

(Mount Clipping in Space Below)

# Ray claims he was 'set up as a patsy' in King murder

**MEMPHIS**  
Lured to Memphis, James Earl Ray was standing on a sidewalk outside a rooming house when he heard the shot that killed Dr. Martin Luther King Jr. in 1968, according to the first sworn account of Ray's version of the assassination.

Arthur Hanes Sr. of Birmingham, Ray's first attorney, told a U. S. District Court hearing Wednesday that Ray sensed that "somebody had been hurt, and he knew he was in trouble and he fled."

Hanes' testimony of Ray's account disputes the state's contention that Ray fired the shot from the second-floor rooming house bathroom. King was slain at 6:01 p.m., April 4, 1968, as he stood on the balcony of the Lorraine Motel across the alley at the back of the rooming house.

HANES SAID Ray told him he had gone to the rooming house to meet a contact named "Raoul," whom Ray has described as a French-Canadian he first met in Montreal, then went downstairs to a cafe to have a beer shortly before the slaying.

"Jim said he had a beer or two there and then he was standing out front on the sidewalk in front of the rooming house when the shot was fired," the former Birmingham mayor testified.

Ray's current attorneys contend that Ray, a fugitive after his 1967 escape from a Missouri penitentiary, went to the rooming house thinking he was to discuss going into the gun-running business. They have claimed he was set up as the "patsy" of a conspiracy to kill King.

Ray, 46, pleaded guilty March 10, 1969, to the slaying, but now contends his former attorney, Percy Foreman of Houston, coerced the plea to preserve the value of literary contracts stemming from the case. He seeks at the hearing to withdraw the plea so he can go to trial for the murder.

HANES SAID he had asked Ray many times, "Jim, did you fire the shot that killed Dr. King?"

"And, invariably, his answer was 'no,'" Hanes testified.

Hanes said Ray told him that two days before the assassination Ray's 30-06 rifle "was taken from him at a motel in Mississippi." The attorney quoted Ray as saying he never saw the weapon again until shortly after the slaying, discovering it tied to his suitcase and binoculars on the street a few feet from the rooming house.

"He said that on Tuesday, when they took the gun, they gave him a note with the address of that rooming house on Main Street and for him to be there at 3 o'clock on Thursday afternoon, April 4th," Hanes said.

HE SAID Ray claimed that on Thursday he parked seven or eight blocks away, walked to the rooming house and checked in about 3:15 p.m.

"Then his contact contacted him and asked him where he parked and Jim told him," Hanes said. "His contact said, 'Go get the car and bring it and park it in front of the rooming house.' Jim said he did this."

According to the account, "Raoul" took him to buy some binoculars and Ray brought those back and turned them over to the contact.

"And he says about 5:20 p.m., the contact told him, 'Jim, you go on downstairs and get a beer,'" Hanes said. "... And he (the contact) said, 'I'm going to wash up and shave and change shirts and we will go out a little later and get some dinner.'"

Hanes quoted Ray as saying he drank a beer or two, went out on the sidewalk and heard the shot.

"He said when he saw that gun, his suitcase and those binoculars thrown down, he knew somebody had been hurt and he knew he was in trouble and he fled," the lawyer said.

EARLIER IN the day, Ray finished his three days of testimony, touching only briefly on the conspiracy theory. He said he had been pressed for names of co-conspirators but that he was "never associated with more than one person."

Hanes and his son Arthur Jr. were retained after Ray's apprehension in London in June 1968, but Ray dismissed them two days before his scheduled trial on Nov. 12, 1968, and hired Foreman. The younger Hanes testified Wednesday, "We felt then, and I feel now, there was a conspiracy."

—Associated Press

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

22 THE BIRMINGHAM NEWS  
BIRMINGHAM, ALA.

Date: 10-31-74

Edition:

Author:

Editor: JOHN W. BLOOMER

Title:

Character:

or

Classification: 44-1740

Submitting Office:

Being Investigated

44-1740-2215

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 31 1974	
FBI - BIRMINGHAM	



**RAY LED IN CHAINS FROM JAIL TO MEMPHIS FEDERAL COURT**  
... He is seeking a new trial in King assassination

(Mount Clipping in Space Below)

## Ray ends testimony at hearing

By Anita Marie Lapham  
United Press International

MEMPHIS, Tenn. — James Earl Ray's first defense attorneys testified Tuesday that Ray steadfastly insisted he was only an unwitting tool in a conspiracy to kill Dr. Martin Luther King Jr.

In the first telling in a court of Ray's version of what happened on the night the famed civil rights leader was killed, one attorney related how Ray told him about buying a gun for a man named "Raoul" and of standing in front of a rooming house at the moment King was shot from ambush.

Arthur Hanes Sr. — one of the men Ray accuses of railroading him into a guilty plea — and his son Arthur Jr. appeared as the state's first witnesses in its effort to prevent a new trial for Ray. But their initial testimony appeared to support Ray's contention that he never admitted firing the gun that killed the Nobel Peace Prize winner.

The state began presenting its case after Ray wound up three days of testimony without shedding any new light on King's slaying.

Under questioning by assistant state attorney general Henry Haile, Hanes Sr. said Ray never varied in his story of the night King was killed.

"I pinned James Earl Ray down a number of times about whether he killed Martin Luther King. Invariably his answer was no," Hanes said.

Hanes said Ray told him that under instructions from a man he knew only as Raoul he purchased a rifle in Birmingham and on the day before King died the gun "was taken from him in a motel in Mississippi. And he never saw it again until it was thrown down near him.

"They gave him a note with the address on main street and told him to be there at 3 o'clock," Hanes recounted the story he said Ray told him.

Hanes said Ray said that when he arrived at the address, the rooming house from which authorities say King was killed, his contact told him to park his car in front of the house and then sent him to buy a pair of binoculars.

"At 5:30 p.m., the contact said 'Jim, you go down and get yourself a couple of beers,' and he was standing in front of the rooming house at 6 or 6:01 when the shot was fired. He said when he saw that rifle on the ground he knew he was in trouble and he fled."

Hanes' son testified, "I feel now and I felt then that there was a conspiracy involved." He said that rather than urging Ray to plead guilty to avoid certain electrocution, he was prepared to go to trial and beg the jury not to put the entire blame "on this little man."

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

B3 BIRMINGHAM POST-  
HERALD,  
BIRMINGHAM, ALA.

Date: 10-31-74

Edition:

Author: ANITA MARIE LAPHAM

Editor: DUARD LE GRAND

Title:

Character:

or

Classification: 44-1740

Submitting Office:

Being Investigated

44-1740-2216

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 31 1974	
FBI - BIRMINGHAM	

(Mount Clipping in Space Below)

# Ray: Did not personally shoot Dr. King

MEMPHIS, Tenn.

James Earl Ray says he did not personally shoot Dr. Martin Luther King Jr., "but I believe I am partly responsible for his death."

The statement came in a letter introduced into evidence at a U.S. District Court hearing at which Ray is seeking to overturn his plea of guilty to the slaying of the civil rights leader here in 1968.

The letter was written by Ray to Sen. James O. Eastland, D-Miss., on March 14, 1969, four days after he entered his plea of guilty in the King slaying.

Asked at the court hearing

Tuesday what the wording of his letter to Eastland meant, Ray replied, "I assumed you could be involved in some kind of crime and not have knowledge of it. I had no direct knowledge."

Ray's attorneys contend Ray, 46, was the "fall guy" of a conspiracy carried out by others.

Ray also testified that on the afternoon of the King assassination on April 4, 1968, he had rented a room across the street from the motel where King was murdered, believing there would be "some kind of meeting between me and another party up there."

He did not elaborate, but his attorneys have said he thought he was going to discuss the gun-running business.

Ray said he could not account for the discovery on the street nearby of his binoculars and 30.06 rifle, which the state contends was fired from the rooming house bathroom.

Ray's fingerprints were discovered on the rifle.

Ray testified he had witnesses who could tell of his whereabouts 11 minutes before the assassination. He said he had kept the information to himself because he feared the FBI would find the witnesses and harass them.

Ray was not asked prior to the time the hearing was recessed for the day where he was at the time of King's slaying.

Ray claims his former attorney, Percy Foreman of Houston, Tex., coerced him into pleading guilty and that both Foreman and another former Ray attorney, Arthur Hanes Sr. of Birmingham, Ala., were more interested in literary royalties on his case than in preparing his defense.

Ray said Foreman talked him into what he thought would be a "technical plea of guilty to get me out of town to the penitentiary." He said that he was unable to get

Foreman to withdraw from the case, so he decided to plead guilty, then retract the plea, obtain a new attorney and reopen the case.

"I didn't want to drag out the case because I thought my health was deteriorating," he said.

Associated Press

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

16 THE BIRMINGHAM NEWS  
BIRMINGHAM, ALA.

Date: 10-30-74  
Edition:  
Author:  
Editor: JOHN W. BLOOMER  
Title:

Character:  
or  
Classification: 44-1740  
Submitting Office:

Being Investigated

44-1740-2217

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 31 1974	
FBI - BIRMINGHAM	

(Mount Clipping in Space Below)

# Ray says Foreman got gun, car for retainer

United Press International

MEMPHIS, Tenn. — James Earl Ray testified Friday that lawyer Percy Foreman convinced him he would be "barbecued" for the killing of Dr. Martin Luther King Jr. if he stuck with his first attorney, then accepted the supposed murder weapon and getaway car as a retainer to defend him.

Testifying for the first time ever in the case, Ray spent a tedious two hours late Friday covering the financial arrangements his attorneys claim forced him into the guilty plea.

Ray contends that author William Bradford Huie, Foreman and Ray's first attorney, Arthur Hanes Sr., forced Ray to plead guilty in order to keep him off the witness stand and preserve the freshness of a book Huie was writing on the killing.

Attorney James Lesar read into the record a contract between Huie and Dell Publishing Co. Inc. of New York, which provided for publishing the book on or after March 15, 1969, and stipulated that "none of his (Huie's) proceeds of the contract directly or indirectly go to James Earl Ray."

"I didn't know that," Ray said, "but I had a suspicion."

Lesar also read a letter from Huie to Hanes in which Huie agreed to loan Hanes \$35,000 if Hanes kept Ray out of court until at least five months after his return to the United States from his arrest in London.

"Five months after Ray's return I expect to have completed the book," the letter said.

Ray said he decided he would have to change attorneys after his brother Jerry came to see him and told him that "Mr. Huie told him if I'd take the witness stand, it would destroy his book."

Foreman, he said, came into the picture "in a side way."

"He said if I stuck with Hanes and Huie, I'd probably be barbecued (electrocuted)," Ray said. To defend him, Ray said, Foreman agreed to a fee of \$150,000, and then asked about the Mustang car in which Ray fled Memphis and the rifle authorities said Ray used to kill King.

"I signed them over to him as a retainer fee," said Ray, concluding Friday's testimony.

Ray began his testimony late Friday after his brother Jerry said Huie had offered the Ray family \$12,000 to help keep James off the witness stand.

Hanes represented Ray from shortly after his June 8, 1968 arrest in London until Ray fired him the following Nov. 12.

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

B4 BIRMINGHAM POST-HERALD, BIRMINGHAM, ALA.

Date: 10-26-74  
Edition:  
Author:  
Editor: DUARD LE GRAND  
Title:

Character:  
or  
Classification: 44-1740  
Submitting Office:

Being Investigated

44-1740-2258  
SERIALIZED FILED  
[Handwritten signature]



United Press International

**James Earl Ray's brother**, John Ray, leaves the Shelby County Jail in Memphis with an unidentified escort enroute to testify at the confessed Martin Luther King assassin's federal court bid for a new trial. John Ray was brought to Memphis from a Illinois prison where he is serving time as an accessory to robbery .

(Mount Clipping in Space Below)

**ACTIONS OF MYSTERIOUS RAOUL DESCRIBED**  
***Ray's version of what***  
***happened in Memphis related***  
***by Hanes***

**BY ANDREW KILPATRICK, News staff writer**

James Earl Ray had finished his beer in the lounge and was standing around on the sidewalk waiting for Raoul when he heard the crack of a rifle somewhere above him.

Then, almost simultaneously, Ray's suitcase, binoculars and a gun he had been missing crashed down to the sidewalk from the upstairs rooming house.

Across the street, that April day in 1968, Dr. Martin Luther King had fallen mortally wounded on a motel balcony and the frenzied grief which would sweep the nation had begun.

Raoul, a mysterious French Canadian connection who had lured Ray to Memphis with talk of a gun-running scheme, bounced down the rooming house stairs to the sidewalk. Ray and Raoul hopped into Ray's wife Mustang and roared away, Raoul hiding under a blanket in the back seat — only to jump from the car within a few blocks, never to be seen again.

THAT NEW version for the King assassination came Thursday from Birmingham lawyer Arthur Hanes Sr., and his son, Arthur Hanes Jr., in interviews here following their first sworn account of Ray's version of the killing.

Their testimony was before the U.S. District Court in Memphis in connection with Ray's court attempt to withdraw his March 10, 1969 guilty plea so he can stand trial for the murder.

"It's just not possible that Ray fired the shot," Hanes Jr. told The News. "Ray got suckered up to Memphis. Raoul killed King and Raoul or someone else threw Ray's things down."

Hanes Sr. was Ray's lawyer before being replaced by Houston, Tex. attorney Percy Foreman, who Ray now says pressured him into admitting to the killing.

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

37 THE BIRMINGHAM NEWS  
 BIRMINGHAM, ALA.

N

Date: 11-1-74

Edition:

Author: ANDREW KILPATRICK  
 Editor: JOHN W. BLOOMER

Title:

Character:

or

Classification: 44-1740

Submitting Office:

Being Investigated

44-1740-2219

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - BIRMINGHAM	

MEANWHILE, ALABAMA author William Bradford Huie said in a sworn statement to the hearing that he remains convinced Ray pulled the job off alone—to draw attention to himself because he believed the assassination would be “widely approved” in the United States.

Ray has charged that Huie, who wrote the book “He Slew the Dreamer,” based on interviews with Ray, also plotted to keep the defendant off the witness stand to preserve the value of the book.

**Huie said his first indication that no one else was involved came when he found that Ray had no money and pulled a holdup to finance his flight to London, where he was later caught.**

“If he wasn’t paid, what was his motive?” asked Huie.

A SEVEN-HOUR statement from Foreman was to be read into the record today to wind up the eight-day hearing.

In his statement, Foreman denies Ray’s allegation that he coerced the guilty plea to keep Ray off the stand, and also that he and Hanes were in conflict of interest because they had rights to royalties off Huie’s book.

**In his Thursday testimony, Hanes Sr. denied he was more interested in book royalties—now amounting to \$5,161, according to Huie—than in preparing a defense.**

Hanes said he was prepared to go to trial confident the prosecution was “in trouble” with its case. He was fired by Ray Nov. 10, 1968.

The Birmingham attorney said he thought Ray could have resisted extradition from England because he thought the slaying was a political killing which he said was not an extraditable offense.

**But he said Ray told him “he wanted to come home. He was tired of it.”**



(Mount Clipping in Space Below)

# Ray's attorneys claim he's victim of frame-up

MEMPHIS, Tenn. (AP) — Attorneys for James Earl Ray say there was a conspiracy to kill civil rights leader Dr. Martin Luther King Jr. but Ray was not part of it.

In a brief filed in U. S. District Court Tuesday, the attorneys said "evidence now points to the fact that James Earl Ray was framed for a crime he didn't commit.

The evidence increasingly indicates that law enforcement officials, both state and federal, have covered up the evidence of this frameup....

"There was a conspiracy to kill Dr. King ... but evidence eliminates any reasonable belief that James Earl Ray was part of the conspiracy."

Ray's attorneys, James Lesar and Bernard Fensterwald, contended that the bullet taken from King's body could be traced to a rifle other than one found near a Memphis rooming house from which authorities say the fatal shot was fired April 4, 1968.

Police have said the rifle discovered near the slaying scene bore Ray's fingerprints and was the murder weapon.

An FBI firearms expert has said the fatal bullet fragment was so mutilated that he could not say to the exclusion of all other similar weapons that it came from the gun found on the street.

Ray has claimed he was lured to the rooming house by a person he knew only as "Raoul" and that he did not kill King.

His attorneys made their arguments in response to a prosecution brief contending that Ray made a "reasoned and reasonable" decision to plead guilty to killing King in order to avoid the death penalty.

U. S. District Court Judge Robert M. McRae Jr. held an eight-day hearing two months ago on whether Ray should be permitted to withdraw his guilty plea and stand trial for murder. Ray, now serving a 99-year prison sentence, says his former attorneys pressured him into the guilty plea on March 10, 1969.

McRae is expected to rule within a month.

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

87 THE BIRMINGHAM NEWS  
BIRMINGHAM, ALA.

Date: 12-18-74

Edition:

Author:

Editor: JOHN W. BLOOMER

Title:

Character:

or

Classification: 44-1740

Submitting Office:

Being Investigated

44-1740-2220

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 6 1975	
FBI - BIRMINGHAM	

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, BIRMINGHAM (44-1740) (C)

DATE: 10/2/75

FROM : SC CHARLES E. NELSON, JR.

SUBJECT: MURKIN

Attached hereto are the following documents which were provided by CHARLES E. BROUGHTON, Deputy Clerk, United States District Court, Birmingham, Alabama, on 10/1/75, which pertain to the dismissal of the Federal complaint charging violation of Title 18 of the United States Code, section 241, in the name of ERIC STARVO GALT:

- 1) Letter dated 11/15/71 from BERNARD THOMPSON AUM, JR. to WILLIAM H. DAVIS, USDC, Birmingham.
- 2) MOTION FOR DISMISSAL OF CHARGES OR FOR SPEEDY TRIAL OF CHARGES filed in USDC, Birmingham, on 11/19/71.
- 3) Letter dated 11/22/71 from R. MACBY TAYLOR, United States Magistrate, to WAYMAN G. STEPHEN, United States Attorney, Birmingham, Alabama.
- 4) EXAMINATION, REPORT AND RECOMMENDATION TO THE UNITED STATES DISTRICT JUDGE and ORDER filed in USDC, Birmingham, on 12/3/71.
- 5) WARRANT OF ARREST returned unexecuted to USDC, Birmingham, Alabama, 12/6/71.

44-1740-2221

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FBI - BIRMINGHAM	

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5010-110

1 Birmingham

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LAW OFFICES  
**FENSTERWALD AND OHLHAUSEN**

905 SIXTEENTH STREET, N. W.  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 347-3919

BERNARD FENSTERWALD, JR.  
WILLIAM G. OHLHAUSEN

NEW YORK ASSOCIATES  
BASS & ULLMAN  
342 MADISON AVENUE  
NEW YORK, N. Y. 10017

November 15, 1971

Mr. William E. Davis  
Clerk of Court  
U.S. District Court  
Birmingham, Alabama

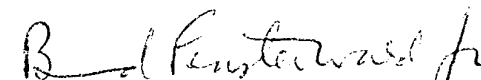
Dear Mr. Davis:

Enclosed please find a Motion in the case of United States v. Eric Starvo Galt, which I hereby request that you file forthwith on behalf of James Earl Ray, aka Eric Starvo Galt.

Enclosed is our law firm check for \$10.00 which is intended to cover any filing fee; if the fee is greater than this amount, please let me know but do not delay the filing of the Motion.

A copy of the Motion has been mailed to the U.S. Attorney.

Respectfully yours,

  
Bernard Fensterwald, Jr.

BF:crr  
Encls.

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ALABAMA

FILED IN CLERK'S OFFICE  
NORTHERN DISTRICT OF ALABAMA

NOV 19 1971

.....  
United States of America  
.....

v.

Eric Starvo Galt  
.....

WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT

Commissioner's Docket No. 3

Case No. 86

(1968)

*Com. Proc. # 8442*

NOTION FOR DISMISSAL OF CHARGES OR  
FOR SPEEDY TRIAL OF CHARGES.

1.) On April 17, 1968, one Joseph H. Gamble, Special Agent in Charge, FBI, Birmingham, Alabama, swore out a complaint against Eric Starvo Galt for violation of Section 241 of Title 18, U.S. Code, charging defendant Galt as follows:

That on or about March 29, 1968, at Birmingham in the Northern District of Alabama ERIC STARVO GALT did on or about March 29, 1968, at Birmingham, Alabama, in the Northern District of Alabama, Eric Starvo Galt and an individual whom he alleged to be his brother, entered into a conspiracy which continued until on or about April 5, 1968, to injure, oppress, threaten or intimidate Martin Luther King, Jr., a citizen of the United States, residing in Atlanta, Georgia, in the free exercise and enjoyment of his rights secured by the Constitution or Laws of the United States, namely the right to freely travel from State to State.

In furtherance of this conspiracy, Eric Starvo Galt did on or about March 30, 1968, purchase a rifle at Birmingham, Alabama, all in violation of Section 241, Title 18, U.S. Code.

AND THE COMPLAINANT STATES THAT THIS COMPLAINT IS BASED ON:

The purchase of the weapon used to carry out the conspiracy in Birmingham, Alabama, on or about March 29, 1968. Identification of the gun used by defendant found at the scene of the crime, and investigation conducted by the Federal Bureau of

Investigation.

And the complainant further states that he believes that Joseph H. Gamble, Special Agent in Charge, Federal Bureau of Investigation, Birmingham, Alabama are material witnesses in relation to this charge.

Said sworn complaint is appended as Exhibit 1 to this Motion.

2.) On the same day, April 17, 1968, and pursuant to the charge, a warrant of arrest for Eric Starvo Galt was issued by Mildred E. Sprague, U. S. Commissioner. Said Warrant is appended as Exhibit 2 to this Motion.

3.) On October 15, 1971, upon inquiry, William E. Davis, Clerk of Court, advised by letter that "these charges are still pending." ~~Said letter is appended as Exhibit 3 to this Motion.~~

4.) It is presumed that defendant Eric Starvo Galt is one and the same as James Earl Ray, now incarcerated in the Tennessee State Prison at Brushy Mountain, Tenn.

5.) Defendant denies (a) that he entered into any conspiracy with anyone, on or about March 29, 1968, or at any other time to injure, oppress, threaten or intimidate Martin Luther King, Jr., in the free exercise of any of his rights; (b) that he purchased a gun for that purpose, or (c) that he alone, or in concert with others, threatened to or did injure, oppress, or intimidate said Martin Luther King, Jr., in any regard whatever.

6.) Defendant alleges that plaintiff United States has known his exact whereabouts since June 8, 1968, and knows his exact whereabouts today yet he has never been arrested or brought to trial.

7.) The Sixth Amendment to the U. S. Constitution provides as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtain-

ing witnesses in his favor, and to have the assistance of counsel for his defense.

8.) In the present case, defendant has been provided none of the procedural rights outlined in the above Amendment.

WHEREFORE, said defendant, Eric Starvo Galt, aka James Earl Ray, prays that this honorable court will either order a speedy and fair trial for him in Birmingham, Alabama, forthwith, with all of the attendant protections of the U.S. Constitution; or, alternatively, dismiss summarily the charges pending against him and quash the warrant for his further arrest.

BERNARD FENSTERWALD, JR.  
985 16th Street, N.W.  
Washington, D. C. 20005  
202-347-3919  
Attorney for Eric Starvo Galt, aka  
James Earl Ray.

CERTIFICATION OF SERVICE

I hereby certify that a copy of this motion was served on the U.S. Attorney in Birmingham, Alabama, by prepaid mail, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

BERNARD FENSTERWALD, JR.

300 Federal Courthouse  
Birmingham, Alabama 35203

November 22, 1971

Hon. Wayman G. Sherrer  
United States Attorney  
Federal Courthouse  
Birmingham, Alabama

Re: United States of America vs  
Eric Starvo Galt  
U. S. Commissioner Mildred F.  
Sprague's Docket No. 3,  
Case No. 86 dated 4-16-1968.  
Com. Proc. #8442

Dear Sir:

The Motion for Dismissal of Charges or for Speedy Trial of Charges filed on behalf of the defendant in the above styled action has been referred to the United States Magistrate for disposition.

It appears that under the provisions of Rule 48-b, Rules of Criminal Procedure, that the Motion is well taken and should be granted. Before making a recommendation to the District Court, and before deciding whether or not a hearing is necessary on said Motion, the United States Magistrate desires further information from the United States.

It is, therefore, requested that the United States, within ten days from the date of this letter, make its written response to the Motion filed by the defendant. Upon receipt of said response, the Magistrate will proceed to make a recommendation to the District Judge, or schedule the matter for hearing, whichever appears appropriate.

Very truly yours,

R. MACEY TAYLOR  
United States Magistrate

cc: U. S. Clerk of Court ✓  
cc: Mr. Bernard Fensterwald, Jr.  
905 Sixteenth St., N. W.  
Washington, D. C. 20006

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

vs

ERIC STARVO GALT

)  
)  
)  
)

Com. Docket #3 Case #86

Com. Proc. #8442

EXAMINATION, REPORT AND RECOMMENDATION TO THE  
UNITED STATES DISTRICT JUDGE

This case has been referred to the United States Magistrate for examination, report and recommendation. The following is submitted:

On April 17, 1968, a complaint was filed before the U. S. Commissioner in Birmingham, Alabama by Joseph H. Gamble, Special Agent in charge, FBI, Birmingham, Alabama in which it was alleged that on or about March 29, 1968, Eric Starvo Galt and another entered into a conspiracy to injure or intimidate Martin Luther King, Jr. in the free exercise of his rights under the Constitution of the United States in violation of 18 U.S.C. 241. On April 17, 1968, a warrant was issued by the U. S. Commissioner in Birmingham, Alabama charging Eric Starvo Galt with violating 18 U.S.C. 241. This warrant was never served and is now and has been since it was issued, retained in the files of the U. S. Marshal, Birmingham, Alabama.

On November 19, 1971, Bernard Fensterwald, Jr., Washington, D. C. appeared as attorney for Eric Starvo Galt, also known as James Earl Ray, and filed a motion on behalf of the above named defendant for a dismissal of the complaint above referred to or a speedy trial of the charges contained in the warrant above referred to.

On November 22, 1971, the U. S. Magistrate requested the United States to make any response it chose to make to the motion filed on behalf of the defendant. No suggestion has been filed on behalf of the United States. It is the Magistrate's opinion that under the provisions of Rule 48-b, Federal Rules of Criminal Procedure, that the motion of the defendant is well taken. It is recommended that the defendant's motion be granted and that the complaint above referred to be dismissed.

Dated this 2nd day of December, 1971.

FILED IN  
NORTHERN DISTRICT OF ALABAMA

Re. MACEY TAYLOR

DEC 8 1971

UNITED STATES MAGISTRATE

WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT



-2-  
O R D E R

The Court has examined the motion filed on behalf of the defendant and the Magistrate's report and recommendation. The Magistrate's recommendation is hereby adopted and approved. It is therefore ORDERED that the defendant's motion for dismissal of the complaint be and the same hereby is GRANTED. It is further ORDERED that the complaint issued by U. S. Commissioner, Mildred F. Sprague dated April 17, 1968, docket #3, case #86, be and the same hereby is DISMISSED. It is further ORDERED that the warrant of arrest issued by Commissioner Sprague dated April 17, 1968, Commissioner's docket #3, case #86 be returned unexecuted.

The Clerk is directed to furnish the U. S. Attorney, Birmingham, Alabama and the Honorable Bernard Fensterwald, Jr., 905-16th Street, N. W. Washington, D. C. 20006, with a copy of the Magistrate's report and this Order.

DONE this 2<sup>nd</sup> day of December, 1971.

UNITED STATES DISTRICT JUDGE

A TRUE COPY  
WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
BY: M. F. Sprague  
DEPUTY CLERK

# United States District Court

APR 17 1 56 PM '68

NORTHERN DISTRICT OF ALABAMA  
BIRMINGHAM, ALA.

*Morse*

Commissioner's Docket No. 3

Case No. 86

UNITED STATES OF AMERICA

v

ERIC STARVO GALT

## WARRANT OF ARREST

ATTORNEY GENERAL  
OR OTHER AUTHORIZED OFFICER

To \_\_\_\_\_ 1.

You are hereby commanded to arrest **Eric Starvo Galt**, and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with **conspiring to injure, oppress, threaten or intimidate Martin Luther King, Jr.**, a citizen of the United States, residing in Atlanta, Ga., in the free exercise and enjoyment of his rights secured by the Constitution or Laws of the United States, namely the right to freely travel from State to State.

in violation of U.S.C. Title, 18, Section 241

RETURNED EXECUTED AND FILED  
NORTHERN DISTRICT OF ALABAMA

Date April 17, 19 68.

*Mildred F. Sprague*  
Mildred F. Sprague, United States Commissioner.  
WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT

1. Here insert designation of officer to whom warrant is issued.

### RETURN

Received 12-6-71, 19 at \_\_\_\_\_ and executed by arrest of.  
RETURNED WARRANT UNEXECUTED PER ORDER DATED 12-3-71

Date \_\_\_\_\_, 19 \_\_\_\_\_

Johnny M. Towns, U.S. Marshla  
Name

Northern District of Alabama  
Title

By *Bobbi Ehresmann*  
Bobbi Ehresmann, Deputy

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, BIRMINGHAM (44-1740) (C)

DATE: 10/8/75

FROM : SA LUTHER P. BRANNON

SUBJECT: MURKIN

On 9/30/75, Bureau Supervisor JACK LAWN telephonically requested that Birmingham determine if a warrant for the arrest of JAMES EARL RAY is still outstanding.

On 10/1/75, Deputy Clerk of USDC, Birmingham, CHARLES BROWNLEE, advised that BERNARD FENSTERWALD, Attorney for JAMES EARL RAY filed a motion requesting that complaint be dismissed. On 12/2/71 U. S. Commissioner R. MACEY TAYLOR granted the motion and the complaint charging RAY with violation of the civil rights of MARTIN LUTHER KING was dismissed. On 12/9/71 the warrant was returned to the Clerk of the Court unexecuted.

LPB:bhm  
(1)



5010-110

44-1740-222

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 8 1975	
FBI - BIRMINGHAM	
KPS	

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

AIRTEL

10/7/75

To: SAC, Memphis (44-1987)  
From: Director, FBI (44-38861)  
MURKIN — 44-1740X  
          *num. Refs*

Re: Airtel 2/27/75, advising that Federal process was still outstanding in U. S. District Court, Birmingham. The Birmingham Office has advised that the Federal process was dismissed 12/2/71.

The Birmingham Office should submit LHM appropriately showing this dismissal for dissemination to the Civil Rights Division which has already been orally advised. Insure your files show the correct information on this aspect.

- 1 - SAC, Atlanta (INFO)
- ① - SAC, Birmingham (INFO)

*Res*  
*c*  
*A*

44-1740-2223

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 9 1975	
FBI - BIRMINGHAM	
<i>brannon</i>	