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Governor's Staff Launches Inquiry Into 'Plot' On Ray

Avery Called In Corrections Commissioner, Top Ellington Aide, TBI Chief Meet

By WILLIAM BENNETT

From The Commercial Appeal
Nashville Bureau

NASHVILLE, May 20. — The governor's office launched an inquiry Tuesday into a statement by Corrections Commissioner Harry Avery that he has learned of a plan to kill James Earl Ray, now serving 99 years for the slaying of Dr. Martin Luther King Jr.

Avery himself declined to make any further comment to newsmen about the matter.

But he did tell a reporter, while sitting in the outer office of William L. Barry, executive assistant to Gov. Buford Ellington, that the telephone call he received about the scheme to slay Ray may have come from "a nut."

Asked if he planned to ask for an investigation of the affair, Avery said, "The FBI knows all about it, knew about it the day it happened."

Later, the matter was discussed during a meeting of Avery, Barry, and W. E. Hopton, chief of the Tennessee Bureau of Criminal Identification.

Neither Barry nor Hopton would comment on what took place at the conference, but it was understood there will be further investigation, presumably by the TBI.

In Memphis. Criminal Court Judge Arthur C. Faquin Jr. Tuesday ordered stringent security for a hearing Monday on Ray's motion for a new trial.

In Nashville, one of Ray's attorneys, Robert W. Hill Jr., said he was told that Ray will be transferred in secrecy to Memphis for the hearing. Hill said he was informed of the planned transfer in a letter from Avery.

Judge Faquin's order is similar to that put into effect for Ray's trial by the late Judge W. Preston Battle. It limits courtroom access and seating and required those attending the hearing to submit to search.

Judge Faquin's order also bars cameras, recording equipment and sketches.

One official said it seemed fairly obvious that the call Avery received about a plot on Ray's life was from "a crank" and that Avery should have knocked down immediately all suggestions of a conspiracy.

When Avery got the call more than two months ago, it was said to have been from an anonymous person. But the commissioner said Monday he managed to trace the call and identify the caller. Avery did not report the threat to Hopton.

The security division of South Central Bell Telephone Co. was reportedly planning an inquiry into Avery's claim the call was traced. South Central Bell said it had no record that Avery or any other prison official requested that a call be traced.

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The governor's office took action after Hill said Ray told him Avery was trying to coerce him into providing information for a book Avery plans to write about the murder of Dr. King in Memphis.

At first, Avery denied any plan to write a book but later said he might write one sometime. He maintains there is no truth to suggestions he is trying to coerce Ray into giving him an account of the slaying.

Avery would not release any information he got from Ray during three prison interviews.

Ellington was known to have been displeased by reports that Avery plans a book about Ray, and his office issued a statement saying no state official would be allowed to use his position for personal gain.

One report was that when he first learned Avery had been talking to Ray, Ellington let it be known he wanted the commissioner to stop such activities, but Avery continued.

Avery, 66, is a West Tennessean, born in Alamo. A lawyer, he served as a legislator and a member of the 1953 Constitutional Convention. For 30 years he was an investigator for the National Board of Fire Underwriters.

He was appointed corrections commissioner by former Gov. Frank Clement in 1963 and was reappointed by Ellington in 1967.



RAY INQUIRY — Tennessee Corrections Commissioner Harry Avery was questioned yesterday by W. E. Hopton, chief of the Tennessee Bureau of Criminal Identification, and William L. Barry, executive assistant to Gov. Buford Ellington, concerning statements he made about a reported plot to kill the imprisoned James Earl Ray.