

FBI

Date: 10-25-68

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(Type in plaintext or code)

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(Priority)

TO: DIRECTOR, FBI (44-38861)  
ATTN: INSPECTOR NORMAN J. McDANIEL  
IDENTIFICATION DIVISION

FROM: SAC, MEMPHIS (44-1987) P

MURKIN.

*Original*  
*Noted*

The "Commercial Appeal," a Memphis, Tennessee, morning newspaper, on Friday, October 25, on Page 25, carried an article captioned "FBI Aide Cited by Court Panel." This article restates in general the information previously attributed to ██████████ of Washington, a senior fingerprint expert. The article continues by stating that ██████████ was ordered to show cause on December 6 why he should not be adjudged in contempt for violation of a criminal court order limiting pre-trial publicity in the case of JAMES EARL RAY. The charge reportedly is based on an interview with Mr. ██████████ published in the September 11 issue of the "Wichita Beacon," Wichita, Kansas. This information which appeared in the "Wichita Beacon" has previously been furnished to the Bureau.

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In addition, the article states that "In Washington, a Justice Department spokesman said there would be no comment before Judge Battle's attested order reaches Washington." The article further quotes from the "Katzenbach Guidelines" governing tolerances of department personnel.

Xerox copies of the newspaper article are enclosed.

Copies of the petition for contempt have previously been furnished for the Bureau's assistance and guidance. Two copies of the petition, which was actually filed on 10/24/68, are attached hereto for the Bureau's information. The only additions to this petition are Xerox copies of the newspaper articles which are labeled "Exhibit A," "Exhibit B," and "Exhibit C." One additional page has been attached to the petition which bears

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MEMPHIS

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Special Agent in Charge

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# FBI Aide C By Court

## Battle Orders Fingerprint Expert To Show Cause In Publicity Order

[redacted] of Washington, a senior FBI fingerprint expert, was ordered yesterday to show cause on Dec. 6 why he should not be adjudged in contempt for violation of a Criminal Court order limiting pretrial publicity in the case of James Earl Ray.

Criminal Court Judge W. Preston Battle ordered Mr. [redacted] to appear before him on that date for the contempt hearing. Judge Battle said it was impracticable to hold the hearing before Ray's trial, set for Nov. 12.

[redacted] is expected to be a key witness, giving fingerprint testimony, as the prosecution presents its case. Ray is charged with the deer-rifle slaying of Dr. Martin Luther King here April 4.

Judge Battle cited Mr. [redacted] upon the recommendation of an amici curiae committee of the Memphis and Shelby County Bar Association. The committee, headed by Lucius Burch, advised Judge Battle it believes [redacted] had actual knowledge of the aforesaid orders, decrees and injunctions issued by this court. . . . Your petitioners aver therefore that there is strong cause to believe that respondent [redacted] is in contempt."

The charge is based on an interview with Mr. [redacted] published in the Sept. 11 issue of the Wichita (Kan.) Beacon. Mr. [redacted] was quoted as saying Ray's fingerprints were found near the scene of Dr. King's murder in Memphis.

"There is no doubt in my mind that Ray at least handled the murder weapon," Mr. [redacted] was quoted as saying. He was in Wichita to speak on fingerprint identification at a police seminar.

In Washington, a Justice Department spokesman said there would be no comment before Judge Battle's attested order reaches Washington. But he read the "Katzenback Guidelines" governing utter-

Rule 3 says, "We do not believe department personnel should refer (publicly) to investigative procedures, such as fingerprints, polygraphs (lie detector results), ballistics or laboratory tests. Such demonstrative facts constitute evidence which should be presented publicly for the first time to the trial jury in a court of law. "Disclosure of such matters to the public before trial can be deeply prejudicial without any significant addition to the public's need to be informed."

Mr. [redacted] the fifth man to be charged with contempt of Judge Battle's pretrial publicity order. Ray's chief defense counsel and an investigator employed by him and two Memphis reporters were convicted Sept. 30 of contempt with sentence deferred.

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EDITOR: FRANK R. AIGREN

"All lawyers participating in this case, their assistants, associates, staff members, investigators and employees under their supervision and control"