[Exhibit M]

There is a John Hanners on here, we have not, do not contemplate issuing process for him, if the Court pleases. We reiterate, if the Court pleases, it should not be allowed discovery as he said that that is what is what he wants to do. The other witnesses, I think that a material reason other than an exploratory search ought to be given to the Court before an issue is processed and then the $5,000 that are available in Mr. Foreman's possession as I understand the information given to me, ought to underwrite the expense of this trip rather than the tax payers of the State of Tennessee. If the Court sees fit to issue this request.

THE COURT: Let me ask you this question, are there any State's witnesses on this list that's been given here by the defense, are there any witnesses or any officers or anyone else that knows anything about a search and seizure or any search and seizure made in Atlanta, Georgia?

MR. DWYER: Your Honor, the only place I find in here is a rather, the name Frank Hitt, whether he's the agent in charge of the Federal Bureau of Investigation Office in Atlanta, Mr. Beasley says that he is

so, your Honor, I don't, from my knowledge of this case, I know that Mr. Hitt did not participate physically in any kind of search of any kind. We do know as Mr. Beasley has informed me now, Mr. Hitt is the agent in charge of that office in Atlanta or was up until whenever we were there in October or September.

THE COURT: Well, did he have anything to do with the search?

MR. DWYER: Not that I know of, your Honor, not that I have any knowledge of. He is the head of that office. There was a search made in that office in Atlanta. The FBI Agents participated in that. Mr. Frank Hitt as far as I know did not in any way participate physically nor manually in that search.

THE COURT: Did he have anything to do with any search warrant issued?

MR. DWYER: No, Sir.

THE COURT: Or anything of that kind?

MR. DWYER: No, Sir.

MR. FOREMAN: May it please the Court, in answer to the Court's question, there was a search without a search warrant made by officers acting under the direction of Frank Hitt

of a residence, a room allegedly rented by James Earl Ray in Atlanta and it is believed, we have undertaken to get the names of the actual officers and have been told that it would be available only under the orders of the Court either by deposition. We asked whom we should subpoena. We were told the agent in charge who happened to be Frank Hitt. In addition to that J. D. Garner, 107 14th Street, N.E., Atlanta, Georgia, is the name on the same page, we believe if we are permitted to take his deposition will testify that not only was this room rented to James Earl Ray, this James Earl Ray, but that the only matters that were found in that room and that the rent was paid through the day that the search was made, that the officers had been there, the FBI Agents several days in advance and had been surveiling the mail of this defendant with the cooperation of J. D. Garner and if we are able to alter the testimony of either Mr. Hitt or the remains that he gives us, the only way we know how to get them, the only way we think relegating to get them from him through this process. If we are able to

prove those facts, matters that now appear to, what we think, and is in the Federal Bureau of Investigation in magazine articles which reports to say that these items were found in some storage room some two weeks later than they were actually found in the room of the defendant, that it would be a very material assistance to this Court in ruling properly on the admissibility of those items. For that reason, we think although we don't believe that we should be required to reveal our part of the case to, as distinguished from their revealing theirs to us on proper motions, we nevertheless in due of the Court's query do tell the Court. Now, the same thing is true to a greater or lesser degree not only search and seizure but all witnesses, one of the witnesses here that he says he doesn't intend to bring but whose name he gave us as one of his witnesses, has testified or at least has been quoted in the papers as saying that the person who bought the gun at the Aero Marine where Baker is the owner, was an Italian with waivy hair which does not fit the