

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

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JAMES EARL RAY, : :
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Petitioner-Appellant, : :
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v. : : Civil No. 74-166
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J. H. ROSE, Warden, : :
: :
Respondent-Appellee : :
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MOTION FOR LEAVE TO PERPETUATE
TESTIMONY PENDING APPEAL

Petitioner respectfully represents to the Court as follows:

1. This action is a petition for a writ of habeas corpus. This court on February 27, 1975, entered an order denying the writ of habeas corpus. Petitioner has filed a notice of appeal from said judgment to the Court of Appeals for the Sixth Circuit and the appeal is now pending.
2. In the event that the judgment of this Court is reversed and remanded for further proceedings in the district court it will be necessary for petitioner to prove that: 1) his plea of guilty was involuntary; 2) his attorneys had a conflict of interest by reason of their relationship with William Bradford Huie; 3) he was denied his right to effective assistance of counsel by constant surveillance and the interception of his mail and other attorney-client communications; and 4) his attorneys failed to adequately investigate the case.

3. Petitioner desires to take the deposition of William Bradford Huie, whose address is Hartselle, Alabama, in order to perpetuate his testimony for use in the event of further proceedings in the district court. The substance of the testimony which petitioner expects to elicit from said William Bradford Huie is as follows:

A. Huie will identify the attached Exhibits A and B as copies of his notes and state when and for what purposes he made them. He will explain what he meant by such notes as "Ray on stand?" "Sign document . . . Ray on stand," "New contract with 50-50 & 10 off top . . . If & when," and "Ray give me quit-claim?" He will identify the persons with whom he raised these questions and when.

B. Huie will testify that on November 1, 1968, he flew Jerry Ray to Hartselle, Alabama, where he offered Jerry a \$12,000 bribe if he would persuade his brother James Earl Ray not to take the witness stand. [See Exhibits C and D] In this respect, Huie will further testify that a few days after Ray fired Arthur Hanes on November 10, 1968, he wrote James Earl Ray a letter offering to pay him \$12,000.

C. Huie will testify as to why he believes James Earl Ray did not want to plead guilty "but was talked into it." [See attached Exhibit E]

D. Huie will testify that in his first conversation with Foreman in November, 1968, Foreman told him: "Now, you know, of course, that I'm depending on you for my fee. So tote that bale, boy! Get to work!" [See attached Exhibit F] He will testify that subsequently, on November 27, 1968, Foreman met with him in Texas and told him: "I like the idea of owning 60 percent of one of your books while you own only 40 percent. So you get Hanes out

and let me in, then goddamn it, get to work and write us a good book and make us a good movie and make us some money." [See attached Exhibit F]

E. Huie will testify that in an ex parte meeting with Judge Preston Battle he told Judge Battle a trial could only establish that James Earl Ray killed Dr. King. [See Exhibit F]

F. Huie will state why he testified against James Earl Ray before the Shelby County Grand Jury on February 7, 1969, and whether he consulted with Percy Foreman about this. He will answer questions about specific statements he made to the Grand Jury, including why, in view of all the evidence indicating that Ray had been framed, he "presumed Ray guilty."

G. Huie will testify about the offer Carlo Ponti made to buy the movie rights to the James Earl Ray story.

H. Huie will testify as to whether Percy Foreman made any investigation of the Ray case, and if so, what and when.

I. Huie will testify how he obtained a copy of Evidentiary Hearing Exhibit 43, the note from James Earl Ray to Percy Foreman which was delivered to District Attorney General Phil M. Canale at 3:55 p.m. on February 14, 1969 by Capt. B. J. Smith.

4. The reasons for perpetuating the testimony are:

A. Any remand of this case to the district court for further proceedings will almost certainly not become effective for at least a year or more. William Bradford Huie is now 65 years old. Death or illness could deprive petitioner of Huie's vitally needed testimony before further proceedings can take place.

B. Petitioner will argue on appeal that he was denied a full and fair evidentiary hearing because Huie did not comply with the court's discovery orders and was not compelled to appear in

open court and subject himself to cross-examination by petitioner's counsel. The deposition of Huie which petitioner now asks leave to take will prevent a further failure of justice by showing some of the ways in which the absence of Huie and other key witnesses from the courtroom denied petitioner the full and fair hearing to which he was entitled.

WHEREFORE, petitioner moves the court for an order authorizing him to take the deposition of William Bradford Huie pursuant to Rule 27(b) of the Federal Rules of Civil Procedure.

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

BERNARD FENSTERWALD, JR.
910 16th Street, N. W.
Washington, D. C. 20006

ROBERT I. LIVINGSTON
940 Commerce Title Bldg.
Memphis, Tennessee 38103

CERTIFICATE OF SERVICE

This is to certify that I have this _____ day of May, 1975, mailed a copy of the foregoing Motion For Leave To Perpetuate Testimony Pending Appeal to Assistant Attorney General W. Henry Haile, 420 Supreme Court Building, Nashville, Tennessee 37219.

JAMES HIRAM LESAR

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

.....
JAMES EARL RAY,

Petitioner-Appellant,

v.

J. H. ROSE, Warden,

Respondent-Appellee
.....

Civil No. 74-166

MEMORANDUM OF POINTS AND AUTHORITIES

William Bradford Huie is the key witness in the James Earl Ray case and Ray could not possibly receive a full and fair evidentiary hearing on his habeas corpus allegations without Huie present at that hearing. The court recognized this in saying to the undersigned counsel on August 22, 1974, "we got to find some way to get Huie up here."

In May, 1974, Huie stated on Nashville T.V. that he would testify at Ray's hearing. Not believing that Huie would testify voluntarily, petitioner repeatedly requested that the court either subpoena him or else invite him as the court's witness. On August 15, 1974, counsel for respondent met with petitioner's attorneys to discuss petitioner's discovery motions. At that time, respondent raised the question of taking Huie's deposition, a move which was vigorously rejected by petitioner's attorneys.

On September 11, 1974, respondent noted a deposition of Huie to be taken on September 20, 1974, barely a month before the

scheduled start of the evidentiary hearing. This move was designed to deprive petitioner of the full benefit of Huie's testimony. Taken outside the court's jurisdiction, Huie would not be subject to prosecution for perjury, nor could he be compelled to produce the documents which the court had ordered him to make available to petitioner. In addition, his deposition was taken without the benefit of the discovery obtained from others.

The pretext for taking Huie's deposition in Nashville, that it was "almost impossible" for him to leave Hartselle, Alabama overnight because he must take care of his 85 year old mother, was fraudulent, as is shown by the fact that on November 15, 1974, Huie flew to New York for a T.V. interview on Channel 13.

Taking Huie's deposition now serves several purposes which are in the interest of justice. First, it enables petitioner to perpetuate Huie's testimony for use in any future proceedings in the district court. Second, such a deposition will enable petitioner to demonstrate to the Sixth Circuit how essential it was for petitioner to have Huie testify and be subjected to cross-examination after there had been compliance with the court's discovery orders. Third, this deposition will show that the court in its decision relied upon testimony by witnesses such as Arthur Hanes and Percy Foreman which was not true. For example, Huie's notes which are attached hereto as Exhibits A and B show that Huie did raise the question of Ray's taking the witness stand with his attorneys. This by itself is sufficient to establish a conflict of interest on the part of Ray's attorneys of such a nature that it requires that his tainted guilty plea be held involuntarily entered.

JAMES HIRAM LESAR
Counsel for Petitioner

IN THE UNITED STATES DISTRICT COURT
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ORDER GRANTING LEAVE TO TAKE
DEPOSITION PENDING APPEAL

This cause came on to be heard on motion of petitioner for leave to take the deposition of William Bradford Huie, and it appearing to the court that an appeal is now pending from the judgment of this court entered February 27, 1975, and that perpetuation of the testimony of the said William Bradford Huie is proper to avoid a failure or delay of justice, in that because of his age, death or sickness might deprive petitioner of his testimony should this case be remanded to the district court for further proceedings, and in that said deposition might be helpful to petitioner in demonstrating to the Court of Appeals that he was denied a full and fair evidentiary hearing,

IT IS ORDERED that petitioner is granted leave to take the deposition of William Bradford Huie in accordance with the provisions of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT JUDGE

Dated: _____, 1975

Michael Farley

Cudella ^{visited} ~~Michael~~
in part

Bombmakers

1. Ray on stand? No deal
Never before - show questioning in 1954 -
London?

2. October 2nd - left B. Room

3. Must have recognition

4. Quit - clear or complete?
Ray give me quit-clear?

5. John Willard -

1535 N. Serrano
L.A. - 90027

1 Cur
April - 3rd
advt. my
1 with +
Walter -

6. Jerry got money for Ray in jail.

7. Testimony of Bombmakers - May the logs.
Fingerprint Expert -
apparent - Teal - him.
Mr. Enger -

Ray teleph Raul -
little town east of N.O. - stayed there +
went to Selma x

read eye line of
Lubowitz +
mae key +
Raul

Bound eye Raul at Sturjitt - already there -
+ go to room.

Raul not in car - Room had outside door.
Ray kept key inside door open - small discussion.

EXHIBIT C

AFFIDAVIT OF JAMES HIRAM LESAR

I, James Hiram Lesar, being first duly sworn, state as follows:

1. I am attorney for James Earl Ray. In preparing Ray's habeas corpus petition, I drew up an affidavit for his brother, Jerry William Ray, to sign. That affidavit, based on Harold Weisberg's interview of Jerry Ray in May, 1972, was signed by Jerry Ray on August 25, 1972. Paragraph 5 charges that at the November 1, 1968 meeting between William Bradford Huie and Jerry Ray in Huntsville, Alabama:

Huie told me that Hanes was having problems with my brother James because James insisted on taking the stand in his own defense. Huie said that it wouldn't help if James took the stand anyway. Huie stated that he was the only one who could help James. He endeavored to get me to talk to James about not taking the stand, saying: "When you leave here, I want you to do two things. I want you to go see James and tell him we don't want him on that stand. Also, you tell James, whichever way he wants it, we're going to give him \$12,000. We'll give it to you, give it to James, or give it to anybody he wants to." This money was to be given on the condition that James wouldn't take the witness stand.

2. Paragraph 9 of Jerry Ray's affidavit states that after the Huntsville meeting he went to see James Earl Ray and told him "to fire Hanes because Huie, not Hanes, was running the case."

3. In November, 1973, I obtained some notes belonging to Jerry Lipson, a reporter formerly with the Chicago Daily News who covered the trial of James Earl Ray for that paper. Attached hereto as Exhibit D is a copy of one page of those notes.

4. The most significant part of Mr. Lipson's notes reads as follows: "Huie gave Jerry offer \$12,000--Nov. stay--Alabama

persuade James stay off stand 'I went down told Jimmy isn't best thing you could do get rid of H & H [Hanes & Huie]. 1st thing know gonna have you strapped in chair. 1st part of November." Another note reads: "Huie was boss--told Hanes what to do."

5. Mr. Lipson has confirmed to me that these are his notes. He is uncertain as to the date when they were taken. However, from internal evidence I believe they were taken during a conversation with Jerry Ray sometime after Rev. Bevel's visit to see James Earl Ray on January 23, 1969, and sometime prior to the March 10, 1969 guilty plea.

JAMES HIRAM LESAR

Before me this _____ day of May, 1975, deponent JAMES HIRAM LESAR has appeared and signed this affidavit, first having sworn that the statements made therein are true.

NOTARY PUBLIC IN AND FOR THE
DISTRICT OF COLUMBIA

My commission expires on _____.

you don't tell me how
much. How article look

get crooked contract
Jenny - Hui - Foshman
Hui man born - toilet
Have what to do.

Technician Memphis
Spartan - Pe body
still try get small layer
Tenn: You farm in care.

Tennessee
Pe body
901-526-7766
10/4/81
Percy Pe body

if there you 10 by 10
\$12,000 more stay
aluminum persuade you stay
off stand "I want don't
Jenny what why you can't
do get out to 17. Why
you gonna see you stopped
in pair. 1st part of November

Have sent attack - For
of by just under treat
Cyclist, must be first, can't
be turned over to Mission.
not company layer

Bevel visit Memphis - Know
Pay innocent. For the return
106 days ago

106 days ago
106 days ago
106 days ago

EXHIBIT D



KUPCINET

KUP'S COLUMN

Author William Bradford (Huie) who probably has had more communication with James Earl Ray than any other person about the slaying of Dr. Martin Luther King Jr., is mystified about the possibility of a conspiracy as the rest of us. Huie has had conversations with Ray, exchange of letters and the benefit of the information culled by Ray's attorney

first Arthur Hanes and his son and later Percy Foreman. In addition, he paid Ray \$40,000 for information about the assassination of Dr. King. Ray kept none of that money—\$20,000 of it to Hanes and \$10,000 as partial payment to Foreman.

"FOR THREE MONTHS, I NEVER DOUBTED THAT there was a conspiracy," Huie told us. "Now I'm not so sure. But my investigation will continue because of the many unanswered questions in this mysterious case." Ray has indicated to Huie that he will continue to answer his questions posed in writing. "Ray, as an old jailbird, is so smart to answer any questions from the law authorities," Huie told us. "He knows that under the Supreme Court ruling he doesn't have to talk. He hasn't talked to anybody connected with the law, not even Fred Vinson Jr. of the Justice Department, who flew to London to interrogate him. But Ray will talk to me—for money."

HUIE, WHO IS COMPLETING A BOOK ON RAY titled, "He Slew the Dreamer" (from the Book of Genesis dealing with Joseph), says, "Ray has told me a great many details, but he studiously has avoided implicating others." Yet, Huie won't rest until he finds the answers to these mysterious circumstances:

A WITNESS TESTIFIED that she saw a man much smaller than Ray run from the bathroom from which the fatal shot was fired. Later, when Ray's car was found, police discovered in the trunk clothing of a much smaller man.

Ray, according to witnesses, never visited the rooming house across from the motel in which Dr. King was staying. Yet, he knew exactly what room to ask for so he would be in position to fire the fatal shot. Ray explained this by telling Huie, "I was told which room to ask for."

Ray didn't smoke. Yet the ashtrays in his car, when recovered by police, were filled with cigaret stubs and ashes.

Ray's escape from Memphis to London by way of Canada was much too complicated for his simple mind. Huie believes the escape route was prearranged.

HUIE ALSO CONJECTURES THAT RAY did not want to plead guilty, "but was talked into it." According to the author, Ray is "wise enough to know that even if he were sentenced to death, he wouldn't die in the electric chair—nobody dies in the electric chair any more." Huie believes the Memphis

WILLIAM
BRADFORD HUIE

more than what I said to him. I showed him the contract between me and Ray. Then I said:

I don't want any secrecy about this contract, Judge. I'm showing it to you, and I'll show it to any reporter who wants to see it. This contract is an effort to do what your court can't do: to find the truth about why Dr. King was murdered. When you try Ray your trial will be necessary but disappointing because you can establish only what is already known: that Ray came to Memphis and killed Dr. King. At great financial cost you will spend weeks hearing witnesses from five countries give testimony which already has been published. And after your trial every thoughtful American, white and Negro, will feel cheated because you will not have answered the question that matters most: why?

The judge broke in to agree with me: the only time he ever agreed with me. "I agree with you," he said. "I agree with you that such a trial doesn't produce truth. All we can get are a few facts and perhaps a conviction. But we can't get much truth." Then I said:

You know that, Judge, and I know it because we are involved. But most everybody else, not being involved, believes that "everything comes out at the trial." Everything doesn't come out because our trial system is wrong. It produces only disappointment and fills our prisons with hopelessness. As the judge in this trial you should be able to call Ray to the witness stand. You should be able to explain to him that your court's judgment of him, the conditions under which he will be incarcerated, the nature of the effort to rehabilitate him, will all depend on how effectively he cooperates in helping your court to understand the crime and the reasons for and the extent of his participation.

But you can't do that. Before you Ray will be no more than an occasionally interested spectator. He won't even be in jeopardy because how can he fear a sentence of extra years in prison? Whether you give him ten years or a hundred years is meaningless. He can't live to serve the years already against him. He doesn't fear execution; he knows you aren't going to execute him even if you pass such a sentence on him. So your trial can result only in disappointment and exacerbation of the racial conflict.

Since you have these limitations, sir, I'm trying to complement you. I'm trying to do what you can't do. And I don't see why my

effort should conflict with yours. I think my effort should have your cooperation.

By then Judge Battle had decided that I was a threat to his plan to improve Tennessee's image. He felt sure I was leading up to "one more journalist's request to interview Ray." His answer was no. Then I continued:

But, Judge, I'm not requesting that I be allowed to interview Ray. I concede that I have no such right. But the State of Tennessee clearly recognizes Ray's right to confer with me. The law says that any prisoner has the right to confer with his business partner or with anyone with whom he has contractual obligations. Ray had a valid and proper contract with me under which he gets the money to pay for the defense of his life.

I'm not asking you for anything. I'm telling you that Ray's lawyer will formally request that you comply with the law and recognize Ray's right to confer with me. If you deny Ray's right to talk with me now, at what stage in the proceedings will you recognize his right? After the trial begins? After the jury has been sequestered? After he has been sentenced?

The judge took the matter under advisement. Later I brought to his attention the fact that Sirhan, prior to his trial, was being allowed to confer frequently with a writer who had a contract similar to mine with Ray. I said: "Judge, it's difficult for me to understand why Ray should be denied a right which is freely granted to Sirhan. Is Ray a more dangerous criminal than Sirhan?"

Judge Battle gave me an answer which will always puzzle me. He said: "I guess the court can be lenient in handling Sirhan because there are not many Arabs in Los Angeles." He must have been contrasting the small number of Arabs in Los Angeles with the large number of Negroes in Memphis. But how that related to Ray's right to talk with me—I can't figure it out. I said:

Well, Judge, I wish I had time, in Ray's behalf, to take this issue to the Supreme Court of Tennessee and, if necessary, to the Supreme Court of the United States. If you continue denying rights to Ray, and continue trying to jail reporters [he had held two Memphis newspapermen in contempt], you are going to damage Tennessee's image more than the Scopes trial ever did.

tell the judge in a St. Louis courtroom he felt he had not been represented properly, and asked that his court-appointed attorney be dismissed from the case. The judge overruled his request, but the attorney was relieved after Ray's conviction, and Ray himself argued his appeal before the Missouri Supreme Court. He lost.

Ray tried to fire Richard D. Schrieber nine years ago, just before the closing arguments to the jury in his armed robbery trial. Mr. Schrieber remembers Ray as "a jailhouse lawyer . . . he pretty well ran his own trial. He knew what he wanted to do, and I pretty well had to go along with it." Mr. Schrieber said Ray took the witness stand in his own defense although he (Mr. Schrieber) advised against it "in the most vigorous language possible."

"When Ray took the stand," recalls Mr. Schrieber, "of course the prosecution was then entitled to bring out his past criminal record before the jury. This utterly stupid action by Ray resulted in his getting the maximum sentence of 20 years, while his accomplice was sentenced to only seven years." Ray was convicted in December, 1959, of the armed robbery of a St. Louis Kroger store. It was this 20-year prison term he was serving when he escaped from the Missouri State Penitentiary on April 23, 1967.

Ray's dissatisfaction with Mr. Hanes's strategy in the present case was first revealed several weeks ago when Mr. Hanes told Criminal Court Judge W. Preston Battle that "serious differences have arisen between my client and myself, and it may be necessary for me to withdraw as defense counsel." At that time it was understood that Ray and Mr. Hanes had argued over bringing in another attorney, and over whether Ray should take the stand in his upcoming trial. Ray said yes, Mr. Hanes advised no.

That story shows that Ray in 1959 was willing to hurt himself to get attention. He was being tried for the crime which, as I have reported, he said he couldn't deny but would never admit. To get off with no more than a seven-year sentence, he had only to say nothing during the trial. As long as he said nothing, the prosecution was handicapped by not being able to present his criminal record to the jury. But at the price of having to fire his lawyer, he took the stand. The prosecution then had him describe to the jurors all his previous crimes, and his years at Leavenworth, and the prosecution read to the jurors the psychiatric judgments that "this prisoner seems unlikely ever to be able to adjust successfully to life outside an institution." Then the jurors gave him 20 years. A crim-

inal who wanted attention that much in 1959 might want it enough in 1968 to murder Dr. King. And when he went to trial for Dr. King's murder, certainly he would insist that he must take the stand.

All three of the Ray brothers believed they had won a great victory in getting rid of Mr. Hanes and persuading Mr. Foreman to take his place. They thought this famous and rich Texan would inject new drama into the case, get Jimmy acquitted, make the Rays rich, famous and free, and do it all at his own expense. How could they have known that they were about to be hit by a Texas twister: that four months later James Earl Ray would be in the Tennessee State Prison for life, robbed of his chance to take the stand before the world, shorn of his last hope of wealth, and John and Jerry would be back in St. Louis, dejected, wondering "how in the hell we could have been so mistaken about Foreman?"

Somehow the Rays had assumed that I was a casualty of the change in lawyers, that my contract depended on Mr. Hanes's remaining in the case, and that now they could make a new contract with someone else and keep all the money. How could the Rays have known that in my first telephone conversation with Mr. Foreman he would say: "Now, you know, of course, that I'm depending on you for my fee. So tote that bale, boy! Get to work!"

Early on Wednesday morning, November 27, 1968, I met Mr. Foreman at the statue of the Texas Ranger at the Dallas airport. We drove to Fort Worth, where he made a brief courtroom appearance. Then we had lunch, and all together, we talked for several hours. I said:

Percy, I have made a serious mistake. In September and early October I believed that the decision to kill Dr. King was made in New Orleans by someone other than Ray. I believed that on March 21st, when Ray spent the entire day in New Orleans, he was directed to do the killing. On March 22nd he began stalking Dr. King and spent the night in Selma. I studied some of Ray's movements in New Orleans on March 21st. I believed the FBI would make an arrest in New Orleans. In addition, when Art Hanes showed Ray the witness list Ray was interested only in certain witnesses from Louisiana. None of the other witnesses interested him, but he looked carefully at every name from Louisiana. Then

the psychiatrists in Missouri who had examined Ray told me: "From what we know of him it's hard for us to believe he was capable of the initiative required to commit such a crime. We have to believe that he was directed."

So in what I wrote in September I supported conspiracy. My articles were useful in that I presented Ray as a human being, and I revealed places he had been and things he had done which the FBI didn't know about. The FBI didn't even know that he had plastic surgery until I told them. But all that doesn't justify my mistake of plugging conspiracy. Sure there may have been conspiracy in the strictly legal sense that one or two other men may have had prior knowledge. But not in the sense that so many people want to believe, or that I implied.

Now I wish that I had never gone into this case at all. A lot of nonsense is being talked about the value of my rights to "the story." The story is of relatively little value because it's only the story of another Oswald, another Sirhan, another twisted nut who kills a famous man to get on television. That's all there is to it. I'm going to complete a book for what it's worth, and try to present a true picture of a twisted nut and all the damage he can do. But far from making any money, I don't expect to get back what I will have spent.

And speaking of mistakes, I believe you've made one. This is not your sort of case. You let them get you to Memphis where the old fire horse couldn't resist another race to the fire. But a week after you begin trying to work with Ray you'll know that there is no defense, and you'll be as sick of the case as Hanes was. You did Art a favor by replacing him; you just haven't realized it yet.

Mr. Foreman liked my three-way contract with Ray. All he wanted was for Mr. Hanes to get out so he could have what Mr. Hanes had had. "I like the idea of owning 60 percent of one of your books," he said, "while you own only 40 percent. So you get Hanes out and let me in, then, goddam it, get to work and write us a good book and make us a good movie and make us some money."

"I don't mind you having the money," I said. "But your client hasn't met his obligations. I want to know how, why and when he decided to kill Dr. King."

"He may be incapable of telling anybody that," Mr. Foreman

said. "You know why he did it. I've seen him only briefly, and I already know why he did it."

"But I want the particulars," I said. "And I expect you to get them for me. If you want me to work for my 40 percent, goddam it, I expect you to work for your 60 percent."

In December Mr. Foreman had pneumonia and lost a month's work. But on Friday, January 24, 1969, he flew into Huntsville airport, where I met him and we talked for another four hours between planes. The result was that on January 29, 1969, we signed a four-way amendatory agreement under which Mr. Hanes "got out" by transferring all his rights to Ray, and Ray reaffirmed all his grants to me, with all actions being approved by Mr. Foreman. Then on February 3, 1969, Mr. Foreman plucked Ray clean by having him sign a notarized two-way agreement which reads in part:

KNOW ALL MEN BY THESE PRESENTS: That I, James Earl Ray, presently in Memphis, Shelby County, Tennessee, for and in consideration of his agreement to represent me at the trial or trials of any cases presently pending against me in Shelby County, Tennessee, have signed over, given, conveyed and transferred, and do by this instrument here now give, assign, set over and transfer to Percy Foreman, of Houston, Harris County, Texas, all of my aforesaid right, title and interest in and to the proceeds that would otherwise have accrued to me pursuant to said Basic Agreement and to said Amendatory Agreement, and to all of my rights thereunder as well as to any other right or rights that might be or have been mine because of the writing and subsequent publication of such writing by said Author William Bradford Huie, whether included in said assignment by the said Hanes to me under the Amendatory Agreement of January 29, 1969, or otherwise, said assignment and transfer herein to the said Percy Foreman being absolute and irrevocable, and I here now authorize and direct any person, firm or corporation having funds due and owing me by virtue of said Basic Agreement, or otherwise owing to me because of the writings of said Author, to pay the same to the said Percy Foreman, at his office in Houston, Harris County, Texas, in his own name and as his own property.

I read that agreement with dismay because with it went my last hope of ever being able to exert financial leverage on Ray. It's hard