OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

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Holmes
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TO : Mr. DeLoach

DATE: September 30, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Bishop

SUBJECT: MURKIN

SYNOPSIS:

This is the case involving the murder of Martin Luther King, Jr. Judge W. Preston Battle, Memphis, Tennessee, issued a court order on September 18, 1968, for the defense to inspect, copy or photograph items and documents of evidence in relation to trial of James Earl Ray on state charges, which include penal records and psychiatric reports of Ray. Mr. Phil M. Canale, Jr., who is handling the state's prosecution advised order is in reference to evidence now in possession of Memphis Police Department, and he does not intend to exhibit to the defense any reports contained in our investigative reports furnished to him by us. Representatives of Mr. Canale were in our laboratory reviewing evidence recovered by us and in our possession. Any evidence they request and we turn over to them will be subject to inspection by the defense. The Department has advised it will no doubt be necessary to turn over some of our evidence to Memphis authorities. Evidence recovered by Memphis is under very strict control of Mr. Canale.

ACTION:

This matter is being followed closely, and the Department is being furnished a copy of the court order. The Department will be advised of Mr. Canale's interpretation of the court order.

BACKGROUND:

Judge W. Preston Battle, Criminal Court of Shelby County, Memphis, Tennessee, issued a court order on September 18, 1968, for the defense to inspect, copy or photograph items and documents of evidence in relation to the trial of James Earl Ray on state charges. The items and documents of evidence includes firearm, automobile and objects found therein, guest registers of hotels, motels and rooming houses, penal records of Ray,

Enclosure

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psychiatric reports of Ray, television sets, binoculars, or other tangible objects purportedly used or handled by Ray. The judge in this court order denied the defendants motion to produce ballistic and weapons test.

Mr. Phil M. Canale, State Attorney General, Shelby County, Memphis, Tennessee, who is handling the state's prosecution advised the order is in reference to the evidence now in possession of his department as recovered at the scene of the assassination by the Memphis Police Department. It is noted that the court order cites penal records of Ray and psychiatric reports. Reports such as these are contained in the results of investigative reports furnished to Mr. Canale, with Departmental approval. In relation to this Mr. Canale has advised the court order does not refer to the investigative reports furnished to him and he does not intend to exhibit these to the defense.

Three representatives from Mr. Canale's office were in our laboratory reviewing the evidence recovered by us and which is in our possession. According to Mr. Canale, when any of our evidence is turned over to them at their request, the Defense has the legal right to inspect this evidence. There appears to be nothing objectionable in this, as the Department has advised that it will no doubt be necessary to turn some of our evidence over to the Memphis authorities.

Mr. Canale has advised that Arthur J. Hanes, attorney for James Earl Ray, has inspected some of the evidence in possession of Memphis authorities and Hanes has not made any requests whatsoever for inspection of evidence in the FBI's possession. Mr. Canale has further advised the evidence as recovered by the Memphis Police Department is under his own very strict control and the utmost security is being maintained to insure the evidence is preserved.