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7 Freed of Contempt in Trial of Ray

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MEMPHIS, May 23 — A test of the extent of a judge's right to prohibit pretrial publicity was avoided today when Judge Arthur C. Faquin Jr. of the Criminal Court dismissed eight contempt citations arising from the murder trial of James Earl Ray.

The late Judge W. Preston Battle, who accepted Ray's plea of guilty to the murder of the Rev. Dr. Martin Luther King Jr., had held seven persons in contempt, one of them twice, for discussing or for publicizing details of the state's case against Ray. Judge Battle died in March shortly after sentencing Ray to 99 years in prison for slaying the civil rights leader.

"The clear and present danger to a fair trial, which made necessary the promulgation of orders regarding pretrial publicity, now no longer exists," said Judge Faquin, who took over Judge Battle's docket. "It would be unfair and unwise to test the validity of an order of such import or to try the

violators with a record created after the necessity for such orders has been eliminated."

Two of those cited by Judge Battle were Memphis newspaper reporters who had written articles about interviews with Ray's former attorney, Arthur J. Hanes, and a private detective.

Scripps-Howard Newspapers, Inc., which owns both Memphis daily newspapers, had said it would appeal the contempt citations to the Supreme Court if possible to try to determine the extent of a judge's power to regulate what newspapers may print.

In citing the seven for contempt, Judge Battle had said that he was following a mandate from the Supreme Court in the 1966 case of Dr. Samuel Sheppard of Cleveland, who was granted a new trial because of publicity surrounding his first trial.

The Court said in that case that judges "must take such steps by rule and regulation that will protect their processes from prejudicial outside interference."

Judge Faquin wiped the record clean today. He granted, on his own initiative, motions for new trials for the seven men and then dismissed the entire proceedings.

This left no record that could be appealed.

Those who had been found in contempt by Judge Battle were Mr. Hames; Renfro T. Hays, a private detective; the two reporters, Charles Edmundson of The Memphis Commercial Appeal and Roy Hamilton of The Memphis Press-Scimitar; William Bradford Huie, the author, who was cited twice for articles he wrote for Look magazine; the Rev. James T. Bevel, a civil rights leader and George Bonebreak, an agent of the Federal Bureau of Investigation.

Ray was in the Shelby County Jail in Memphis today awaiting a hearing Monday on his request for a new trial. He has contended that he was coerced into pleading guilty at the March hearing. Judge Faquin will hear Ray's motion for a new trial.