing justice and violating plaintiff's civil rights.

44.-That defendant, McMillian,is in addition guilty of the violation as follows:

(a) of receving & publishing malicious marerial from defendants, Huie & Frank, with a reckless disregard for the truth or falsity of said material thus compounding McMillian's libel.

45. That defendant, Huie, is in addition guilty of the violation as follows:

(a) of libeling with malicious intent by falsely charging on a CBS-TV special dated January 2, 1976, and hosted by Dan Rather, that Plaintiff had in effect murdered, Rev. Martin Luther King Jr., and, robbed a loan company in, London, England.

46. That defendant, Haile, is guilty of the additional violations as follows:

(a) of violating Plaintiff's civil rights with malicious intent by aiding & abetting defendant, McMillian, in his (McMillian's) publishing said article, through furnishing McMillian information from the files of the Tennessee Attorney General's office while he (Haile) was asst. Att. Gen.

(b) of having direct knowledge resulting from his tenure in the Tennessee A.G. office and his association with the aforementioned, Percy Foreman & William L. Barry, of the truthfulness of allegation made in count-3 herein above, thus violating Plaintiff's civil rights.

47. That defendants, Judge McRae & Brenda Pellicciotti, are guilty of the civil rights violation as follows:

(a) of deliberately withholding relevant portions of Plaintiff's transcript from an appellate court, refered to in count-14 b above, and thus contributed substantially to that court--U.S. 6th circuit court of appeals--sustaining Judge McRae's earlier ruling therein against Plaintiff.

48. That defendant, Judge McRae, is in addition guilty of the civil right's violation as follows:

(a) of refusing to act on a motion to take perpetuating testimony from defendant, Huie, in the aforementioned evidentiary hearing, refered to in count-14 c above.

49. That the Plaintiff is entitled to exemplary damages because defendants, excluding Judge McRae & Pellicciotti, should be taught that the culpability of defendants in cr. indictments were intended under the United States constitution to be decided in courts of law rather than through fraudulent misrepresentations in the commercial communications industry; and the other two defendants that legal requirements precede political considerations or biasness against a particular litigant.

50. That as a result of the defendants actions cited herein the Plaintiff has not only been ligeled in a maligant fashion but thoes who have the responsibility of upholding litigants constitutional rights have by their collusive acts indirectly contributed to and encouraged the libel.

WHEREFORE, Plaintiff demands judgment from defendants, excluding Judge McRae, punitive damages of Five hundred thousand dollars respectively.

James E. Ray
Station--A
Nashville, Tennessee.
Plaintiff James E. Ray

W. Percy Foreman, DATE: Dec. 22, 1967

[illegible] MADISON AVE. MEMPHIS TENNESSEE

Received of Sheriff William N. Morris, Jr. the sum of $10.00. Said monies being sent by mail to James Earl Ray, with aliases, from CAROL PAPPER who resides at 1035 BELLEVUE MAPLEWOOD, MO. 63143

SISTER - The above sum was received in the form of

cash, (check) money order. (Circle appropriate) VERA C. STAPLES 0911 N.W. RIVER DR. MIA. FL.

ROSEN, LEE, Hanes & Hanes, Attorneys

BY: [signature]

James Earl Ray, County Jail

JERRY RAY - 710 ANN AVE, ST. LOUIS, MISSOURI, 63104

JIM RAY 1982

EXHIBIT 16

State of Tennessee }
SHELBY COUNTY } ss.

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, do hereby certify that the foregoing (5) FIVE Pages contain a full, true and perfect copy of the PETITION FOR WAIVER OF TRIAL AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY AND ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY AND VOIR DIRE OF DEFENDANT ON WAIVER AND ORDER - OF JAMES EARL RAY - DOCKET NUMVER B-16645 as the same appears of record now on file in my office.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis. this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk

By Mary Garrett D. C.

State of Tennessee }
SHELBY COUNTY }

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENN.
Memphis, Tenn. AUG. 16,1976 19

I, WILLIAM H. WILLIAMS, sole and presiding Judge of the Criminal Court of said County Division 3, certify that J. A. BLACKWELL, who gave the foregoing certificate, is now, and was at the time of signing the same, Clerk of said Court, and that said Court is a Court of Record, and that his attestation is in due form, and his official acts, as such, are entitled to full faith and credit.

Witness my hand, this 16 day of AUG. 1976

William H. Williams Judge.

State of Tennessee }
SHELBY COUNTY }

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, certify that HON. WILLIAM H. WILLIAMS, whose genuine official signature appears to the above and hereto annexed Certificate, is and was at the time of signing the same, sole and presiding Judge of the Criminal Court Division 3, in and for the County and State aforesaid, duly commissioned and qualified, and that all his official acts, as such, are entiled to full faith and credit.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis, this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk.

By Mary Garrett D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS. NO. 16645

JAMES EARL RAY
DEFENDANT

PETITION FOR WAIVER OF TRIAL AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY

That my true full name is JAMES EARL RAY and I assert that all proceedings against me should be had in the name which I hereby declare to be my true name.

My attorney in the cause is PERCY FOREMAN, who was selected and retained by me,/who was appointed by the Court ~~xxxxxxxxxx~~, to represent me in this cause. and Hugh Stanton, Sr., Public Defender,

I have received a copy of the indictment before being called upon to plead, and I have read and discussed it with my attorney, and believe and feel that I understand the accusation made against me in this case and in each case listed herein. I hereby waive the formal reading of the indictment.

I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictments, and believe and feel that my attorney is fully informed as to all such matters. My attorney has informed me at to the nature and cause of each accusation against me, and as to any and all possible defenses I might have in this cause.

My attorney has advised me as to the punishment provided by law for the offenses charged and embraced in the indictment against me. My attorney has further advised that punishment which the law provides for the crime with which I am charged in the indictment is as follows:

death by electrocution or confinement in the State Penitentiary for life or for some period of time over twenty (20) years

and if accepted by the Court and Jury my sentence on a plea of guilty will be:

confinement in the State Penitentiary for ninety-nine years (99).

It has been fully explained to me and I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees and this Court will provide me the right to a speedy and public trial by jury; the right to see and hear all witnesses against me; the right to use the power and process of the Court to compell the production of any evidence, including the attendance of any witness, in my favor; and the right to have the assistance of counsel in my defense at all stages of the proceedings.

In the exercise of my own free will and choice and without any threats or pressure of any kind or promises of gain or favor from any source whatsoever, and being fully aware of the action I am taking, I do hereby in open Court request the Court to accept my plea of guilty to the charges outlined herein. I hereby waive any right I may or could have to a Motion for a New Trial, and/or an appeal.

James Earl Ray
Defendant

Witness:
Percy Foreman
Hugh Stanton Sr
Hugh Stanton Jr

-195-

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS NO. 16645

JAMES EARL RAY

DEFENDANT

ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY

This cause came on for hearing before the Honorable W. PRESTON BATTLE, Judge of Division III, of the Criminal Court of Shelby County, Tennessee, on the petition of the defendant, JAMES EARL RAY, for Waiver of trial by jury and request for acceptance of a plea of guilty, said petition being attached hereto and incorporated by reference herein; upon statements made in open Court by the defendant herein; his attorneys of record; the District Attorney General, the Assistant Attorneys General representing the State of Tennessee; and from questioning by the Court of defendant and his counsel in open Court; and

IT APPEARING TO THE COURT after careful consideration that the defendant herein has been fully advised and understands his right to a trial by jury on the merits of the indictment against him, and that the defendant herein does not elect to have a jury determine his guilt or innocence under a plea of Not Guilty; and has waived the formal reading of the indictment, AND:

IT FURTHER APPEARING TO THE COURT that the defendant intelligently and understandingly waives his right to a trial and of his own free will and choice and without any threats or pressure of any kind or promises, other that the recommendation of the State as to punishment; and does desire to enter a plea of guilty and accept the recommendation of the State as to punishment, waives his right to a Motion for a New Trial and/or an appeal.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petition filed herein be and the same is hereby granted.

Enter this the 10th day of March, 1969.

W. Preston Battle
JUDGE

JUDGE "James Earl Ray, stand."

JUDGE "Have your lawyers explained all your rights to you and do you understand them?"

DEFENDANT "Yes"

JUDGE "Do you know that you have a right to a trial by jury on the charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from Death by Electrocution to any time over twenty years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty and the decision of the Jury must be unanimous both as to guilt and punishment?

In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge? In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States? Do you understand that you have all these rights?"

DEFENDANT "Yes"

JUDGE "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

DEFENDANT "Yes"

JUDGE "Do you understand that you are waiving, which means "giving up", a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases of Pleas of Guilty to Murder in the First Degree?

Jail. P. 2

By your plea of guilty you are also waiving your rights to (1) Motion for a New Trial; (2) Successive Appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; (3) Petition for Review by the Supreme Court of the United States.

By your plea of guilty you are also abandoning and waiving your objections and exceptions to all the Motions and Petitions in which the Court has heretofore ruled against you in whole or in part, among them being:

1. Motion to withdraw plea and quash indictment
2. Motion to inspect evidence
3. Motion to remove lights and cameras from jail
4. Motion for private consultation with attorney
5. Petition to authorize defendant to take depositions
6. Motion to permit conference with Huie
7. Motion to permit photographs
8. Motion to designate court reporters
9. Motion to stipulate testimony
10. Suggestion of proper name"

DEFENDANT "Yes"

JUDGE "Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty? Has anything else been promised you by anyone?"

DEFENDANT "No"

JUDGE "Has any pressure of any kind, by anyone in any way been used on you to get you to plead guilty?"

DEFENDANT "No"

JUDGE "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

DEFENDANT "Yes"

P. F

JUDGE "Is this Plea of Guilty to Murder in the First Degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

DEFENDANT "Yes"

JUDGE "Is this Plea of Guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

DEFENDANT "Yes"

JUDGE "You may be seated."

Leonard Ha Percy Foreman

EXHIBIT 17
(Classified)

EXHIBIT 18
(Classified)