

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. DeLoach

DATE: May 15, 1970

FROM : A. Rosen

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

SUBJECT: MURKIN

This is the case involving the murder of Martin Luther King, Jr.

James Earl Ray, who is serving a 99-year sentence in a Tennessee State Prison on his guilty plea to the murder of King, on 4/17/70, filed a petition under the Tennessee "Post Conviction Relief Act" charging conflict of interest among his previous attorneys Arthur Hanes and Percy Foreman and writer William Bradford Huie; that he was deprived of full and free access to his attorney while in the Shelby County, Tennessee Jail and that the death of trial judge Preston Battle, deprived him of his right to a new trial.

On 5/7/70, an amended petition for Post Conviction Relief Act was filed in the Shelby County Criminal Court Clerk's office, Memphis, Tennessee, on behalf of Ray. Bernard Fensterwald, Jr., appears on this petition as one of Ray's attorneys. Fensterwald apparently replaced Attorney Robert W. Hill, Jr., of Chattanooga, Tennessee, and is reportedly the same Fensterwald who heads the private group called "National Committee to Investigate Assassinations" and who formerly worked for the Senate Judiciary Committee. He has clearly shown himself to be unscrupulous, untrustworthy and anti-FBI

In this amended petition it is alleged that the FBI conducted an illegal search and seizure of Ray's rental premises at 107 Fourteenth Street, Northeast, Atlanta, Georgia, and that the fruits of this search and seizure were introduced in evidence at Ray's trial. This undoubtedly refers to evidence voluntarily made available by Jimmie Delton Garner, manager of a rooming house at 107 Fourteenth Street, Northeast, Atlanta, which had been left there by a tenant known to him as Eric S. Galt who had vacated her room.

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Rosen to DeLoach Memorandum
RE: MURKIN

ACTION:

1. It is recommended that SAC, Frank V. Pitt, Atlanta, be instructed to prepare an affidavit and furnish it to the Criminal Court of Shelby County, Tennessee, refuting this allegation in order that the record may be set straight.

2. SAC, Memphis will be instructed to advise Tennessee State Prosecutor of action being taken regarding this allegation.

WBS ✓ *WBS*