Sheriff's Copy

memo
sept. 13, 1968
to; judge battle
from; charles holmes
subject; questionable publicity

Although I was unable to reach bernard gavzer of the associated press, I believe that I have obtained the information you need.

According to Mr. Hoyt Harwell, bureau chief of the Birmingham,Ala., bureau of the Associated Press, Mr. Gavzer was in that city Wednesday and conducted one interview with Arthur Hanes Sr. and talked with Arthur Hanes Jr., from which interviews two stories were written by Mr. Gavzer. One was released Thursday (Sept. 12) and the other was released today.

The attached Xerox copy of the actual wire story as received here in Memphis was the one from which Roy Hamilton of the Memphis Press Scimitar wrote his local story. Normally, credit is given to the gathering agency when their information is included in a local story. Mr. Hamilton did give such credit, but it was edited out of the story before it was published.

A copy of the story moved by the Associated Press today is not at this time available, butthe lede on it reads, according to Mr. Harwell, "James Earl Ray may never testify in his own defense" and Mr. Hanes is quoted with this statement. The story goes on to speculate that Mr. Hanes will not determine until the last minute whether Ray will testify or not. It has been broadcast in Memphis, as I have heard portions of it on the Radio news.

I also obtained a copy of a United Press International story that was distributed by that agency on Thursday, Sept. 12 (attached). It apparently was taken from the Commercial Appeal story of the same morning.

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By BERNARD GAVZER

Associated Press Writer

MEMPHIS, Tenn. AP -

The chief attorney for the man charged with murder in the death of Dr. Martin Luther King Jr. says his client may e unable to face a Nov. 12 trial because of the mental upset of intense security over a prolonged period.

In a Wednesday interview in Birmingham, Arthur Hanes Sr. said James Earl Ray has undergone ''enough to bug anybody'' during his confinement in jails in London and Memphis.

''You have to remember ever since June 8 he had had two people breathing down his neck 24 hours around the clock,'' said Hanes.

Ray was returned to the United States on July 19 from England and has been confined in the county jail at Memphis since.

''He's in that nice jail in Shelby County and they have bright lights shining on him night and day,'' said Hanes, ''and he's got the TV big brother with its eye on him all the time.''

Hanes asked in court here Friday that the indictment against Ray be dropped because, in Hanes view, widespread publicity had made it impossible for Ray to get a fair trial anywhere in the country. The motion was denied.

Hanes then, and since, has charged that the security surrounding Ray ''constitutes cruel and unusual punishment.''

He said the present conditions threaten Ray's health, and he is preparing a motion for presentation Wednesday asking that the situation be changed before the trial.