FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 11 1969

TELETYPE

FBI WASH DC

FBI SANANTON

4:28 PM CST URGENT 3/11/69 DAW

TO: DIRECTOR, FBI (44-38861) AND NEW ORLEANS (157-10673)

FROM: SAN ANTONIO (44-1242)

MURKIN.

AT APPROXIMATELY ELEVEN A.M., MARCH ELEVEN, INSTANT, INDIVIDUAL IDENTIFYING HIMSELF AS FREDERICK L. CARLIN APPEARED AT SAN ANTONIO OFFICE ADVISING HAD "CONSPIRACY THEORY" ON ASSASSINATION MARTIN LUTHER KING.

CARLIN ALLEGED CONSPIRATORS IN CASE WERE, AMONG OTHERS, SENATOR PHILLIP A. HART (D-MICH.) FOR "BEING SUSPECT" IN DETROIT RACE RIOTS, SENATOR STEVEN M. YOUNG (D-OHIO) FOR "BEING SUSPECT" IN CLEVELAND RACE RIOTS, SENATOR EUGENE MC CARTHY, FORMER ATTORNEY GENERAL RAMSEY CLARK, AND FBI AGENT GEORGE BONEBREAK (PHONETIC).

CARLIN BASED ABOVE THEORY ON FACT COMMUNISTS HAD INFILTRATED ALL LEVELS OF U.S. GOVERNMENT OR CHURCH GROUPS AND EXAMINATIONS OF CONGRESSIONAL VOTING RECORDS WILL BEAR THIS OUR. STATED BASED THEORY MAINLY ON FACT FBI AND AGENT BONEBREAK ACTED TOO SWIFTLY IN ISSUING WANTED FLYERS ON JAMES EARL RAY AS FBI COULD NOT POSSIBLY HAVE KNOWN ERIC STARVO GALT WAS ALIAS RAY MIGHT HAVE USED PRIOR TO WANT FLYER

END PAGE ONE

ST-116
REC-128 44-38861-5746
18 MAY 19 1969

51 JUN 10 1969

PERS. REC. UNIT

UNRECORDED COPY FILED IN

SA 44-1242

ACTUALLY IDENTIFYING RAY WAS ISSUED.

CARLIN, WHO SPOKE IN VERY ARROGANT AND BELLIGERENT MANNER, INDICATED WAS FORMER MEMBER U.S. NAVY, BEING DISCHARGED SIXTYONE. EXHIBITED NAVY ID CARD NO. THREE TWO TWO SEVEN NINE FIVE. SAID HE WAS FORMER EMPLOYEE U.S. POST OFFICE, SAN ANTONIO, UNTIL MID SIXTYEIGHT AT WHICH TIME RESIGNED DUE TO MEDICAL PROBLEM INVOLVING HIS BLOOD SUGAR COUNT AND FACT HE HAD OVEREXTENDED SICK LEAVE PRIVILEGES. PRESENTLY SELF-EMPLOYED AS FARMER NEAR STOCKDALE, TEXAS. GAVE NO ADDRESS OTHER THAN GENERAL DELIVERY, SAN ANTONIO. FROM OBSERVATION IS DESCRIBED AS WM; APPROXIMATELY FIVE FEET NINE; ONE FIVE FIVE TO ONE SIX ZERO LBS.,; DARK HAIR; WORE GLASSES; POCK MARKED COMPLEXION.

DURING CONVERSATION, INDICATED FURTHER BELIEVED COMMUNIST INFLITRATION OF GOVERNMENT COULD BE SEEN IN ANTI-GUN LAWS. INDICATED HE WAS AGAINST THIS AND STATED HE OWNED THIRTYEIGHT SPECIAL REVOLVER AND THIRTY ZERO SIX RIFLE.

CARLIN INDICATED HE HAD WRITTEN TO PROMINENT INDIVIDUALS CONCERNING THIS THEORY, AMONG WHOM WERE GOVERNOR

END PAGE TWO

RONALD REAGAN, CALIFORNIA; GOVERNOR JOHN MC KEITHEN, LOUISIANA; PRIME MINISTER OF CANADA; FORMER PRESIDENT JOHNSON WHILE IN OFFICE; PRESIDENT NIXON; AND NEW ORLEANS DISTRICT ATTORNEY JAMES GARRISON.

AT APPROXIMATELY TWO P.M., MARCH ELEVEN INSTANT, DEPUTY USM MARIO GRANADOS, SAN ANTONIO, CONTACTED SAN ANTONIO OFFICE ADVISING HAD LEARNED HIS BROTHER RUDY GRANADOS AT ABOUT TWELVE FORTYFIVE P.M., MARCH ELEVEN, INSTANT, HAD OVERHEARD UNKNOWN INDIVIDUAL IN LOCAL SAN ANTONIO RESTAURANT STATE HAD "THREE FIFTYSEVEN MAGNUM" IN HIS CAR AND WAS "LEAVING TO TAKE CARE OF GARRISON". GRANADOS OBSERVED INDIVIDUAL DESCRIBED AS WM; FIVE FEET EIGHT; THIRTY YEARS; AND STATED SAW HIM LEAVE RESTAURANT AND DRIVE OFF IN LIGHT BLUE CHEVROLET NOVA AUTOMOBILE BEARING SIXTYEIGHT TEXAS LICENSE G N S THREE ZERO EIGHT.

BEXAR CO. AUTO REGISTRATION RECORDS, SAN ANTONIO, REFLECT INSTANT LICENSE ISSUED FOR SIXTYTHREE CHEVROLET, VIN THREE ZERO FOUR ONE ONE K ONE TWO SEVEN TWO SEVEN EIGHT, REGISTERED F. L. CARLIN, FIVE ONE ONE MONTICELLO, SAN ANTONIO TEXAS.

END PAGE THREE

SA 44-1242

DRIVER RECORDS, TEXAS DPS, AUSTIN, REFLECT TEXAS OPERATOR'S LICENSE ONE ONE THREE FIVE NINE SEVEN TWO ISSUED ONE FREDERIC LEROY CARLIN, FIVE ONE ONE MONTICELLO, SAN ANTONIO, DESCRIBED WM; BORN [redacted] FIVE FEET TEN; ONE SIX EIGHT LBS.; BROWN HAIR AND EYES.

SAN ANTONIO INDICES NEGATIVE.

NEW ORLEANS NOTIFY DISTRICT ATTORNEY JAMES GARRISON AND APPROPRIATE LOCAL AUTHORITIES OF FOREGOING INFORMATION. NO FURTHER ACTION BEING TAKEN BY SAN ANTONIO. LHM FOLLOWS.

~~CORRECTIONS:~~

~~NAME FREDRICK ON PAGES ONE AND FOUR SHOULD BE "FREDERIC"~~

~~PAGE ONE LINE FOURTEEN WORD TWO SHD BE "OUT"~~

~~PAGE ONE LINE SIXTEEN WORD ONE SHD BE "EARL"~~

END

SLB AND PLS HOLD FOR A MESSAGE

FBI WASH DC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. DeLoach

FROM : A. Rosen

SUBJECT: MURKIN

DATE: May 19, 1969

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Bishop
1 - Mr. Sullivan

This is the case involving the murder of Martin Luther King, Jr.

Judge Arthur Faquin, Criminal Court, Shelby County, Memphis, Tennessee, has set May 26, 1969, as the date that he will act on motions for a new trial filed on behalf of James Earl Ray. It is noted that Judge W. Preston Battle (who died of a heart attack on 3-31-69) sentenced Ray to a term of 99 years in the penitentiary on March 10, 1969, based on Ray's guilty plea to state charge of murder.

On April 7, 1969, the three attorneys (Jesse B. Stoner of Savannah, Georgia; Richard J. Ryan of Memphis, Tennessee; and Robert W. Hill, Jr., of Chattanooga, Tennessee,) for James Earl Ray filed an Amended and Supplemental Motion for a New Trial in State Court, Memphis, Tennessee. In this motion, in establishing a conflict of interest between defendant James Earl Ray and his two prior attorneys (Arthur J. Hanes and Percy Foreman) it is alleged that the prior attorneys actually represented William Bradford Huie (author) and their own financial interest and not James Earl Ray.

On May 12, 1969, the office of Mr. Phil M. Canale, Jr., State Attorney General, Shelby County, Memphis, Tennessee, (handled state's presecution of Ray) filed a Motion to Strike and a Memorandum of Authorities on Motion to Strike Defendant's Motion For a New Trial. In the Motion to Strike it is stated, "For answer to the Motion of the defendant herein, State of Tennessee hereby denies each and every allegation of fact as well as the conclusion of facts and law alleged in the said Motion."

REC- 83

ACTION:

You will be kept advised of pertinent developments.

REL:jmv
(8)

54 MAY 23 1969

FD-36 (Rev. 12-13-56)

FBI

Date 5/14/69

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority or Method of Mailing)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

By airtel dated 4/7/69, the Bureau advised that in a third "Look" magazine article, WILLIAM BRADFORD HUIE stated that JAMES EARL RAY had spent the night of 4/2/68 in a motel near Corinth, Miss. The Bureau instructed Jackson to review motel records in and around Corinth to determine the identities of individuals registered there during the period 3/29/68 to 4/3/68. By airtel dated 4/18/69, the Jackson Office advised the Bureau that motel records at Corinth, Miss., had been reviewed under the subject's true name and aliases and had been reviewed for subject's Alabama license number. Nothing identifiable with the subject was located.

2 - Bureau
2 - Albany
2 - Albuquerque
2 - Atlanta
2 - Birmingham
2 - Buffalo
2 - Charlotte
2 - Chicago
2 - Cincinnati
2 - Cleveland
2 - Columbia
2 - Dallas
2 - Denver
2 - Detroit
2 - Houston
2 - Indianapolis
2 - Jackson
2 - Jacksonville
2 - Kansas City
2 - Knoxville
2 - Little Rock
2 - Los Angeles
2 - Louisville
2 - Miami
2 - Milwaukee
2 - Minneapolis
2 - Mobile
2 - Newark
2 - New Haven
2 - New Orleans
2 - New York
2 - Oklahoma City
2 - Omaha
2 - Philadelphia
2 - Richmond
2 - Sacramento
2 - St. Louis
2 - Salt Lake City
2 - San Antonio
2 - San Diego
2 - Savannah
2 - Seattle
2 - Springfield
2 - Tampa
2 - Memphis

JCH:jap
(90)

REC-32 44-38861-5748

3 MAY 20 1969

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

56 MAY 26 1969

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5710

MAY 15 9 34 PM '69

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

REC'D - CIV RIGHTS
FBI

MAY 16 7 01 AM '69

By airtel dated 5/7/69, copies of which were not furnished the Bureau, the Jackson Office set out leads for those offices to whom copies of this communication are designated. These offices have been requested to interview several hundred persons who spent the night in motels at Corinth, Miss., on or about 4/2/68.

In view of the fact that more than a year has passed since these persons stayed over night at Corinth, and since similar investigation of this type in this case has previously been unproductive, and since HUIE has admitted that RAY frequently is untruthful in statements to him, and further since it is not believed that it is of any particular importance to establish whether or not JAMES EARL RAY stayed over night at Corinth on 4/2/68, all offices will disregard the leads set out in Jackson airtel dated 5/7/69, unless specifically advised by the Bureau to cover same.

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

2 copies of Motion to Strike

2 copies of Memorandum of Authorities on Motion to Strike Defendant's Motion For a New Trial

(filed in Division II, Criminal Court, Shelby County, Tenn., in connection with JAMES EARL RAY's motion for a new trial)

REF: ME airtel to Bureau, 5/14/69.

44-38861-5749

ENCLOSURE

(Rev. 5-22-64)

FBI

Date: 5/14/69

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)

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

SUBJECT: MURKIN

Enclosed for the Bureau are 2 copies each of a Motion to Strike and a Memorandum of Authorities on Motion to Strike Defendant's Motion For a New Trial, both of which have been filed in Division II, Criminal Court, Shelby County, Tenn., in connection with JAMES EARL RAY's motion for a new trial.

1cc: ADM. CIVIL RIGHTS DIVISION
Form 8-51 (3) REJ

MAY 21 1969
FBI CIVIL RIGHTS UNIT

REC 27 44-38861-5749

3 MAY 16 1969

Airtel _____

Teletype _____

A.M. ~~2 - Bureau (Encs. 4)~~
1 - Memphis
~~jch. jap~~
(3)

A.M. for _____

Spec. Del. _____

Reg. Mail _____

4 ENCLOSURE

See Rosen to DeLoach memo captioned "MURKIN" 5/19/69 RELjmr

Registered _____

Approved: R G Fenwick Sent _____ M Per _____
Special Agent in Charge

56 MAY 27 1969

5/14/69

AIRTEL

TO: DIRECTOR, FBI (44-38981)

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

SUBJECT: MURKIN

Enclosed for the Bureau are 2 copies each of a Motion to Strike and a Memorandum of Authorities on Motion to Strike Defendant's Motion For a New Trial, both of which have been filed in Division II, Criminal Court, Shelby County, Tenn., in connection with JAMES EARL RAY's motion for a new trial.

NEC 27

MAY 15 4 13 PM 1969
FBI

MAY 15 4 13 PM 1969
U.S. DEPT. OF JUSTICE
F.B.I.

RECEIVED

(3)
MCH/jsp
FBI
1 - Memphis
2 - Bureau (Enclos. 4)

MAY 21 1969

IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE	)	
VS.	)	NO. 16645
JAMES EARL RAY	)	
Defendant.	)	

MOTION TO STRIKE

Comes now Phil M. Canale, Jr., District Attorney General for the Fifteenth Judicial Circuit of Tennessee, and moves the Court to strike and hold for naught the Motion of the defendant, James Earl Ray, entitled "Amended and Supplemental Motion for a New Trial" and any incorporates therein purporting to be a Motion for a New Trial in this cause and in support thereof would show:

I

For answer to the Motion of the defendant herein, State of Tennessee hereby denies each and every allegation of fact as well as the conclusion of facts and law alleged in the said Motion.

II

State of Tennessee would further show that the defendant, James Earl Ray, pleaded guilty on March 10, 1969, in Division III of the Criminal Courts of Shelby County, Tennessee.

That at the entry of the guilty plea and for some time prior thereto, the defendant, James Earl Ray was represented by his personally selected and retained counsel, Percy Foreman, a copy of the minute entry of November 12, 1968, reflecting the employment of Percy Foreman by the defendant, James Earl Ray, is attached hereto as Exhibit 1.

That the defendant, James Earl Ray, in person and through his attorney, filed a Petition for waiver of trial and request for acceptance of plea of guilty, a copy of which is attached hereto as Exhibit 2.

An Order authorizing waiver of trial accepting plea of guilty was entered by Judge W. Preston Battle, the presiding judge on March 10, 1969, a copy of which is attached hereto as Exhibit 3.

The defendant, James Earl Ray, was extensively and comprehensively examined by the Honorable W. Preston Battle, presiding judge, before the entry of the guilty plea, a certified copy of the transcript of the interrogation by Judge Battle is attached hereto as Exhibit 4.

That a jury was empaneled, sworn, evidence of witnesses presented, stipulations, and a plea of guilty was entered in the presence of the jury and the jury verdict approved the guilty plea as to the State's recommendation of ninety-nine (99) years confinement in the State Penitentiary at Nashville, Tennessee, to the offense of Murder First Degree, and the defendant, James Earl Ray, was sentenced by the Presiding Judge W. Preston Battle, a certified copy of the minutes of Division III of the Criminal Courts of Shelby County, Tennessee, so reflecting, is attached hereto as Exhibit 5.

The State of Tennessee moves the Court to strike the defendant's Motion and any incorporates thereto on the grounds that there is no Motion for a New Trial from a guilty plea.

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL
FIFTEENTH JUDICIAL CIRCUIT
STATE OF TENNESSEE

TUESDAY, NOVEMBER 12, 1968

Thereupon the Hon. W. Preston Battle, Judge, assumes the Bench, whereupon the following proceedings were had to-wit:

STATE OF TENNESSEE
VS B-16645, 16819
JAMES EARL RAY, aka

MURDER FIRST DEGREE & CARRYING A DANGEROUS WEAPON

Comes the Attorney General on the part ofthe State and the defendant in proper person and by counsels of record, Mr. Arthur Hanes, Sr., & Mr. Arthur Hanes, Jr., whereupon there comes on to be heard the Attorneys' Motion to be allowed to withdraw from the above causes, which Motion having been fully heard and understood by the Court is GRANTED, whereupon it is ordered by the Court that the names of Arthur Hanes, Sr., and Arthur Hanes, Jr., be removed from the Jackets in the above causes, and the name of Mr. Percy Foreman, be substituted in their stead.

STATE OF TENNESSEE
VS B-16645, 16819
JAMES EARL RAY, aka

MURDER FIRST DEGREE & CARRYING A DANGEROUS WEAPON

Comes the Attorney General on the part of the State and the defendant in proper person and by counsel of record, Mr. Percy Foreman, whereupon there comes on to be heard the defendant's Motion for First Continuance, which Motion having been heard and fully considered by the Court is GRANTED, whereupon it is ordered by the Court that the causes be reset to March 3, 1969, for trial. (Order to be entered later).

Whereupon Court adjourned until tomorrow morning at 9:30 o'clock.

W. Preston Battle
JUDGE

EXHIBIT 1

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee,

do hereby certify that the foregoing ONE (1) pages of writing contain a full, complete, true and perfect copy of the first continuance application and changing of attorneys in the case of the State of Tennessee, vs.

Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis,

this, the 12th day of MAY 19 69

J. A. BLACKWELL, Clerk

SEAL

By: [signature] D. C.

HOLIDAY PRESS — MEMPHIS

EXHIBIT 2

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 Sr

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee,

do hereby certify that the foregoing ONE (1) pages of writing contain a full,

complete, true and perfect copy of ~~all the proceedings had~~ Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty in the case of the State of

Tennessee, vs. Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis,

this, the 12th day of MAY 19 68

J. A. BLACKWELL, Clerk

SEAL By: [signature] D. C.

HOLIDAY PRESS — MEMPHIS

EXHIBIT 3

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

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee,

do hereby certify that the foregoing ONE (1) pages of writing contain a full,

complete, true and perfect copy of Order authorizing Waiver of Trial and Accepting Plea of Guilty in the case of the State of

Tennessee, vs. Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis,

this, the 12th day of MAY 19 69

J. A. BLACKWELL, Clerk

SEAL By: D. C.

EXHIBIT 4

VOIR DIRE OF DEFENDANT ON WAIVER AND ORDER

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?

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"

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."

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee, do hereby certify that the foregoing THREE (3) pages of writing contain a full, complete, true and perfect copy of ~~all the proceedings had~~ Interrogation of defendant by Judge Battle in the case of the State of Tennessee, vs. Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis, this, the 12th day of MAY 19 69

J. A. BLACKWELL, Clerk

SEAL By: D. C.

MONDAY, MARCH 10, 1969

Court met pursuant to adjournment, the Hon. W. Preston Battle, Judge, presiding; whereupon the following proceedings were had to-wit:

STATE OF TENNESSEE
VS B-16645
JAMES EARL RAY,
alias, ERIC STARVO GALT
alias, JOHN WILLARD
alias, HARVEY LOWMEYER
alias, HARVEY LOWMYER

MURDER IN THE FIRST DEGREE

Comes the Attorney General on the part of the State and the defendant in proper person and by counsel of record, Mr. Percy Foreman and Mr. Hugh Stanton, Sr. When to try the above cause there comes a jury of good and lawful men to-wit: AMOS G. BLACK, JR., JOHN W. BLACKWELL, JAMES N. ABRAHAM, ROBERT S. ST. PIERRE, MILLER WILLIAMSON, J. PAUL HOWARD, RICHARD LEE COUNSELLOUR, JOE STOVALL, JR., JAMES R. PATE, JOHNNY SHAW, GUS CARIOTA, AND JAMES W. BALLARD, who were sworn well and truly to try the issue of traverse herein joined, a true deliverance make and a true verdict render according to the law and evidence. Thereupon the defendant on being arraigned at the bar of the Court and charged on the bill of indictment plead GUILTY to same, and for his trial put himself upon the Country and the Attorney General doth the like. Thereupon the Court proceeds with the hearing of testimony in the above cause, and after completion of testimony of five witnesses, and a lengthy stipulated statement by Assistant Attorney General James Beasley, the Jury upon their oath do say: WE THE JURY FIND THE DEFENDANT JAMES EARL RAY GUILTY OF MURDER IN THE FIRST DEGREE AS CHARGED IN THE INDICTMENT AND FIX HIS PUNISHMENT AT CONFINEMENT FOR NINETY-NINE (99) YEARS IN THE STATE PENITENTIARY AT NASHVILLE.

Thereupon the Court proceeds to pass sentence which is that he be taken by the Sheriff and remanded to Jail, and at the earliest convenience delivered to the WARDEN OF THE STATE PENITENTIARY, therein to be confined at hard labor for a period of NINETY NINE YEARS, and that he pay the cost of this prosecution for which let mittimus and execution issue. O/C 234 days Jail Credit.

Whereupon Court adjourned until tomorrow morning at 9:30 o'clock.

W. Preston Battle
JUDGE

EXHIBIT 5

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee, do hereby certify that the foregoing ONE (1) pages of writing contain a full, complete, true and perfect copy of ~~all the proceedings~~ Guilty Plea had in the case of the State of Tennessee, vs. Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis, this, the 12th day of MAY 19 69

J. A. BLACKWELL, Clerk

SEAL By: [signature] D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION II

STATE OF TENNESSEE	X	
VS.	X	NO. 16645
JAMES EARL RAY	X	

MEMORANDUM OF AUTHORITIES ON MOTION TO
STRIKE DEFENDANT'S MOTION FOR A NEW TRIAL

The defendant, James Earl Ray, having entered into a compromise settlement of the First Degree Murder Indictment pending against him and agreed and stipulated to the recommended punishment of confinement for ninety-nine years in the State Penitentiary and having submitted on a Plea of Guilty to verdict, sentence and judgment as agreed, now seeks review and reversal of said judgment by Motion for New Trial and/or Appeal.

The State feels that no such review is available to the defendant under the law.

The Supreme Court of the State of Tennessee in Mehlburff v. State 207T102; 338 SW2 561, held as follows: "Now We think it is axiomatic that the defendant, having confessed judgment for fine and costs, had no right of appeal, nor did the Court have the power to grant such an appeal, because no one can appeal either in a criminal or a civil case from a verdict on a plea of guilty or a judgment based upon confession of liability. Therefore, the attempted appeal was a complete nullity..."

Along these same lines it is stated in 4 Am Jur 2 (Appeal and Errors) at paragraph 271: "A judgment in a criminal case which has been properly entered on a plea of guilty is, in effect, a judgment by confession, and ordinarily cannot be reviewed by appeal or error proceedings." It has been held that when a guilty plea is accepted and entered upon the

records, it is a conviction of the highest order. State v. Hamilton 337 Mo. 460, 85 SW2d 35.

In Kercheval v. United States reported at 274 U.S. 220, the Supreme Court of the United States stated as follows: "Out of just consideration for persons accused of crime, courts are careful that a Plea of Guilty shall not be accepted unless made voluntarily after proper advice and with full understanding of the consequences. When one so pleads he may be held bound."

The State further contends that in an over abundance of caution the defendant was fully and completely advised and did expressly waive any right he might have had to a Motion for a New Trial and/or Appeal.

In considering the questions of waiver the Tennessee Supreme Court in State ex rel Barnes vs. Henderson 423 SW2 497 noted at page 502: "As a general rule, subject to certain exceptions, any constitutional or statutory right may be waived if such waiver is not against public policy. In fact the trend of modern authority is in favor of the doctrine that a party in a criminal case may waive irregularities and rights whether constitutional or statutory, very much as in a civil case."

Quoting further from 21 Am Jur 2 Criminal Law, paragraph 219, the Supreme Court noted: "Where a constitutional right accorded the accused is treated as waivable, it may be waived by express consent, by failure to assert it in apt time, as by conduct inconsistent with a purpose to insist upon it."

In a very comprehensive opinion concerning Waivers, the Supreme Court of Tennessee in State ex rel Lea v. Brown 166 T 669 at page 691 defined Waiver as: "the voluntary relinquishment of a known right. It is a voluntary act and implies an election to dispense with something of value, or to forego some advantage which he might at his option have demanded

and insisted upon." Citing from a leading case, In re Cooney 93 N.Y. 512, the court further quoted: "It is very well settled that a party may waive a statutory and even a constitutional provision made for his benefit, and that having once done so he cannot afterward ask for its protection." Speaking further on that subject the Court held "The appellant is in this position. He participated as an actor in procuring the order which he now seeks to set aside, and took his chance... To that end there was not only acquiescence on his part but intelligent and efficient dealing with the matter and consent to the order. By this consent he must be deemed to have made his election and should be held to it."

The State feels that the defendant, James Earl Ray, made his choice to waive Motion for New Trial and/or Appeal, and the State of Tennessee having accepted his waiver proceeded at his request to dispose of his murder indictment under an agreed and stipulated compromise settlement, did call and present witnesses and did disclose by stipulated facts its entire evidentiary case; therefore, such election and estoppel strengthens the waiver by which defendant, Ray, should be bound.

In holding a defendant to be bound by his waiver of Motion for a New Trial and conventional Appeal, the Missouri Supreme Court in State vs. Pence 428 SW2 503 commented on the fact that the decision to waive motion for new trial was made by the defendant while represented by counsel and the record of the inquiry by the Court and Counsel showed the defendant was aware that his choice not to file a motion for a new trial would preclude a conventional appeal.

In Bradford v. State 184 Tenn. 694, the Tennessee Supreme Court in sustaining the trial Courts dismissal of a motion for a new trial where the defendant failed to appear held: "We are, accordingly, of the opinion that the defendant by his own act has waived the right to have his motion for a

new trial considered and determined. His conduct was in legal effect an abandonment of the prosecution of his motion."

It would certainly appear from a review of cases decided by the Supreme Court of Tennessee as well as the United States Supreme Court that the right of waiver in criminal cases is acknowledged. Several such opinions in addition to those heretofore referred to are: State v. Simmons 199 T 479; Adams v. United States ex rel McCann 317 U.S. 269; Patton vs. United States 281 U.S. 276.

There are certain allegations of fact in defendant's Motion which are denied by the State which lend themselves to postconviction relief rather than as grounds for a Motion for New Trial. The allegations and conclusions, even if true, would not be grounds for relief in a postconviction relief. See Richmond vs. Henderson, Tennessee Supreme Court, March 26, 1969. However, as the defendant is attempting to pursue an alleged Appellate remedy, that is, a Motion for a New Trial under Tennessee Code Annotated, Section 17-117, he must exhaust those remedies before proceeding under postconviction relief as provided in Tennessee Code Annotated 40-3802. The defendant has further failed to comply with Tennessee Code Annotated 40-3804 of the postconviction procedures.

On the above grounds it is therefore respectfully submitted that the defendant's Motion entitled "Amended and Supplemental Motion for New Trial and incorporates thereto" be dismissed as a matter of law.

Respectfully submitted,

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL

NOTICE OF SERVICE

Copies of Petition to Strike and Memorandum of Authorities delivered personally to attorney for defendant, Richard J. Ryan, on May 13, 1969, at _____p.m.

FD-36 (Rev. 5-22-64)

FBI

Date: 5/13/69

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

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-38861)
(100-438794)

FROM: SAC, NEW YORK (44-1609)
(100-149194)

SUBJECT: MURKIN
(OO: MEMPHIS)

COMINFIL SCLC
(OO: ATLANTA)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE _____ BY _____

RePHairtel to Director, FBI, dated 4/29/69, captioned as above and requesting NY to locate JAMES BEVEL.

The Bureau has instructed PH to interview Rev. JAMES BEVEL of SCLC for information in his possession regarding his statement in "The New York Times", on 3/18/69, that a letter was turned over to Memphis Police on approximately 4/3/68, which contained information that MARTIN LUTHER KING was to be assassinated.

CLASSIFIED AND EXTENDED BY _____ 10-1-80
REASON FOR EXTENSION FCIM, II, 1-4.2
DATE OF DECLASSIFICATION 5-13-89

DECLASSIFIED BY 897 ON 10-4-84
GARROW ISCLC

EX-100

REC-121

MAY 14 1969

4-Bureau
(2-44-3886) (MURKIN)
(2-100-438794)
2-Atlanta (SCLC)
3-Philadelphia
(1-44-1368) (MURKIN)
(1-100-47194)
(1-157-2979) (JAMES BEVEL)
2-Memphis (44-1987) (MURKIN)
3-New York
(1-44-1609) (MURKIN)
(1-100-149194) (SCLC)
(1-100-157946) (JAMES BEVEL)

airtel to NY & PH 5-15-69 w/cc to ATL
REL: pmr

FLC:bc
(15)

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

NY 44-1609
100-149194

By airtel dated 4/29/69, PH stated that PH 897-R stated that RAYMOND (LNU) said that BEVEL had been in NY for three weeks. X (u)

A lead was set out for NY to locate JAMES BEVEL, and if in a hospital, attempt to determine the reason for hospitalization.

The New York Operation of the SCLC is concerned with fund-raising, and is under the overall supervision of STANLEY LEVISON. NY has maintained close contact with NY 3810-S*, a source close to STANLEY LEVISON, in an effort to obtain information that JAMES BEVEL is hospitalized in NY. This source has provided no information indicating that BEVEL is in the NY area.

There are over 100 hospitals in the Greater New York area with no central repository of information concerning patients. NY does not plan to canvass hospitals in view of the lack of definite information about BEVEL being hospitalized in NY.

No further action is being taken by NY as to BEVEL.

May 15, 1969

1 - Mr. Long

AIRTEL

To: SACs, New York (44-1609)
Philadelphia (44-1368)

From: Director, FBI (44-38861)

REC-121

MURKIN

7-100

ReNYairtel to Bureau dated 5-13-69.

New York and Philadelphia should maintain contact with appropriate sources to determine the whereabouts of Reverend James Bevel in order that he may be interviewed regarding his statement in the "New York Times" on 3-18-69.

If it is determined that Bevel is in a hospital or institution, the Bureau should be advised as to complete circumstances of such confinement, including opinion of doctors and authorities as to advisability of interviewing Bevel before any such interview with Bevel is conducted.

Keep Bureau advised of results of contact with appropriate sources.

1 - Memphis (Info) (44-1987)
1 - Atlanta (Info)

MAILED 9
MAY 15 1969
COMM-FBI

REL:jmv
(8)

SEE NOTE PAGE TWO

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

MAIL ROOM ☐ TELETYPE UNIT ☐

MAY 27 1969

NOTE:

This is the case involving the murder of Martin Luther King, Jr.

An article appeared in the "New York Times" on 3-18-69, quoting Reverend James Bevel that there was definitely a conspiracy to murder King a couple of days before King arrived in Memphis on 4-3-69, (King murdered 4-4-69). Based on this we instructed our Philadelphia Office to locate and interview Bevel concerning his statements.

Philadelphia advised that they received information that Bevel may be confined to a hospital in New York as a mental patient. We instructed New York to locate hospital or institution and determine complete circumstances of confinement and not to interview Bevel unless specifically advised by the Bureau.

New York has maintained close contact with a highly confidential source in order to determine if James Bevel is hospitalized in New York. The source has provided no information indicating that Bevel is in the New York area. New York advised that there are over 100 hospitals in New York and they do not plan to canvass same in view of the lack of definite information that Bevel is hospitalized. Philadelphia and New York being instructed to maintain contact with appropriate sources for purpose of interviewing Bevel.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TROTTER

DATE: 5/8/69

FROM : C. E. Ganley

SUBJECT: MURKIN

This case involves the murder of Martin Luther King, Jr. As previously reported, Memphis Criminal Court Judge Arthur C. Faquin, Jr., took over the James Earl Ray matter following the sudden death of Judge W. Preston Battle. Judge Faquin has set a new hearing date of 5/23/69 for the appearance of Latent Fingerprint Examiner George J. Bonebrake to appear in that court to show cause why he should not be cited for contempt of court for allegedly unnecessarily airing facts in the Ray case at a police school in Wichita, Kansas.

Former Assistant Attorney General Fred M. Vinson, Jr., and former Deputy Assistant Attorney General Nathaniel E. Kossack previously handled this matter in the department. We have learned that the matter is now being handled by Attorney William Arnold, General Litigation Section, Civil Division. In connection with his preparation for the defense of the matter, he requested a current summary of the facts be forwarded to him.

RECOMMENDATION:

That the attached letter to the Assistant Attorney General of the Civil Division, complying with Mr. Arnold's request, be approved.

1 - Mr. DeLoach
1 - Mr. Rosen

Enclosure

CEG:emg/map
(8)

44-38961 3751

25 MAY 13 1969

51 MAY 27 1969

Assistant Attorney General
Civil Division

May 9, 1969

Director, FBI

ASSASSINATION OF
MARTIN LUTHER KING, JR.

In accordance with the request of Mr. William Arnold, General Litigation Section, Civil Division, on May 5, 1969, an up-to-date summary of the facts concerning this matter is set out below. This request is in connection with the preparation for representation of George J. Benebrake, a latent fingerprint examiner of this Bureau, who by court order is scheduled to appear in Criminal Court, Shelby County, Tennessee, on May 23, 1969, to show cause why he should not be held in contempt of court. For your information, prior correspondence with former Assistant Attorney General Fred M. Vinson, Jr., was carried under the above caption and under "Criminal-General Crimes Section File #51-72-47."

Mr. Benebrake presented expert testimony on June 27, 1968, in London, England, in connection with the extradition of James Earl Ray. He testified that three latent fingerprints developed in this case, the fingerprints of James Earl Ray taken by the Los Angeles Police Department, the fingerprints of James Earl Ray taken by the Missouri State Penitentiary, and the fingerprints of the subject of the extradition hearing taken by Scotland Yard were fingerprints of one and the same individual. Such testimony thus became public source information and has since been quoted extensively in news media throughout the world.

MAILED 10
MAY 9 - 1969
COMM-FBI

On October 25, 1968, W. Preston Battle (now deceased), Judge of the Criminal Court, Shelby County, Tennessee, signed a petition requiring that Mr. Benebrake appear before that court on December 6, 1968, to show cause why he should not be held in contempt of court. This action was subsequently continued to April 11, 1969, and is set for May 23, 1969, before Judge Arthur C. Faquin, Jr., of that court.

REC. 44-38861-5

2 - Memphis (see note on page 3)
CEG:emg (8)

NOTE: Cover memo C. E. Ganley to Mr. Trotter dated 5-8-69 entitled MURKIN, CEG:emg

12 MAY 22 1969

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

56 JUN 3 1969

MAIL ROOM TELETYPE UNIT

MAY 27 1969

REC'D-TROTTER
F B I
MAY 28 8 20 AM 1969

MAY 13 11 10 AM '69
REC'D-IDENT.DIV
FBI

REC'D-TROTTER
F B I
MAY 13 1 12 PM 1969

MAY 9 3 46 PM '69

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

MAY 9 11 56 AM '69

RECEIVED
DIVISION STLO

Assistant Attorney General
Civil Division

The facts which precipitated Judge Battle's action are as follows:

A court order dated July 18, 1968, signed by Judge Battle forbade interviews or press conferences for publicity purposes and enjoined certain individuals from making extrajudicial statements relating to the James Earl Ray trial. This order covered all lawyers, their assistants, associates, staff members, investigators and employees under their supervision, County Medical Examiner, Jury Commissioners, Criminal Court Clerk, County Sheriff, Police Officials and other law enforcement officers.

On September 12, 1968, an article appeared in the Wichita, Kansas, "Beacon" newspaper quoting Mr. Bonebrake extensively concerning the Ray case and intimating that Bonebrake had furnished this information to the press. On October 16, 1968, Charles Edmundson, a newspaper reporter for the Memphis, Tennessee, "Commercial Appeal," learned of the story appearing in the "Beacon" and reprinted portions in his paper. Edmundson and the then defense attorney for Ray, Arthur Hanes, Sr., were under contempt citations issued by Judge Battle accusing them of violating the Judge's order barring extrajudicial statements in this case. This prompted the Judge's action regarding Mr. Bonebrake.

Mr. Bonebrake conducted an Advanced Latent Fingerprint Police School during the five-day period September 9 through 13, 1968, at Wichita, Kansas. This school was sponsored by the Wichita Police Department and seventeen officers from the Wichita Police Department and eight departments in the immediate area attended. This was a closed school for law enforcement officers and representatives of the press and public were not permitted. Mr. Bonebrake has advised that on one occasion during the class, at the instigation of the sponsoring police department, members of the press were briefly invited during a recess period to take photographs and to collect data for a local press story on this school. One member of the class who seemed friendly with the reporter mentioned that Mr. Bonebrake had been the fingerprint expert who had given testimony in London. The reporter commented to Mr. Bonebrake that he thought he recalled Bonebrake's name. No further questions were asked and no other information was volunteered by Mr. Bonebrake.

Assistant Attorney General
Civil Division

Mr. Bonebrake states unequivocally that at no time has he discussed his fingerprint testimony with press representatives or unnecessarily aired fingerprint testimony of this case. On one occasion during the latent fingerprint school in Wichita, Kansas, members of the class, in a closed session, attempted to query Mr. Bonebrake as to details of the fingerprint testimony. Mr. Bonebrake states that he gave no facts other than what had already been quoted by the press concerning his London, England, testimony.

On November 8, 1968, Mr. Vinson requested that appropriate steps be taken to assist in the full preparation to oppose the contempt charge should the need arise. As a result, an inquiry was conducted by this Bureau at Wichita, Kansas, during which time attendees at the police school, along with the police official who sponsored the school, were interviewed and the results set forth in the report of Special Agent Raymond B. Howe dated December 13, 1968. Two copies of this report were forwarded to Mr. Vinson on December 24, 1968.

On April 11, 1969, Deputy Assistant Attorney General Nathaniel E. Kossack forwarded to us a copy of a special delivery letter dated April 7, 1969, from the Criminal Court Clerk, Shelby County, Tennessee, directing Mr. Bonebrake to appear in that court on May 23, 1969. Simultaneously, this Bureau's Memphis Office advised that Judge Faquin is still studying the case and while he has set the new hearing date for Mr. Bonebrake on May 23, 1969, he is primarily concerned with matters relating to the appeal of James Earl Ray, and it is believed that a final decision as to what he will do in the Bonebrake matter should be forthcoming before May 23, 1969.

Mr. Bonebrake is available to discuss this matter with Mr. Arnold at any time and can be telephonically contacted on Government code 175, extension 2163, or in Room 6137 at the FBI's Identification Building, Second and D Streets, Southwest, Washington, D. C.

Note for Memphis: Above furnished for your information. While Mr. Arnold is handling necessary preparations for representation of Bonebrake, he indicated actual defense in court, if necessary, will be handled by a representative of the U. S. Attorney's Office at Memphis. You should closely follow this matter and keep the Bureau advised.

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
MAY 20 1969

FBI MEMPHIS

953 PM URGENT 5/20/69 RJT TELETYPE

TO DIRECTOR (44-38861)

FROM MEMPHIS (44-1987) (2P)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

MURKIN.

AN ARTICLE APPEARING IN LOCAL NEWSPAPER MAY TWENTY INSTANT REFLECTS THAT ON MAY NINETEEN LAST TENNESSEE STATE CORRECTIONS COMMISSIONER HARRY S. AVERY ANNOUNCED THAT HE HAD RECEIVED A TELEPHONE CALL TELLING HIM OF A THREAT ON THE LIFE OF SUBJECT JAMES EARL RAY, WHO IS NOW INCARCERATED AT THE TENNESSEE STATE PRISON, NASHVILLE, TENNESSEE, SERVING A NINETYNINE YEAR SENTENCE FOR THE MURDER OF DR. MARTIN LUTHER KING, JR.

AN INTERVIEW WITH COMMISSIONER AVERY TODAY DISCLOSED THAT THE TELEPHONE CALL MENTIONED BY HIM WAS RECEIVED SOME WEEKS AGO, SHORTLY AFTER THE SUBJECT RAY WAS TRANSFERRED TO THE STATE PRISON AT NASHVILLE, TENNESSEE. AVERY STATES THE CALLER WAS A NEGRO FEMALE WHO MENTIONED THAT IT MIGHT BE POSSIBLE FOR SOMEONE TO SHOOT RAY WHILE HE WAS IN THE EXERCISE YARD OF THE MAXIMUM SECURITY BUILDING. AVERY STATED THE CALLER THEN GOT INTO A DISCUSSION OF SEX DURING WHICH SHE ASKED AVERY IF HE HAD EVER GONE TO BED WITH A NEGRO FEMALE. AVERY SAID HE CONSIDERED THIS ENTIRE AFFAIR A BIG JOKE AND THAT HE DID NOT CONSIDER THIS CALL AS INDICATIVE OF A THREAT AGAINST RAY'S LIFE.

44-38861-5753

END PAGE ONE

REC 99

5 MAY 21 1969

56 MAY 28 1969

MR. DELOACH FOR THE DIRECTOR

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5710

MAY 20 11 51 PM '69

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

MAY 21 11 16 AM '69

REC'D - CIV RIGHTS
FBI

REC'D DELOACH
F B I

MAY 21 8 16 AM '69

MAY 21 10 20 AM '69

REC'D - [illegible]
FBI

MAY 21 9 20 AM '69

F B I
REC-D BISHOP

PRISON OFFICIALS AND LOCAL POLICE ARE AWARE OF THIS INCIDENT AND NO FURTHER ACTION BEING TAKEN BY MEMPHIS OFFICE . P.

END

ERT

FBI WASH DC

P

CC-MR. ROSEN

RECEIVED

TELETYPE UNIT

MAY 20 10 58 PM '69

May 21, 1969

GENERAL INVESTIGATIVE DIVISION

This is the case involving the murder of Martin Luther King, Jr.

The attached concerns an interview with Harry S. Avery, Tennessee State Corrections Commissioner who was quoted by the Press on 5/19/69 as saying he received information of a plot to kill James Earl Ray on 3/12/69.

It is noted that Ray was sentenced to a period of 99 years on 3/10/69 and was removed to the Tennessee State Prison, Nashville on 3/11/69.

EL:rl

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
MAY 22 1969

TELETYPE

No Action 845 1 7-4-69

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC

FBI SAVANNAH

748PM URGENT 5/22/69 SPT

TO DIRECTOR (44-38861) AND MEMPHIS (44-1987)

FROM SAVANNAH (44-1768)

MURKIN.

RE ME AIRTEL FIVE FIFTEEN SIXTYNINE.

ON MAY TWENTYTWO INSTANT SV FIVE TWO FOUR - R ADVISED JERRY RAY WAS IN SAVANNAH THIS AM AND DEPARTED SAVANNAH AT TWELVE THIRTY PM BY CAR WITH J. B. STONER, ATTORNEY, FOR MEMPHIS TO TALK TO JAMES EARL RAY. STONER IS DUE TO RETURN TO SAVANNAH ON WEDNESDAY, MAY TWENTYEIGHT BUT IT IS NOT KNOWN AS TO WHETER JERRY RAY WILL RETURN TO SAVANNAH WITH HIM. SOURCE SAID TRIP IS IN CONNECTION WITH A HEARING FOR JAMES EARL RAY.

MEMPHIS IS REQUESTED TO ATTEMPT TO ASCERTAIN RESIDENCE OF JERRY RAY IN MEMPHIS AND INTERVIEW HIM IN ACCORDANCE WITH REAIRTEL.

R U C

REC-88 44-38861-5754

END

~~WA... IS THE LAST WORD IN LINE THESXXX THREE WITH~~

3 YEG MAY 23 1969

PGH

FBI WASH DC

cc - Long

55 MAY 28 1969