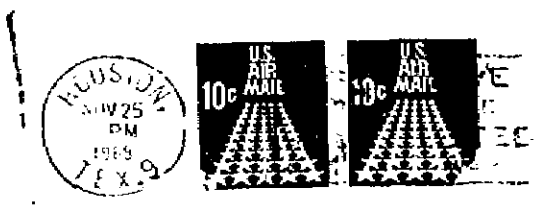

AIR MAIL

Judge W. Preston Battle
Shelby County Criminal Court
Memphis, Tennessee

LAW OFFICES OF
PERCY FOREMAN
804 SOUTH COAST BUILDING
HOUSTON, TEXAS 77002

MAIN AT RUSK

CA 4-9321

November 23, 1968

Judge W. Preston Battle
Shelby County Criminal Court
Memphis, Tennessee

Dear Judge Battle:

On the morning of November 12, 1968, in open Court you directed Mr. Arthur J. Hanes, Sr., former attorney for James Earl Ray, to deliver to me, as substitute counsel for James Earl Ray, the results of his five months investigation and preparation for trial. Accordingly, within minutes of this mandate from the Bench, I requested of Mr. Arthur J. Hanes, Sr. access to his files and the names and addresses of witnesses interviewed, copies of their statements, as well as any and all other reports acquired by him in preparation of the defense of James Earl Ray. Mr. Arthur J. Hanes, Sr. replied: "I don't have them all here. If you will come to Birmingham, I will give them to you and we can go over them together,".

I explained to Mr. Hanes that I would be working in Memphis Wednesday and Thursday and would be in Atlanta for a previous commitment on November 15th; that if I finished in Memphis in time to get a plane to Birmingham, I would see him Friday but in any event that I would call him from Atlanta if I was going to be in Birmingham. I worked in Atlanta until late evening and did not call Mr. Hanes. I had commitments in Houston for Saturday, November 16th.

On Monday morning, November 18th, I telephoned Mr. Hanes and arranged for an appointment at 4:30 P.M. at his office and asked that he have available the files, results of interviews, names and addresses of witnesses and any other data, investigative results and information that would help in my preparation for the defense of James Earl Ray. I explained to Mr. Arthur J. Hanes, Sr. that I would be in Birmingham from 4:00 P.M. until 9:00 P.M., at which time I would have to leave for Fort Lauderdale, Florida, where I had a matter set for disposal at 9:00 A.M. on Tuesday. I asked him to have the files ready so as to expedite our conference.

I was met at the airport by Mr. Arthur J. Hanes,Jr., a law associate of his father, and went directly to their offices in the Frank Nelson Building in Birmingham, remaining there until sometime between about 6:30 P.M. and 7:00 P.M. Immediately upon my arrival, I reminded Mr. Arthur J. Hanes, Sr. of my mission and requested access to the files contemplated in your order of Tuesday. His answer was that: "I believe they are in my other briefcase at home."

We talked at random about various phases of the case and numerous names were mentioned. When I asked for the addresses of the witnesses whose names were mentioned, Mr. Arthur J. Hanes, Sr. stated: "You can get those names from ____(a private investigator in Memphis whom Mr. Hanes had employed and whose name was something like Hays)."

I asked if this investigator had been paid and was assured by Mr. Arthur J. Hanes, Sr. "He has been paid everything owing to him to this date." I asked if the investigator was asserting a claim for any other work and was again told by Mr. Hanes, "No. He has been paid for all of his work up to now."

Mr. Arthur J. Hanes, Jr. was sitting by me on the opposit side of the desk from his father and pulled out what appeared to be a 4x5 Xerox copy of notes. I asked to see them and it developed they were identical Xerox copies of penciled notes taken by Mr. Arthur J. Hanes, Sr. while listening to a broadcast covering a period of time from approximately thirty minutes before to several hours after the assassination of Dr. Martin Luther King and as made over the Memphis Police Department radio at Memphis, Tennessee on April 3, 1968.

I asked if I might have one of the copies in as much as there appeared to be several. I was given such a copy. But it was and is the only fragment of evidence, statement, names of witnesses or any other information received by me from Mr. Arthur J. Hanes, Sr.

Shortly before 7:00 P.M. I was told that we would meet the wives of Mr. Arthur J. Hanes, Sr. and Mr. Arthur J. Hanes, Jr. at "The Club". And we did.

I was assumed that the other files, reports, statements, et cetera, would be sent to me immediately at my office, 804 South Coast Building, Houston, Texas 77002. This has not been done.

When I finished in Court at Fort Lauderdale, Florida I took a plane immediately to Memphis and reported the foregoing to your Honor. I also showed your Honor a newspaper clipping that appeared in the MIAMI HERALD in which Mr. Arthur J. Hanes, Sr. was quoted as saying: "Mr. Foreman will never receive my reports. I need that $12,000.00 like I need a hole in my head."

There was a further quote, purported to have been verified by the author of the MIAMI HERALD article in a telephone call with a Mr. Moore in the Time-Life offices in Chicago, concerning an offer by Mr. Arthur J. Hanes, Sr. to sell his notes and his research to Time-Life. Mr. Arthur J. Hanes, Sr. was quoted as saying that Time-Life had offered him a "blank check". Mr. Moore of Time-Life was quoted as confirming the negotiations with Mr. Hanes, but denying that he had offered Mr. Hanes a "blank check".

I make no representation as to the truth of the negotiations between Mr. Arthur J. Hanes, Sr. and Time-Life as reported in the MIAMI HERALD, but I do have a copy of the article. I am willing to make an affidavit, if required, as to the truth of the foregoing representations.

I want to keep faith with the Court and do my best to be ready for trial at the earliest possible moment. But so far, I have not been able to get a start. Mr. James Earl Ray has written Mr. Arthur J. Hanes, Sr. as per the enclosed Xerox copy, asking that Mr. Hanes respect the privileged communications between attorney and client traditional in the legal profession.

Also, I enclose a Xerox copy of a letter received from Mr. C. M. Murphy, attorney at law, stating that Mr. Renfro Hays is due $9,456.84 for unpaid services.

I have stated to your Honor that I have no contract with any person, publishing house, writer, organization or other source from which to receive any monies for investigation, traveling expense or attorney's fees. I have been paid nothing and see no immediate prospect of receiving any funds whatever.

I am appalled at the publicity attended upon the publication of LOOK Magazine's so-called life story of James Earl Ray. I will have no part in any such endeavor.

I realize from the importunities heaped on me by reporters, writers and broadcasters since my name was mentioned in the case that it is possible the life story of James Earl Ray may have some financial possibilities in the future. If so, I shall undertake to recoup whatever I may have expended for my time. I will also undertake to collect from any such potential source a reasonable fee.

But at the present time there has been no discussion with anyone and no contract. I assure the Court that I will not participate in any publication or any news media exposure of any of the alleged facts in the case and will do everything to discourage any such printing or other use until the trial of this case is completed.

Respectfully yours,

Percy Foreman

PF:ma

Encs.