

UNITED STATES GOVERNMENT

# Memorandum

TO: MR. TROTTER *llb*

FROM: N. E. McDaniel *McDaniel*

SUBJECT: MURKIN

DATE: 10-28-68

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

*John...*

*McDaniel*

This is the case involving the murder of Martin Luther King, Jr. Previous information received from Memphis indicated that committee of seven attorneys advising Judge W. Preston Battle, Criminal Court, Memphis, Tennessee, was presenting to the Judge a petition stating that [REDACTED] may be in violation of the Judge's court order restricting comment in this case. Their recommendation based on article appearing in Wichita, Kansas, "Beacon" newspaper concerning a police school conducted by [REDACTED] in September, 1968. [REDACTED] presented expert fingerprint testimony on June 27, 1968, in London, England, in connection with extradition of James Earl Ray. His testimony received widespread publicity in news media throughout the world. [REDACTED] has emphatically denied discussing his fingerprint testimony with press representatives at any time or necessarily airing fingerprint testimony of this case before a police school in Wichita, Kansas. On one occasion representatives of this police school, in a closed session, attempted to query him as to details of the fingerprint testimony. [REDACTED] reports he gave no facts other than what had already been quoted by the press concerning his London testimony. Administrative action has previously been taken against Bonebrake for discussing the case at the closed police school.

Judge Battle signed petition 10-24-68 which requires that [REDACTED] appear before the Court on 12-6-68 to show cause why he should not be adjudged in contempt. The Judge noted he was setting the date of 12-6-68 which would be after the trial of James Earl Ray, subject of the case, since to do otherwise would result in unnecessary publicity, defeating purpose of his original order. The committee of attorneys in presenting the petition to the Judge recognized that the Court does not have jurisdiction. The committee of attorneys has no sound grounds to substantiate their recommendation and undoubtedly took this action against our employee as a face-saving gesture. The committee has been severely criticized by Ray's Defense Attorney Arthur Hanes, Sr., and a Memphis "Commercial Appeal" newspaper reporter Charles Edmondson, who are both currently under contempt citation by Judge Battle in this case as result of

Enc. *cont* 10-29-68

1 - Mr. Rosen PERSONNEL RECORDS

1 - Mr. Bishop PLACE COPY IN FILE OF GEORGE BONEBRAKE

NEM:hs  
(6)

51 NOV 17 1968

REC-14

5313

25 NOV 6 1968

NOTED

11/17/68



Memorandum to Mr. Trotter  
Re: Murkin

Recommendation by the committee of attorneys. The committee is reportedly extremely liberal and, in fact, one member, Lucius E. Burch, Jr., according to SAC, Memphis, has served as an attorney for the American Civil Liberties Union.

The Court has not officially notified the Bureau of the petition but reportedly has mailed a copy to the Attorney General. The Department has requested a letter from the Bureau setting out information concerning the nature of the police school conducted by [redacted] at Wichita, Kansas, in September, 1968, and what transpired at this meeting. The Department indicated they intend to present this to the Court in Memphis. Attached is proposed letter. Copy of letter being sent to SAC, Memphis, for his information and so that he may properly advise the State's Attorney General, Shelby County, Memphis, Tennessee, prosecutor in this case. State's Attorney General is fully aware of this entire situation and is of the opinion that this will have no adverse effect on his handling of the prosecution.

RECOMMENDATION:

That the attached letter to the Department be approved.

*5* ✓ *John*  
I am sending letter to Dept  
but do so reluctantly as  
Benebrake → it is obvious [redacted] just  
cant keep his lips "buttoned  
up."  
[redacted]  
H

Compliments

## FBI Aide C By Court

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

\_\_\_\_\_ 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. \_\_\_\_\_ 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.

\_\_\_\_\_ 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. \_\_\_\_\_ upon the recommendation of an amicus curiae committee of the Memphis and Shelby County Bar Association. The committee, headed by Lucius Burch, advised Judge Battle it believes \_\_\_\_\_ 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 \_\_\_\_\_ is in contempt."

The charge is based on an interview with Mr. \_\_\_\_\_ published in the Sept. 11 issue of the Wichita (Kan.) Beacon. Mr. \_\_\_\_\_ 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. \_\_\_\_\_ 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 contested 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. \_\_\_\_\_ 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.

MEMPHIS COMMERCIAL APPEAL  
FINAL EDITION  
10/25/68  
Page 25

EDITOR: FRANK R. AIGREN



F B I

Date: 11/5/68

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL

AM

(Priority)

TO: DIRECTR, FBI (44-38861)  
FROM: SAC, MEMPHIS (44-1987) P  
MURKIN

District Attorney General PHIL M. CANALE, Memphis, Tennessee, has advised that the following FBI Agents should be alerted to the fact that their testimony will be needed in instant case. It is anticipated at this moment that efforts to select a jury will begin on 11/12/68 and witnesses will be heard as soon thereafter as possible. Mr. CANALE has stated he will make every effort to avoid needless lost time on the part of these Agents and for this reason he desires them to be available for immediate response to a subpoena. These Agents are as follows:

SEAT OF GOVERNMENT:

[REDACTED] JAMES MORTIMER  
[REDACTED] ROBERT FRAZIER  
[REDACTED] GEORGE BINGHAM  
[REDACTED] MORRIS SAMUEL CLARK

ATLANTA:

[REDACTED]

BIRMINGHAM:

[REDACTED]

LOS ANGELES:

[REDACTED] TED ANHEARN

REC-64

5329

- 3 BUREAU (AM)
- 1 ATLANTA (AM)
- 1 BIRMINGHAM (AM)
- 1 LOS ANGELES (AM)
- 1 MEMPHIS

JCH:BN

(7)

15 NOV 7 1968

STH

Approved: RGH Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge