ZODIAC

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OCTOBER 3, 1974

PLEASE CREDIT ZODIAC FOR ITEMS USED

(ZNS) HOUSTON ATTORNEY PERCY FOREMAN -- THE LAWYER WHO REPRESENTED JAMES EARL RAY DURING RAY'S 1969 TRIAL -- HAS ANNOUNCED THAT HE WILL NOT ATTEND OR TESTIFY AT RAY'S UPCOMING "EVIDENCIARY HEARING."

FOREMAN CLAIMS HE WILL BE TOO BUSY TO ATTEND.

FOREMAN IS REGARDED AS A KEY WITNESS IN THE HEARING BECAUSE FOREMAN HAS BEEN ACCUSED BY RAY OF PRESSURING HIM INTO PLEADING GUILTY TO DOCTOR MARTIN LUTHER KING'S MURDER.

RAY PLEADED GUILTY DURING HIS ONE-DAY TRIAL -- BUT MOMENTS LATER INTERRUPTED THE PROCEEDINGS AND BEGAN TO TALK ABOUT A CONSPIRACY BEHIND DOCTOR KING'S MURDER.

BEFORE RAY COULD FINISH HIS STATEMENT, FOREMAN INTERVENED. FOREMAN LATER ASSURED BOTH JUDGE AND JURORS THAT JAMES EARL RAY, HIS CLIENT, WAS THE LONE KILLER OF DOCTOR KING.

RAY, IMMEDIATELY AFTER THE TRIAL, FIRED FOREMAN. RAY CLAIMS FOREMAN WANTED HIM CONVICTED SO THAT FOREMAN COULD SELL AN EXCLUSIVE STORY ABOUT RAY BEING THE "LONE ASSASSIN" TO A BOOK PUBLISHER.

DESPITE FOREMAN'S ABSENCE IN COURT LATER THIS MONTH, RAY'S NEW ATTORNEYS WILL BE EQUIPPED WITH SIX HOURS OF SWORN TESTIMONY TAKEN FROM FOREMAN EARLIER THIS YEAR.

RAY'S NEW DEFENSE TEAM SAYS IT WILL USE THE EVIDENCIARY HEARING TO PROVE THAT RAY'S FIRST TRIAL WAS A "TRAVESTY OF JUSTICE", AND THAT HE WAS USED BY POLICE OFFICIALS AND EVEN HIS OWN ATTORNEY AS THE FALL GUY IN A POSSIBLE CONSPIRACY. THEY SAY THAT FOREMAN'S STATEMENTS AND THE TESTIMONY OF OTHERS SHOULD (QUOTE) "SHOCK THE CONSCIENCE OF THE NATION."

THE HEARING OPENS ON OCTOBER 22ND IN A MEMPHIS FEDERAL COURT. RAY IS EXPECTED TO BE ON THE WITNESS STAND FOR AT LEAST ONE FULL DAY -- ZODIAC

** * * * ** (MORE)

UNION PLANTERS
NATIONAL BANK OF MEMPHIS
MEMPHIS TENNESSEE

MR JAMES EARL RAY BY
MR PERCY FOREMAN TRUSTEE
[illegible] SHERATON PEABODY
149 UNION
MEMPHIS, TENN 38103

CANADA, RUSSELL & TURNER

J. W. CANADA (1876-1944)
EDWARD P. RUSSELL (1896-1967)
COOPER TURNER
THOMAS R. PRICE
JAMES W. McDONNELL, JR.
EDWARD P. RUSSELL, JR.
MARION S. BOYD, JR.
G. WYNN SMITH, JR.
JEROME TURNER
ROBERT M. JOHNSON
WILLIAM S. SOLMSON
J. HEISKELL WEATHERFORD
ARTHUR E. RAY, JR.
HERBERT E. GERSON
PHILIP N. McFERRIN

LAW OFFICES
TWELFTH FLOOR
UNION PLANTERS NATIONAL BANK BUILDING
MEMPHIS, TENNESSEE 38103
AREA CODE 901 PHONE 526-2187

September 27, 1974

James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D. C. 20024

RE: James Earl Ray
vs. J. H. Rose, Warden
No. C-74-166

Dear Mr. Lesar:

We enclose copies of the following to you as well as Mr. Haile:

(1) Statement dated 2/27/69, account no. 1-385-6178 in the name of Mr. James Earl Ray by Mr. Percy Foreman, Trustee, 1125 Sheraton Peabody, 149 Union, Memphis, Tenn. 38103;

(2) Stated dated 3/26/69, bearing the same account number and name;

(3) Deposit slip dated 1/31/69 showing a deposit of $5,000 into the account in question;

(4) Deposit slip dated 2/27/69 showing a deposit of $5,000 into said account;

(5) The following checks paid against said account:

$131.20
$38.43
$749.27
$474.60
$500.00
$8,106.50

We are unable to furnish copies of the two $5,000 items with which the account was opened for the reason that, as stated by the Bank, microfilm records of such items not drawn on Union Planters are destroyed after a two-year period.

The Bank is continuing a search of its records for any additional material requested to be produced by the Order and as same is discovered, we will promptly forward it to you.

If you have any questions, please advise.

Yours very truly,

CANADA, RUSSELL & TURNER

By: Thomas R. Price
Thomas R. Price

cc: W. Henry Haile, Esquire
Assistant Attorney General
Supreme Court Building
Nashville, Tennessee 37219

Enclosures

CANADA, RUSSELL & TURNER

J. W. CANADA (1876-1944)
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MEMPHIS, TENNESSEE 38103
AREA CODE 901 PHONE 526-2187

September 30, 1974

James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D.C. 20024

Re: James Earl Ray v.
J. H. Rose, Warden
No. C-74-166

Dear Mr. Lesar:

Supplementing our letter of September 27, 1974, we enclose copies of the following to you as well as to Mr. Haile:

(1) Letter dated January 24, 1969, from Mr. Hood to Mr. Keitt.

(2) Letter dated January 5, 1971, from James E. Ray to Union Planters National Bank.

(3) Letter dated January 18, 1971, from Canada, Russell & Turner to James E. Ray.

(4) Letter dated January 19, 1971, from Union Planters National Bank to Mr. Broom.

(5) Undated memorandum apparently pertaining to copies of the two checks with which the account in question was opened.

(6) Undated memorandum concerning First City National Bank of Houston.

(7) Letter dated January 20, 1971, from Mr. Martin to Mr. Foreman.

(8) Letter dated February 4, 1971, from Mr. Broom to Mr. Martin.

(9) Letter dated March 18, 1971, from James E. Ray to Union Planters National Bank.

(10) Letter dated March 30, 1971, from Canada, Russell & Turner to Mr. Livingston.

(11) Letter dated June 7, 1971, from James E. Ray to Federal Reserve Board.

(12) Letter dated June 10, 1971, from Canada, Russell & Turner to James E. Ray.

(13) Letter dated June 25, 1971, from F. H. Ellis to James C. Merkle.

(14) Letter dated June 28, 1971, from Canada, Russell & Turner to F. H. Ellis.

(15) Copy of Union Planters National Bank check dated March 10, 1969, payable to Jerry Ray.

(16) Copy of Signature Card, front and rear, dated January 31, 1969, with which the account was opened.

(17) Copy of check, front and rear, dated January 29, 1969, drawn by Wm. B. Huie on the Citizens Bank of Hartselle, Alabama, in the amount of $5,000.00, bearing the endorsement "James Earl Ray" and stamped with the notation that it was deposited in Union Planters National Bank to the credit of the account in question.

The Bank is continuing its search of its records for any other additional material respective to the Order and if any other records are so developed, we will promptly forward them to you.

If you have any questions, please advise us.

Yours very truly,

CANADA, RUSSELL & TURNER

By Thomas R. Price
Thomas R. Price

(6)
Encs.
cc: W. Henry Haile, Esquire
Assistant Attorney General
Supreme Court Building
Nashville, TN 37219

N.Y. Times 9-28-74

LAWYER IS WARNED IN DR. KING CASE

MEMPHIS, Sept. 27 (UPI)— A Federal judge held off charging a county public defender yesterday with contempt of court, providing the lawyer now opens state records on the slaying of the Rev. Dr. Martin Luther King Jr. to the defense attorneys of the confessed killer, James Earl Ray.

Edward Thompson has refused to open the files, despite an order by United States District Judge Robert M. McRae on Aug. 23 giving Mr. Ray's defense attorneys access to "relevant" records.

James Lesar, of Washington, D. C., one of three lawyers for Mr. Ray, asked Judge McRae to charge Mr. Thompson with contempt of court unless he opened the files. Judge McRae said yesterday that he would levy the charge if Mr. Thompson again refused to comply with his August order within a reasonable time.

The State of Tennessee has has appealed Judge McRae's order to the United States Court of Appeals for the sixth circuit, and Mr. Thompson has said that the files will remain shut until then.

The attorneys want to inspect the documents to prepare for Mr. Ray's Oct. 22 Federal Court hearing to determine if he was coerced into pleading guilty.