

FBI

27

Date: 2/27/75

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

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (44-38861)  
FROM: SAC, MEMPHIS (44-1987) (RUC)  
SUBJECT: MURKIN

On 2/27/75, U. S. District Judge ROBERT M. McRAE, JR., WDT, Memphis, Tenn., denied subject JAMES EARL RAY's petition for a writ of habeas corpus. RAY had previously appealed to the 6th Circuit Court of Appeals in an effort to obtain a new trial in state court. His appeal was based on the grounds that his attorneys, particularly PERCY FOREMAN, had failed to properly represent him at the time of his guilty plea to the murder of MARTIN LUTHER KING. The 6th Circuit had ordered the District Court to grant RAY an evidentiary hearing to determine whether or not RAY had been properly represented. Judge McRAE in denying RAY's writ of habeas corpus did in effect deny RAY the right to a trial on the charge of having murdered KING.

RAY's attorney, ROBERT LIVINGSTON, was overheard telling television newsmen that Judge McRAE's ruling would be appealed to the 6th Circuit. This is being furnished for the Bureau's information.

The Bureau is again reminded of the fact that there remains outstanding in the U. S. District Court at Birmingham, Alabama, a federal warrant charging RAY with a conspiracy to violate KING's civil rights. The Bureau may desire to discuss with the Department once again the desirability of dismissing the complaint and warrant.

On 3/3/75 Mr. Frank [unclear] advised that the FBI will take no action on [unclear] all appeals have been denied.

2 - Bureau  
1 - Memphis  
JCH:jap  
(3)

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12/1/75

REC-6 111-1-5972

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Approved: 58 JAH Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge