



ASSISTANT ATTORNEY GENERAL

United States Department of Justice

WASHINGTON, D.C. 20530

JUL 14 1977

Mr. James H. Lesar
Attorney at Law
910 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20006

Dear Mr. Lesar:

This is in response to your June 14, 1977 Freedom of Information Act request to the Deputy Attorney General for access to certain enumerated records pertaining to the assassination of Dr. Martin Luther King, Jr. and the 1973 attempt to transfer James Earl Ray to a federal penitentiary. Your request was received by the Freedom of Information/Privacy Act Unit of the Civil Rights Division on June 29, 1977.

In response to Item 1 of your request, the records of author William Bradford Huie pertaining to the assassination of Dr. King are a part of Appendix C to the King report. As you know, the Department's Office of Professional Responsibility directed the Martin Luther King Special Task Force and compiled the King report. By letters of June 10 and 24, 1977 and July 7, 1977, Michael E. Shaheen, Jr., Counsel for the Office of Professional Responsibility, responded to your request for Appendix C and the records pertaining to William Bradford Huie. The Civil Rights Division has not located any records pertaining to Mr. Huie or to Item 1 of your request.

By Item 2 of your June 14, 1977 request, you seek access to all records of Gerald Frank pertaining to the King assassination. A search of the Civil Rights Division's systems of records indices did not disclose any records pertaining to Gerald Frank.


In response to your Item 3, our search of the Civil Rights Division's records pertaining to the King assassination has not, thus far, revealed any records regarding the 1973 attempt of federal and Tennessee state officials to transfer James Earl Ray to a federal penitentiary. The only document located in our files which makes any reference to the possible transfer of James Earl Ray to a federal penitentiary is Petitioner Ray's Petition for Temporary Restraining Order, filed December 27, 1973, in Ray v. Dunn, Luttrell, et al., (U.S.D.C., M.D. Tenn.). In the first allegation of his petition, Mr. Ray states that he was informed by a deputy warden of the Tennessee State Prison at Nashville that state prison officials were negotiating with federal authorities to transfer Ray to a United States penitentiary. A copy of this two page Petition for Temporary Restraining Order is enclosed herewith at no charge. I regret that this document is not a clearer copy; however, the file copy is itself a poor duplicate.

In order to ascertain with assurance that there are not, in fact, any records within the Civil Rights Division files responsive to your request, it will be necessary to conduct a search of many additional King assassination files. The Civil Rights Division must therefore extend its deadline for response for a period of five working days pursuant to 28 C.F.R. §16.5(c). A final response will therefore be sent to you by Thursday, July 21, 1977, unless you are otherwise notified.

Please be advised that copies of your request were referred to the Federal Bureau of Investigation and the Bureau of Prisons, as well as to this Division and to the Office of Professional Responsibility. You will receive, if you have not already, a direct response from each of these components of the Department regarding your June 14, 1977 request.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division

By: 
Salliann M. Dougherty
Freedom of Information/Privacy Act Officer
Civil Rights Division

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

DEC 27 1973

JAMES R. RAY, #65477
Plaintiff/ petitioner

BRADLEY LEWIS, Clerk
By M. J. Lewis

vs.

HON. WINFIELD BURN, Governor,
State of Tenn.

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

Civil action no 7358

Defendants

PETITION FOR TEMPORARY RESTRAINING ORDER

Petitioner, acting pro se, alleges:

1. That on or about, December 21st 1973, petitioner was informed by deputy warden, Robert Norford, an employe of the Tenn. State prison, Nashville, division, that said prison officials were negotiating with Federal authorities to transfer petitioner—who is an inmate of said prison— to a United States government penitentiary.
2. That petitioner is under no penitentiary sentence pursuant to a conviction in United States courts, nor does the Federal government hold detainers against petitioner.
3. That said reported transfer is a logrolling operation devised by the Tenn. Attorney General's office, and the State administration, to obstruct petitioner's legal processes under the charge petitioner is incarcerated under and, political considerations for 1976; and not, as Gov. Burn implied Dec. 21st during a TV news conference, "that Tennesseeans are incapable of managing their own institutions".
4. That petitioner intends to contest said reported transfer through the courts.

5. That an article in the, Tennesseean, dated Dec. 22nd 1973, suggests that there is a move afoot by Federal & State bureaucrats to surreptitiously attempt a removal of petitioner from his present jurisdiction, without regard to due process of Law, to a Federal mental institution in, Springfield, Missouri.

6. That the State of, Missouri, not the Federal Government, has alleged succeeding jurisdiction over petitioner.

7. That petitioner received a back injury approximately thirty (30) days ago which prevents him from standing or sitting in excess of ten (10) minutes at a time, the nature of which would preclude his being transferred a substantial distance without the possibility of irreparable physical harm being done.

8. That petitioner has received inadequate treatment for said back injury and a transfer to Federal jurisdiction would obscure the negligence, if any, between Federal & State authorities.

WHEREFORE, petitioner prays the honorable court issue orders restraining the defendants from transferring petitioner beyond the instant court's jurisdiction, until a hearing can be held, as said reported transfer would result in immediate & irreparable legal & physical damage to petitioner; that the court also overlook technical error herein- until petitioner can retain counsel which he is in the process of doing- since petitioner is denied use of the prison Law library.

Respectfully submitted:

plaintiff/ petitioner

Station-A

A. Flock

Nashville, Tenn. 37203.

James R.
65-477