

his arm, while Dr. King lay dying on the motel balcony.

Ray had planned to dump everything in the car, but by the time he hit the street, it was swarming with police. He panicked momentarily.

SPOTTING the shadowy doorway to the Canipe Amusement Co. next door, and thinking it was closed, he dropped his bundle and sprinted for the car.

It was a mistake. Owner Guy W. Canipe and two customers were inside. They heard the package fall and, attracted by the thud, saw "the back of a white man" going away.

The package contained a rifle and telescopic sight, clothing, binoculars and several beer cans, all with plenty of fingerprints.

Two prints, a thumb on the rifle stock, and a finger on its telescopic sight, were of "sufficient clarity" for identification, the transcript said.

(Shelby County Sheriff William Morris said Ray told him while he was being taken to the state prison at Nashville that he dropped the rifle in panic when he saw the police on the street.

(Morris quoted Ray as saying, "I had to be crazy to drop that gun.")

IN THE rooming house, Ray had left prints all over the bathroom and the room he had occupied, 5-B.

Police talked to another roomer, Charles Quitman Stephens, who had "heard footsteps" from Ray's room next door "into the bathroom."

"At approximately 6 p.m. Mr. Stephens heard a shot coming apparently from the bathroom. He then got up and went . . . out into the corridor to see the left profile of Ray as he turned into the hall leading to the front stairs," police said.

In the bathroom, police found fresh markings on the window sill and "proof would

show . . . that the markings on this sill were consistent with the machine markings" on the barrel of the rifle found downstairs.

The weapon was traced to the Aero Marine Sporting Goods Co. in Birmingham, Ala., where clerks said it had been bought on March 30, along with a rifle telescope.

BEASLEY said witnesses would identify Ray as the man who, under the name of Harvey Lowmeyer, exchanged the rifle for a smaller one bought the day before.

Beasley later said Ray, after buying the first weapon, had called the store saying "his brother" wanted a different rifle, and requesting the exchange.

It was this reference to a mysterious brother, he added, that led the FBI to issue its first conspiracy warrant shortly after the shooting.

MEANWHILE, a white Mustang found abandoned in Atlanta yielded more clues — sheets, clothing, maps of Mexico, Birmingham, Los Angeles and Atlanta, a Polaroid camera case, and a 1967 license plate.

The plate checked out to William D. Paisley, who, the transcript said, would testify that Ray bought the car using the name of Eric S. Galt.

The maps, containing the "handwritten name of Eric S. Galt," revealed fingerprints similar to those on the rifle.

Sweepings of the car turned up hair particles matching those taken from the bundle found outside Canipe's store.

Other witnesses, the transcript said, would identify Ray as the man who under the names of Galt, Paul Bridgeman and Ramon George Sneyd, turned up in Montreal, Toronto, London and Lisbon.

THE TRANSCRIPT does not say how Ray managed to elude police for 13 months after

escaping from the Missouri State Prison in May, 1967 — possibly his longest period of freedom since leaving the Army in 1949.

Nor does it offer any clues as to how, or where, Ray obtained the money to buy the car, rifle, binoculars, air fare to London, or the know-how of obtaining a passport.

But it leaves no doubt that Ray left so many clues behind he might as well have identified himself immediately as the assassin.

The state is not saying categorically that Ray was a lone killer, only that they have been unable to unearth any evidence that he was either helped or hired.

He now regrets plea

Ray talks of trying to overturn sentence

Daily News Wire Services

NASHVILLE, Tenn. — James Earl Ray, regretful that he pleaded guilty of killing the Rev. Dr. Martin Luther King Jr., was reported Thursday considering trying to overturn his 99-year prison sentence.

In a copyrighted story, the Nashville Tennessean reported Ray already has asked about how to obtain a lawyer. The newspaper quoted prison sources.

In other developments:

- Sen. James O. Eastland (D-Miss.), chairman of the Senate Internal Security subcommittee, said he was launching an investigation into the slaying of Dr. King.

- Regrets were voiced in the Justice Department over Ray's abrupt guilty plea. The reason: a full-fledged trial might have shed light on questions that have led to widespread suspicion that Ray was only one figure in a conspiracy.

Earlier this week, the Justice Department confirmed its investigation of a conspiracy in the assassination is still open.

RAY ENTERED the guilty plea in Memphis Monday in the slaying of Dr. King and was transferred to the state prison early Tuesday.

"When I went to court Monday I was convinced if I didn't plead guilty I was going to the electric chair. I wish the hell I

hadn't now because with what they had on me I believe the worst I'd gotten would have been life," a prison source quoted Ray as saying.

The Tennessean said High-

way Patrol Capt. Richard Dawson, who accompanied Ray from Memphis, also said Ray made inquiries about an attorney during the trip.

THE NEWSPAPER quoted one source as saying Ray remarked, "To get to federal court you've got to come up with a mistake made before your trial." The source said Ray did not elaborate.

"My attorney and my brother told me about six weeks ago that the best thing for me to do was to plead guilty if we could work out a deal to keep me out of the chair. They told me they thought this could be done," a prison source quoted Ray as saying.

"I was thinking about it and every day the thought I would plead guilty. Last week I just told them if they thought this was best and what I ought to, then I would plead guilty."

THE NEWSPAPER said Dawson asked Ray what he was trying to say in court.

"I couldn't say exactly what I wanted to in court, but I wanted them to know that General Clark (former Atty. Gen. Ramsey Clark) and some other people were wrong in their belief . . . this had better be in the record," the source quoted Ray as saying.

After pleading guilty, Ray rose and told Judge W. Preston Battle that he did not agree with those who said there was no conspiracy involved in the assassination of Dr. King.

IN WASHINGTON, Sen. Eastland said Wednesday, "I have doubts that this killing was the work of one man. The obvious question is — were there Communists involved?"

Eastland said Ray indicated there was a conspiracy with a

"blond Latin" man who provided the assassin with funds.

Also expressing the belief Ray was part of a conspiracy was Arthur Hanes of Birmingham, Ala., the first lawyer Ray hired to represent him.

Hanes said he had spent more time with Ray than anyone else since his arrest and "there's no question in my mind" that there was a conspiracy.

He said Ray always insisted there was "a contact" in planning the assassination.

IN HARTSELLE, Ala., William Bradford Huie, who is writing Ray's biography, said Ray might be trying to fool people with the talk of a conspiracy.

"Ray is just smart enough, in his criminal mind, to put everybody on," Huie said. He said Ray had a remarkable memory but became evasive whenever the subject of the alleged conspiracy came up.

Stratton

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 13 1969	
FBI — CHICAGO	



KUP'S COLUMN

KUPCINET

Author William Bradford Huie, who probably has had more communication with James Earl Ray than any other person about the slaying of Dr. Martin Luther King Jr., is as mystified about the possibility of a conspiracy as the rest of us. Huie has had conversations with Ray, exchange of letters and the benefit of the information culled by Ray's attorneys, first Arthur Hanes and his son and later Percy Foreman. In addition, he paid Ray \$40,000 for information about the assassination of Dr. King. Ray kept none of that money—\$30,000 going to Hanes and \$10,000 as partial payment to Foreman.

"FOR THREE MONTHS, I NEVER DOUBTED THAT this was a conspiracy," Huie told us. "Now I'm not so sure. But my investigation will continue because of the many unanswered questions in this mysterious case." Ray has indicated to Huie that he will continue to answer his questions posed in writing. "Ray, as an old jailbird, is too smart to answer any questions from the law authorities," Huie told us. "He knows that under the Supreme Court ruling he doesn't have to talk. He hasn't talked to anybody connected with the law, not even Fred Vinson Jr. of the Justice Department, who flew to London to interrogate him. But Ray will talk to me—for money."

HUIE, WHO IS COMPLETING A BOOK ON RAY titled, "He Slew the Dreamer" (from the Book of Genesis dealing with Joseph), says, "Ray has told me a great many details, but he studiously has avoided implicating others." Yet, Huie won't rest until he finds the answers to these mysterious circumstances:

A WITNESS TESTIFIED that she saw a man much smaller than Ray run from the bathroom from which the fatal shot was fired. Later, when Ray's car was found, police discovered in the trunk clothing of a much smaller man.



WILLIAM
BRADFORD HUIE

Ray, according to witnesses, never visited the rooming house across from the motel in which Dr. King was staying. Yet, he knew exactly what room to ask for so he would be in position to fire the fatal shot. Ray explained this by telling Huie, "I was told which room to ask for."

Ray didn't smoke. Yet the ashtrays in his car, when recovered by police, were filled with cigaret stubs and ashes.

Ray's escape from Memphis to London by way of Canada was much too complicated for his simple mind. Huie believes the escape route was prearranged.

HUIE ALSO CONJECTURES THAT RAY did not want to plead guilty, "but was talked into it." According to the author, Ray is "wise enough to know that even if he were sentenced to death, he wouldn't die in the electric chair—nobody dies in the electric chair any more." Huie believes the Memphis "establishment," which includes Judge W. Preston Battle, pushed for the 99-year sentence to avoid a trial, which, it was feared, would exacerbate the tense racial situation in Memphis.

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SERIALIZED	FILED
MAR 13 1969	
FBI—CHICAGO	

Ray 'Regrets' Guilty Plea, U.S. Concurs

[By The Associated Press]

James Earl Ray, wishing now he had elected to stand trial for the Martin Luther King assassination, was joined in his regrets today by the United States justice department.

A department source said the feeling over Ray's abrupt guilty plea "is one of frustration." The reason: A full-fledged trial, had one been held, might have shed light on questions which have led to suspicion around the country that Ray was only one figure in a conspiracy.

In Nashville, the Tennessean said in a copyright story that Ray disclosed second thoughts about the guilty plea within hours of his sentencing in Memphis to an agreed 99 years in prison. Ray also has inquired about how he could hire a new attorney, the paper said.

Ray Feared Execution

The story said unidentified official sources quoted Ray as saying:

"When I went to court Monday I was convinced if I didn't plead guilty I was going to the electric chair. I wish the hell I hadn't now because with what they had on me I believe the worst I would have gotten would have been life."

Under Tennessee law a life prisoner could be eligible for parole after 13 years and 7 months, or even earlier if he

earned maximum good behavior time. Under a 99-year sentence a prisoner must serve at least 30 years.

Yielded to Pleas

The Tennessean said a prison source further quoted Ray:

"My attorney and my brother told me about 6 weeks ago that the best thing for me to do was to plead guilty if we could work out a deal to keep me out of the chair. They told me they thought this could be done."

Ray was reported to have asked escorting officers during his trip from the Memphis jail to the Nashville penitentiary how he could hire another lawyer.

In Washington, justice department sources acknowledged the government was informed in advance that Ray would plead guilty and take 99 years.

U. S. Has Lesser Charge

The only federal action pending against Ray is an FBI charge issued in Birmingham, Ala., April 17, 1968, accusing him of conspiring "with a man — alleged to be his brother" to violate King's civil rights in that state.

The charge was brought under an 1870 reconstruction era statute and conviction would have carried a maximum 10-year sentence.

Station
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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 13 1969	
FBI — CHICAGO	

HEAR RAY MAY TRY TO UPSET 99-YR. TERM

Report He Regrets Guilty Plea

[From Tribune Wire Services]

Nashville, March 12 — James Earl Ray regrets pleading guilty to killing Dr. Martin Luther King Jr. and is considering trying to overturn his 99-year sentence, the Nashville Tennessean said in a copyrighted story tonight.

The Tennessean said Ray admitted murdering Dr. King because he was convinced he would go to the electric chair if he didn't. The story quoted officials who have been in contact with Ray since his trial.

Officials were quoted as saying Ray had inquired about how to obtain a new lawyer.

Contacts Gave Information

The story, written by Jim Squires, Tennessean reporter, said the quotes came from numerous contacts with people known to have been with Ray since he was sentenced to 99 years in prison Monday.

"When I went to court Monday I was convinced if I didn't plead guilty I was going to the electric chair. I wish the hell I hadn't now because with what they had on me I believe the worst I'd gotten would have been life," the story quoted Ray as saying.

"My attorney and my brother told me about six weeks ago that the best thing for me to do was to plead guilty if we could work out a deal to keep me out of the chair. They told me they thought this could be done.

"I was thinking about it and every day they thought I would plead guilty. Last week I just told them if they thought this was best and what I ought to do, then I would plead guilty."

Life Sentence Less Harsh

A life sentence under Tennessee law means that a prisoner could be eligible for parole after 13 years, 7 months, possibly earlier if he receives "honor" time. Under the 99-year sentence Ray must serve 50 years, seven months, but

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SERIALIZED	FILED
MAR 13 1969	
FBI — CHICAGO	

Our assassins: Booth to Ray

Study finds they were outcasts, misfits who shared common traits and made targets of the 'good guys'

By Sidney J. Slomich and Robert E. Kantor

Of the 20 American Presidents since Abraham Lincoln, 4 have been assassinated.

Lincoln, the great preserver of the Union, was warm, magnetic, intellectual. He projected an aura of detachment, independence and dynamism. He was assassinated by an unemployed actor who was a fanatic advocate of the beaten Confederate cause.

James A. Garfield sought to create an independent civil service and to protect it from predatory interests. A disappointed, mediocre, deranged office-seeker killed him.

William McKinley had served one term as President and was embarked on a second. Intense conflict between industrial capitalism and Populist forces, especially in the Midwest and South, seemed to be drawing to an end.

A warm, life-affirming man with great personal magnetism, McKinley worked for reconciliation. He was shot by an anarchist suffering from severe mental derangement.

John F. Kennedy, a dynamic activist with a charismatic (extraordinarily magnetic) appeal, especially for young people, was trying to lead America into a technological society and at the same time to humanize it. He fell before a disoriented, hate-ravaged, mother-dominated failure.

THERE APPEARS TO BE a pattern in these assassinations, embracing both the individuals involved and their social milieu.

This may not be characteristic of all assassinations of public figures, but it appears to be increasingly characteristic of American public life. Verification and explanation of this pattern could be a contribution both to mental health and public policy.

Our hypothesis is that the emergence of charismatic public figures, at crisis points in the history of a constitutional democracy such as the United States, tends to generate assassination attempts by marginal, atomic men from estranged strata of society.

(Atomic persons tend to be anxious, personally disoriented and socially isolated).

Specific elements of this hypothesis:

- Individuals from "underclasses," on the fringes of or outside normally organized society, form the pool from which most would-be assassins of charismatic public figures emerge in Western democracies. It is not the lower classes, but dispossessed elements of the lower middle classes, who supply this pool.

- The individuals who are driven to attempt such assassinations have strong, unfulfilled sex drives; are afflicted with abnormally intense envy and feel alienated from society and from themselves.

They frequently develop schizophrenia (split personality). Although characteristically apa-

thetic, they may exhibit sudden sporadic violence.

Afflicted with hopelessness and strong self-destructive drives, these individuals come to attach value to pain, frustration and despair, and so become unable to adjust to signs of hope or promise.

They therefore may strike out destructively against public figures who hold forth a hopeful future.

- The presence in a democracy of rapid social change, plus estrangement of social elements from one another and from traditional values, is conducive both to the generation of charismatic public figures espousing action programs and to the triggering of their would-be assassins.

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 13 1969	
FBI - CHICAGO	

Pattern extended

The assassinated Presidents were definite personality types, and so were their assassins. Attempts against other public figures in America further illustrate the pattern.

President Franklin D. Roosevelt was to lead the United States into a new era after the shocks and stresses induced by the Great Depression. He, too, was a vital personality and he, too, was the target of a deranged anarchist.

The Rev. Dr. Martin Luther King Jr., also a dynamic, life-affirming national figure, sought a constructive resolution of paralyzing economic, social and racial tensions. He was shot by a person whose known history has involved habitual self-degradation and the sale of self for financial gain — characteristics associated with emotional deprivation.

In a time of political and social stress, of alienation from American government unparalleled since the Civil War, Senator Robert F. Kennedy sought to bring the country to grips with its problems and to seek out rational, humane solutions. Also a dynamic personality with a charismatic appeal, especially for young people, he was struck down by a withdrawn fanatic with multiple identity problems.

ON THE ONE HAND, magnetic, dynamic personalities articulating progressive programs in times of challenge and stress; on the other, fringe or "out" men, estranged from their origins usually in the lower middle class, suffering from a sense of personal inadequacy and failure, repression and hopelessness.

These seem increasingly to be the characteristic preconditions of assassination attempts on the American public scene.

When a society falls

Up to this point, we have discussed assassination in constitutional democracies, in which nonviolent means presumably exist for working against persons and policies one opposes. Some examples of assassination in which these conditions do not obtain may help to clarify the hypotheses.

In Nazi Germany we saw what happened when a society collapses and the alienated, fringe, underclass individuals become the dominant political force and take over.

The fascist movement in the Weimar Republic after World War I contained a core of frontline trench fighters who could not adjust or relate to government or society. Government and society in turn were reeling

under the impact of military defeat, inflation and subsequent destruction of the middle classes, and, finally, the Great Depression.

The Weimar Republic, therefore, fell before the onslaughts of these adolescent, father-image hating, political gangsters. Like the individuals in our hypotheses, they were characterized by desperation, anomie, cynicism, cultural deprivation, regression, ruthlessness and homosexuality.

If the behavior patterns discussed above are substantially valid, there are a number of implications.

It means that the likelihood of assassination attempts is quite high against creative, life-affirming political leaders with striking and active personalities, and quite low against men who are or seem to be neutral, mediocre or even dispassionate.

To put it directly the targets are most likely to be the good guys.

The flawed or broken man without hope strikes out at the charismatic politician who offers hope. The failure, the victim of society, assassinates the leader who tries to heal society's ills, who tries to transform the institutions that contributed critically to the twisting and breaking of the assassin.

Paradoxically, if these conclusions are valid, assassins of prominent political figures may be a-political, a-philosophical, a-ideological (without interest in politics, philosophy or ideology).

ATTITUDES TOWARD authority, latent homosexuality, brittle ego defenses, great domination by the mother and possibly early sexual stimulation by her, persistent patterns of failure, and other personal factors act in combination, in some psychologically isolated people, toward the triggering of a pathological aggressor-victim relationship.

The pathetic, underendowed victim turns aggressor and strikes; the gifted, courageous reformer becomes victim and falls.

Dissidents no threat

Issues in great affairs — be they peace, civil rights, the preservation of the Union or whatever — appear only peripherally, if at all, in the motivations behind assassination attempts in democracies.

It seems to follow that only a minuscule proportion of political dissidents, demonstrators, or protesters of whatever stripe are potential members of this assassin pool.

People who maintain relationships with others, who are caught up in a cause with others, who subscribe to a world-view impart-

ing hope, order and purpose are not likely to turn to violence against a prominent politician.

We suggest, then, that participants in such groups as the Young Americans for Freedom and the peace demonstrations are hardly likely to take a shot at a leader of the opposition or the President.

SIGNIFICANTLY, no black men, at least so far, appear to have been involved in acts or plots of violence against American political figures, although the assassination of Malcolm X does have aspects in common with the murders of President Kennedy, Sen. Kennedy, King and President McKinley.

In fact, the findings of the Moynihan Report and others, relating to the history, nature and structure of a large proportion of Negro families, force the conclusion that the civil rights struggle, the black power movement, and the new sense of black identity have contributed heavily to overcoming drives that might have led to violent political acts.

We must, however, conclude that the danger of political assassination in America will be omnipresent.

Neglect or exacerbation of social, economic, racial, and political injustices in America, especially in the cities, by generating more broken homes and more emotional deprivation, can enlarge the pool of potential assassins.

Rights are sacred

Nevertheless, no matter how successful we are in overcoming these injustices, it would be fatuous to expect to prevent the emergence of a few thousand emotional and intellectual cripples (who might conceivably try to kill political leaders).

Mass screening, mass surveillance, forcible "treatment" and routine preventive incarcerations of suspected individuals are (or ought to be) repugnant to the spirit and letter of the common law and the Constitution.

IN PROTECTING political leaders, we must not destroy the rights of the people through uncritically expanding the powers of police or investigative forces, or through legitimizing practices now considered questionable or undesirable.

The major answer, however unpalatable it may be to America's political leaders, lies in the reduction of personal exposure to violence. Perhaps the days of "pressing the flesh" must come to an end. Television might turn out to be of some use after all.



James Earl Ray, assassin
A history of self-degradation

Brother Quotes Ray: I'm Not the Only One

ST. LOUIS, Mo. (AP)—A brother of James Earl Ray said Ray told him before he pleaded guilty to the murder of Dr. Martin Luther King Jr., "I am not the only one in on this," the St. Louis Post-Dispatch reported today.

The brother, John Larry Ray, said he talked with Ray in his Memphis cell Saturday night, 2 days before he entered the guilty plea. Ray then "was still trying to figure out what to do—whether to take a plea or insist on going to trial. He wanted to testify.

"My brother said there was someone else in on this 'deal,' but it had been hushed up by the Federal Bureau of Investigation," the paper quoted John Ray as saying.

Didn't Press Him

"I didn't press him on what he meant."

Ray was sentenced to 99 years after pleading guilty Monday.

The interview with John Ray included these details:

John Ray said an overwhelming array of circumstantial

evidence prompted Percy Foreman, Ray's attorney, to urge a change in plea from innocent to guilty.

Several family members met with Foreman in a St. Louis suburb 2 weeks ago, John Ray said, and "Foreman told us there was just too much evidence in the hands of the prosecution.

Warned of Chair

"Foreman said he wouldn't agree to pursue any conspiracy angle," John Ray added, "because it would make Jimmie sound like a hired killer, rather than someone who may have killed King because he thought he was a Communist or differed with his beliefs.

"Foreman warned us that if the trial were to take place, Jimmie would possibly go to the chair to be made an example of, even tho Tennessee hadn't electrocuted anyone in 10 years."

Shortly thereafter, Ray said, his brother sent him a letter indicating mental depression.

"He wrote that he didn't care anymore how the case came out," John Ray said.

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'Thought I'd get chair'

Ray now regrets guilty plea, talks of appealing sentence

Daily News Wire Services

NASHVILLE, Tenn. — James Earl Ray, regretful that he pleaded guilty of killing the Rev. Dr. Martin Luther King Jr., was reported Thursday considering trying to overturn his 99-year prison sentence.

In a copyrighted story, the Nashville Tennessean reported Ray already has asked about how to obtain a lawyer. The newspaper quoted prison sources.

In other developments:

THE ST. LOUIS Post-Dispatch Thursday quoted Ray's brother as saying Ray was part of a conspiracy in the killing.

The newspaper reported John Larry Ray, who operates a rooming house in St. Louis, quoted his brother as saying two days before he pleaded guilty, "I'm not the only one in on this."

John Ray told the newspaper he talked to his brother in the Shelby County jail in Memphis Saturday night.

The Post-Dispatch quoted John Ray as saying, "My brother said there was someone else in on this 'deal,' but it had been hushed up by the Federal Bureau of Investigation."

The newspaper quoted John Ray as saying that defense attorney Percy Foreman said he wouldn't agree to pursue any conspiracy angle because it would make Jimmie sound like a hired killer rather than someone who may have killed King because he thought he was a Communist or differed with his beliefs."

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 13 1969	
FBI - CHICAGO	

Judge Doubts Ray Trial Would Answer Puzzles

MEMPHIS (AP) — The judge who received James Earl Ray's guilty plea says a number of questions about the Martin Luther King assassination were left outstanding. But he doubts that a trial by jury would have cleared the air.

These views were expressed in an interview yesterday by Judge W. Preston Battle of Criminal court, who last week sentenced Ray to 99 years in prison.

Meanwhile, Ray's lawyer, Percy Foreman of Houston reiterated in a television interview his belief that "no other person, organization, or group except James Earl Ray was concerned in the killing."

"Expects to Be Free"

District Atty. Gen. Phil M. Canale, the prosecutor, said in another broadcast interview he understands Ray expects to be free within 2 years.

Canale said he was told this by Foreman, but was uncertain whether Ray thought he would get out by way of court action or by escaping.

Judge Battle remarked in his interview, "There has been much talk of a conspiracy, but no one saying so has yet produced a single shred of evidence or named an associate or conspirator."

Number of Questions

The judge said he is himself puzzled by a number of questions:

"I would truly like to know how Ray actually found the spot from which to fire. How did Ray know where the Rev. King would be? How did he deter-

mine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?

"Most puzzling of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

King, standing on a balcony of the motel, was shot last April 4 by a rifleman firing from a rooming house across the street.

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CHICAGO, ILLINOIS

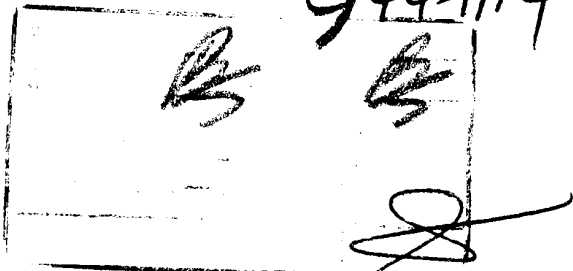
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SEVERAL UNANSWERED QUESTIONS

Still Puzzled About King Murder, Judge Says

By Bernard Gavzer

MEMPHIS (AP) — Criminal Court Judge W. Preston Battle said Sunday he believes the full truth still is not known about James Earl Ray and the assassination of Dr. Martin Luther King Jr.

The judge, in whose court Ray pleaded guilty to the slaying of Dr. King and where the case would have been heard had it gone to trial, said he, like many other Americans, remains puzzled about several unanswered questions. But he said he is convinced that a trial would not have produced the answers.

"Like others, I would truly like to know how Ray actually found the spot from which to fire. How did Ray know where Dr. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?"

"Most puzzling of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

Dr. King was shot to death April 4, 1968, as he stood on the balcony of the Lorraine Motel in Memphis. The killer was reported to have fled in a white Mustang.

The judge said there is much speculation about possible answers, but nothing based on fact and evidence.

"I'd like the full proof," he said. "And as I said on March 10 when the agreement was reached to permit Ray to change his plea to guilty, there is no end to our interest or to the law's responsibility and determination. If any evidence would arise that would point to a co-conspirator, that person will be pursued and treated as though he also had his finger on the trigger."

"There has been much talk of a conspiracy, but no one's saying so has yet produced a single shred of evidence or named an associate or conspirator."

With these questions puzzling him, why did Battle concur in the defense-prosecution agreement to allow Ray to change his

plea and take a 99-year sentence? Ray could have been sentenced to death if he had been found guilty.

"I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer," the judge said.

"It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King."

"That assumes Ray would have taken the stand. I doubt very seriously that defense counsel would have risked placing Ray in such a position."

"Suppose he had taken the stand, the public should understand that this would not guarantee that this would have cast light upon these puzzling questions. In an adversary proceeding, each side tries to make the best case, and so some things might be exaggerated, some minimized or obscured."

The judge could have refused to accept the defense-prosecution agreement.

STRATTON

CHICAGO SUN TIMES

CHICAGO, ILLINOIS

DATE: 3-17-69

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FOUR STAR FINAL

EDITOR: JAMES E. HOGE, JR.

CHICAGO OFFICE

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 17 1969	
FBI - CHICAGO	

"It was entirely in my power to do so," Battle said. "But my conscience told me that it better served the ends of justice to accept the agreement. Had there been a trial, there could always have been the possibility, in such an emotionally charged case, of a hung jury. Or, though it may appear farfetched now, he could have perhaps been acquitted by a jury."

Battle said he thinks some of the unanswered questions ultimately will be answered by Ray. He said he thinks Ray has enjoyed the notoriety and will periodically explain various details of the crime.

Ray accepted a 99-year prison term because he thinks he will be out of prison in two years, Shelby County District Atty. Phil M. Canale said Sunday.

Canale, appearing on a televised press conference, said Ray told his attorney, Percy Foreman of Houston, "he would be free in two years."

But Canale said Ray was not specific with Foreman as to whether he would attempt to gain his freedom through the courts or through a prison break.

'Many questions are unanswered'

— Ray still a puzzle to Judge Battle

MEMPHIS (AP) — The judge who accepted James Earl Ray's guilty plea says a number of questions about the Dr. Martin Luther King Jr. assassination were left outstanding. But he doubts that a trial by jury would have cleared the air.

These views were expressed in an interview Sunday by Judge W. Preston Battle of Criminal Court, who last week sentenced Ray to 99 years in prison.

Meanwhile, Ray's lawyer, Percy Foreman of Houston, reiterated in a television inter-

view his belief that "no other person, organization or group except James Earl Ray was concerned in the killing."

DIST. ATTY. Gen. Phil M. Canale, the prosecutor, said in another broadcast interview that Ray reportedly expects to be free within two years.

Canale said he was told this by Foreman, but was uncertain whether Ray thought he would get out by way of court action or by escaping.

Judge Battle remarked in his interview, "There has been much talk of a conspiracy, but

no one saying so has yet produced a single shred of evidence or named an associate or conspirator."

The judge said he is puzzled by a number of questions:

"I would truly like to know how Ray actually found the

spot from which to fire. How did Ray know where Dr. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?

'MOST PUZZLING of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

Dr. King, standing on a balcony of the motel, was shot last April 4 by a rifleman firing from a rooming house across the street.

Judge Battle said he was convinced that a trial would only have "muddled our understanding of the substantial evidence which established Ray as the killer."

"It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King," the judge said.

"That assumes Ray would have taken the stand. I doubt very seriously that defense counsel would have risked placing Ray in such a position."

FOREMAN told CBS news

correspondent Harry Reasoner those who suspect a conspiracy in Dr. King's killing are "the same people that gossip over the back fence."

Foreman said the Ray guilty plea was "in the public interest." Had there been a trial, he added, "it's highly likely that there would have been trouble in the streets."

"There was talk of burning Memphis," Foreman declared. "That had nothing to do with my decision . . . I just didn't want them to burn Ray."

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SERIALIZED	FILED
MAR 17 1969	
FBI - CHICAGO	

Ray Sees Freedom in 2 Yrs., D. A. Says

Memphis, March 16 (UPI)—James Earl Ray admitted assassinating Dr. Martin Luther King Jr. and accepted a 99-year prison term because he thinks he will be out of prison in two years, Phil M. Canale, Shelby county district attorney, said today.

Canale, appearing on a televised news conference, said Ray told his attorney, Percy Foreman of Houston, "he would be free in two years."

Ray was a fugitive from the Missouri State prison when King, the Nobel Peace prize-winning civil rights leader, was slain last April 4.

Didn't Clarify Statement

Canale said Ray was not specific with Foreman as to whether he would attempt to gain his freedom thru the courts or thru a prison break.

Ray was transferred to the Tennessee State prison last Tuesday—the day after he appeared in court to admit the slaying. He is being housed in the maximum security unit.

Canale pointed out that the 99-year prison term Ray accepted was the stiffest penalty possible under Tennessee law, aside from death in an electric chair that has not been used since 1960.

Must Serve 30 Years

The law provides that Ray must serve at least 30 years before he would be eligible for parole. If he had gone to trial and been sentenced to life he would have been eligible for parole in 15 years, 7 months.

Canale said the only legal avenue open to Ray would be a writ of habeas corpus which would have to successfully challenge some phase of his arrest and interrogation before he was sentenced.

The district attorney, in his 21st year in the prosecutor's office, said he was convinced

Ray was capable of planning and carrying out the King assassination alone.

Judge W. Preston Battle, who accepted Ray's guilty plea and approved the 99-year prison sentence, said he is not quick to accept the premise that Ray alone was guilty.

"Like others, I would like to know how Ray actually found the spot from which to fire," the Criminal court judge, said today. "How did Ray know where Dr. King would be?"

Battle asked in an interview: "How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine motel?"

Wants Full Proof

"I'd like the full proof," said the judge. "And as I said on March 10 when the agreement was reached to permit Ray to change his plea to guilty . . . if any evidence would arise that would point to a co-conspirator, that person will be pursued and treated as though he also had his finger on the trigger."

Battle said he accepted the guilty plea because "I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer."



Battle [left] and Canale

Stutter
CHICAGO TRIBUNE

CHICAGO, ILLINOIS

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EDITOR: CLAYTON KIRKPATRICK

CHICAGO OFFICE

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Judge Explains Ray Plea Ruling

MEMPHIS (AP) — The judge who received James Earl Ray's guilty plea says a number of questions about the Martin Luther King assassination were left outstanding. But he doubts that a trial by jury would have cleared the air.

These views were expressed in an interview yesterday by Judge W. Preston Battle of Criminal court, who last week sentenced Ray to 99 years in prison.

Number of Questions

The judge said he is himself puzzled by a number of questions:

"I would truly like to know how Ray actually found the spot from which to fire. How did Ray know where the Rev. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?

"Most puzzling of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

Station
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SEARCHED	INDEXED
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MAR 13 1969	
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Fleeing Slayer Ray Left Radio Clew

MEMPHIS (AP) — In his flight from the scene of the Martin Luther King assassination, James Earl Ray abandoned a pocket radio in a plastic case bearing his number as an inmate of the Missouri State penitentiary.

The meaning of the number eluded the authorities until weeks after Ray's capture last June 8 in London, it was disclosed yesterday.

James Beasley of the Shelby county attorney general's staff said Ray dropped his rifle, a pair of inoculators, and the case with the radio in it in a doorway near the rooming house from which he shot the Negro civil rights leader.

On the case was etched the number 00416 in numerals half an inch high. That was Ray's number at the Missouri prison where he was serving 20 years for robbery when he escaped April 23, 1967.

Beasley said the radio was turned over to the FBI the day of the slaying.

"I couldn't see the numerals until they pointed out to me," he said, "but the FBI found them within 24 hours by

treating the case, so the numerals showed up."

Fred Wilkinson, director of the Missouri department of corrections, said that if the number had been made public perhaps "someone would have made an association between the two."

The number was kept secret, but the FBI traced it to the penitentiary about a month after Ray was caught.

Warden Harold Swenson said Ray had bought the radio in the penitentiary canteen on April 21, 1967 — two days before he got away. It cost \$9.75. In keeping with prison practice, Ray etched his number on the case with an electric stylus to establish ownership.

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CHICAGO, ILLINOIS

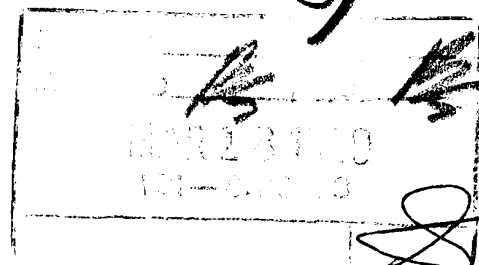
3 STAR FINAL

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PRISON CONFERENCE

Another Ray Lawyer Hints New Evidence

NASHVILLE (AP) — James Earl Ray's new lawyer arrived today to visit Ray at the state prison and said he had new information which convinced him that Ray did not assassinate the Rev. Martin Luther King Jr.

J. B. Stoner, a Savannah, Ga., attorney long associated with the Ku Klux Klan, said he had been retained by Ray in his effort to win a new trial.

Warden Luke Thompson of the Tennessee State penitentiary said that Stoner would have no trouble seeing Ray if the prisoner wished it.

Ray pleaded guilty March 10 to a first-degree murder charge that he shot King in Memphis last April 4. Ray was brought here the next day to begin a 99-year prison sentence.

In Chattanooga last night, Stoner, 44, said he would be aided in the case by a Chattanooga lawyer, Robert W. Hill.

"I have some independent information about the Ray case from Memphis," Stoner said. "And from the information I have, I believe it would have been impossible for Ray to have been guilty of having shot King."

Stoner said he thought Ray had been pressured into entering the guilty plea because of national publicity which made it impossible for Ray to get a fair trial.

"Part of Conspiracy"

"Certain magazines are part of a conspiracy to libel Ray and deny him a free trial," Stoner said. "This pressured him into pleading guilty."

"I am representing Ray in a libel suit against some national magazines . . . which have accused him of a crime of which he is not guilty."

He did not name any magazines.

Stoner's entry into the case was announced by Edward R. Fields, director of the militantly segregationist National States Rights party, who said Ray first contacted Stoner after his arrest in London last year.

Stoner, an N. S. R. P. attorney whose office is in the party's headquarters in Savannah, Ga., ran for Vice President under the party's banner in 1964.

Judge Reveals Note

Criminal Court Judge W. Preston Battle Jr., of Memphis, who presided in the Ray case, disclosed Wednesday that Ray had written him saying he wanted to withdraw the guilty plea and stand trial.

Battle said Ray also wrote that he had fired his attorney, Percy Foreman of Houston. Stoner is Ray's third lawyer. He earlier had dismissed Arthur Hanes, a former Birmingham, Ala., mayor.

The 99-year prison sentence was prearranged by the state and Foreman, who said he never had hopes of anything more than saving Ray's life.

The sentence prevents Ray from seeking parole for 30 years. Under a life sentence, he would have been eligible for parole in 13 years.

Ray was reported to have told officers who accompanied him here from Memphis that he wished he had taken his chances of getting a life sentence rather than the electric chair.

STRATTON
CHICAGO AMERICAN

CHICAGO, ILLINOIS

DIAMOND FINAL

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CHICAGO OFFICE

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI - CHICAGO	

LAWYER HINTS HE MAY TAKE RAY'S APPEAL

Nashville, March 21 (UPI)—An attorney long linked with the Ku Klux Klan disclosed tonight he may meet with James Earl Ray amid reports he may try for a new trial in the assassination of Dr. Martin Luther King Jr.

J. B. Stoner, from Savannah, Ga., linked in the past with the Klan and the National States Rights party, disclosed that he plans to see Ray about the possibility of filing a libel suit against a magazine.

"I'm not representing Mr. Ray in any criminal case," Stoner said. But when asked if he would represent Ray in a criminal proceedings if he were asked Stoner added: "Yes sir, I would if he asked me to." Ray, on the advice of Atty. Percy Foreman, the trial lawyer from Houston, entered a guilty plea to the slaying of King on March 10.

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI — CHICAGO	

New data will clear Ray: lawyer

NASHVILLE, Tenn. (AP)—James Earl Ray's new lawyer Saturday said he has new information that convinces him that Ray did not assassinate Dr. Martin Luther King Jr.

J. B. Stoner, a Savannah, Ga., attorney long associated with the Ku Klux Klan, said he had been retained by Ray in an effort to win a new trial. He arrived in Nashville to visit Ray in prison.

Warden Lake Thompson of the Tennessee State Penitentiary said he had not been contacted by Stoner but the attorney would have no trouble seeing Ray if the prisoner wished it..

Ray pleaded guilty March 10 to a first-degree murder charge that he shot King in Memphis last April 4. Ray was brought here the next day to begin a 99-year prison sentence.

"I have some independent information about the Ray case from Memphis," Stoner said. "And from the information I have, I believe it would have been impossible for Ray to have been guilty of having shot King."

STONER SAID he thought Ray had been pressured into entering the guilty plea because of national publicity that made it impossible for Ray to get a fair trial.

Stoner's entry into the case was announced by Edward R. Fields, director of the militantly segregationist National States Rights Party, who said Ray first contacted Stoner after his arrest in London last year.

Stoner, an NSRP attorney whose office is in the party's headquarters in Savannah, Ga., ran for vice president under the party's banner in 1964.

Stoner
CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI — CHICAGO	

Lawyer convinced Ray is innocent

NASHVILLE (AP) — Lawyer J. B. Stoner said yesterday James Earl Ray told him he was "pressured into a guilty plea" and was innocent of the assassination of Dr. Martin Luther King Jr.

Percy Foreman, Ray's previous attorney, said in Houston that Ray had sent him a letter officially requesting the guilty plea. "I have the letter and I showed it to the judge and to the prosecuting attorney," Foreman said. "I wouldn't leave myself open on that count."

HE SAID he advised Ray to plead guilty "because I believed he would be electrocuted if he didn't." Ray thought he'd be electrocuted today," Foreman said.

Stoner, who visited Ray in his maximum security cell at the Tennessee State penitentiary for 2 hours and 20 minutes, said he would represent Ray only in libel actions.

The Savannah, Ga., attorney told newsmen gathered outside the prison he would file libel actions against "Life magazine and others" — and anyone else who interfered with Ray getting a fair trial.

Asked if he would represent Ray in his bid for a new trial, Stoner refused comment. Stone earlier said he had been retained to help Ray win a review of his 99-year sentence following the guilty plea.

HE DECLINED today to say who is paying his fee or how much it is.

His past associations with Klux Klan members

appeared in good spirits for a man "in a hotel like this," He said Ray gave him permission to make the statement about being pressured into a guilty plea. Stoner did not spell out when or how Ray will carry thru his announced intention of seeking a review of his case.

WARDEN LAKE Russell said he conferred with Ray after Stoner's visit and Ray "advised me that Mr. Stoner is to be his attorney in a civil matter."

Ray pleaded guilty March 10 to a first-degree murder charge that he shot King in Memphis last April 4. Ray was brought here the next day to begin a 99-year prison sentence.

"I have some independent information about the Ray case from Memphis," Stoner said. "And from the information I have, I believe it would have been impossible for Ray to have been guilty of shooting King."

would not harm his case, Stoner said.

"I have represented klansmen and other white men in the past. I don't think that will hurt," Stoner said.

Asked who in addition to Life magazine would be involved in libel action, Stoner replied, "So many have libeled Ray that it would be impossible to include them all."

But he said "Life magazine and others" could "count on it." Stoner said Ray ap-

STRATTON
CHICAGO SUNDAY AMERICAN

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SERIALIZED	FILED
MAR 24 1969	
FBI — CHICAGO	

'Pressured' To Confess, Ray Quoted

NASHVILLE, Tenn. (AP) — James Earl Ray's new lawyer said Saturday Ray has reversed the position he took in open court and now says he was innocent and was "pressured into a guilty plea" in the murder of Dr. Martin Luther King Jr.

When Ray pleaded guilty in Memphis March 10, Criminal Court Judge W. Preston Battle asked him specifically if he had been pressured in any way into pleading guilty. Ray replied, "No."

But the lawyer who visited Ray Saturday, J. B. Stoner of Savannah, Ga., reported he now has changed his story.

Stoner said he would represent Ray in filing libel suits against "Life magazine and others" who Stoner said interfered with Ray getting a fair trial.

Ray's brother Jerry of East St. Louis, Ill., visited him almost immediately after Stoner and the Nashville Tennessean quoted Jerry as saying that Percy Foreman, Ray's previous attorney, "pressured" him into pleading guilty.

The brother said he delivered "evidence" to support this claim consisting of contracts between Foreman and Ray, the Tennessean reported in a copyrighted story. Foreman said in Houston that Ray had sent him a letter officially requesting the guilty plea.

"I have a letter and I showed it to the judge and to the prosecuting attorney," Foreman said. "I wouldn't leave myself open on that count."

Foreman said he would take \$150,000 if

brother pleaded guilty, but he wanted everything he (Ray) would ever earn if he didn't plead guilty," the Tennessean quoted Jerry Ray.

Foreman said Ray fixed the \$150,000 fee after the guilty plea had been agreed on.

Foreman said that when he entered the case he took over a contract held by Ray's former attorney, Arthur Hanes, under which Hanes would have received 60 per cent of the income from picture, book and magazine rights. Foreman estimated this at \$400,000 from all sales.

"When it appeared the (guilty) plea was going through, in

view of the fact that I would be relieved of the responsibility of appeal, I thought there should be an adjustment of the fee in his (Ray's) favor," Foreman said.

"I intend to assign all the money over \$150,000 to some bank in a trust for his family," Foreman said. "Not him, because he'll be sitting in a penitentiary and it wouldn't do him any good."

He said he advised Ray to plead guilty "because I believed he would receive the death penalty." Ray "thought he'd be electrocuted, too," Foreman said.

The Tennessean also quoted Ray's brother as saying a peti-

tion seeking a new trial, in which Ray would plead innocent to Dr. King's murder, would be filed in Memphis, "possibly this week."

Stoner had no comment

when asked if he would help Ray in a postconviction hearing in Memphis. He refused to discuss criminal aspects of the case, saying he would represent Ray in "civil suits and libel suits only."

Stoner's office earlier said he had been retained to help Ray win review of his guilty plea and 99-year sentence for first-degree murder in the death of Dr. King, slain in Memphis last April 4.

Stoner was the first person to visit Ray since he was con-

fin'd here and, as nearly as can be learned, the third since he was returned to Tennessee from London last July. He previously had been visited in his Shelby County Jail by Hanes, former mayor of Birmingham, Ala., whom Ray fired Nov. 10, and Foreman.

Asked who, in addition to Life magazine, would be involved in libel actions, Stoner replied, "So many have libeled him (Ray) it would be impossible to include them all." But,

he said, Life magazine and others could "count on it."

His past associations with Ku Klux Klan members should not harm his case, Stoner said.

Ray, he said, "appeared in good spirits for a man in a

hotel like this." Ray, he said, gave him permission to make the statement about Ray's being pressured into a guilty plea. But he did not elaborate.

Thus, Stoner left unanswered when and how Ray will carry through his announced intention of seeking a review of the case.

STRATTON

CHICAGO SUNDAY SUN TIMES

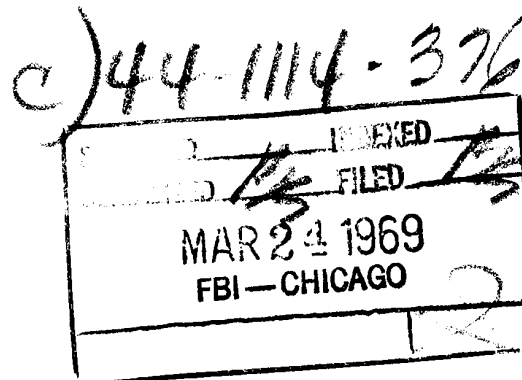
CHICAGO, ILLINOIS

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EDITOR: JAMES F. HOGE JR.

CHICAGO OFFICE





Atty. J. B. Stoner leaves meeting with James Earl Ray, his convicted assassin, at Tennessee State Penitentiary Saturday. (UPI)

Many legal eagles agree that Memphis Judge W. Preston Battle should deny James Earl Ray's plea for a trial in view of the fact that Ray replied in the negative when the judge specifically asked if he had been pressured into pleading guilty. But with all the confusion in the nation over the possibility of a conspiracy, we feel a trial could serve a worthy purpose.

Spencer
CHICAGO SUN TIMES

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MAR 24 1969	
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Foreman Says Ray's Claim on Fee Untrue

Nashville, March 23 (UPI) — Percy Foreman, Houston attorney, has called "a bunch of bull" a report that he demanded everything James Earl Ray would ever earn if he had to defend Ray on an innocent plea in the slaying of Dr. Martin Luther King Jr.

Ray's brother, Jerry Ray, was quoted today in a copyrighted story in the Nashville Tennessean as saying Foreman had made the demand. Ray is reported seeking a new trial—with a new attorney.

"Foreman said he would take \$150,000 if my brother pleaded guilty," Jerry Ray said. "But he wanted everything he [Ray] would ever earn if he didn't [plead guilty]."

Foreman, contacted in Houston by the Tennessean, said:

"That's a bunch of bull. How is some man doing 99 years gonna make anything?"

The Tennessean said Foreman stated he took over the same financial arrangements that existed between Ray and his first attorney, Arthur Hanes.

Foreman said when Ray decided to plead guilty he suggested to Ray that the fee be adjusted and Ray signed a second agreement to pay him \$150,000, a figure suggested by Ray. Foreman said Ray's picture rights had already been sold for \$175,000, plus 13 per cent of receipts.

Ray's brother visited the Tennessee state prison yesterday and said he delivered evidence which showed Foreman "pressured" Ray into pleading guilty.

5- RATTOR
CHICAGO TRIBUNE

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI — CHICAGO	

Percy Foreman Reveals Film Offer for Ray Story

NEW YORK (AP)—Percy Foreman, the lawyer who advised James Earl Ray to plead guilty to the assassination of the Rev. Martin Luther King Jr., said today an offer of \$175,000 has been made for the movie rights to the story.

Foreman said the offer was made by Carlo Ponti, film producer and husband of Italian actress Sophia Loren, to William Bradford Huie, Ray's official biographer.

"And I'll get 60 per cent of it," Foreman said in an interview in his New York hotel.

Look Series Funds

Foreman, of Houston, said Look magazine had guaranteed another \$85,000 for Huie's series of articles on Ray's life, and that he [Foreman] is entitled to 60 per cent of that also.

Foreman said Ray himself had fixed the attorney's fee at \$150,000.

Foreman said he understood that Arthur J. Hanes, a former mayor of Birmingham, Ala., who was Ray's original lawyer in the King case, had been paid \$35,000.

Share Is \$400,000

The attorney said that his share of the movie, book, and magazine rights might total \$400,000, but that he would take only the \$150,000 agreed upon.

Foreman said he would put anything above that figure into trust for Ray's family.

He said he advised Ray to plead guilty "because I believed he would be electrocuted if he didn't."

Got 99 Years

Ray was sentenced to 99 years in the Tennessee state penitentiary.

He has since signified his intention of asking a rehearing at which he could withdraw his guilty plea and ask for a trial by jury. His new attorney is J. B. Stoner.

Ray's brother, Jerry, was

quoted by the Nashville Tennessean yesterday as saying the accused slayer was placed under financial pressure by Foreman to plead guilty and take a prison sentence.

"Foreman said he would take

\$150,000 if my brother pleaded guilty, but he wanted everything he would ever earn if he didn't," the Tennessean quoted Jerry Ray as saying.

Foreman described this as "a bunch of —."

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI—CHICAGO	

Can't blame lawyer for plea

Ray's hopes for new trial dealt blow by high court

NASHVILLE, Tenn. (UPI) — The Tennessee Supreme Court has dealt what could be a fatal blow to the legal ground on which James Earl Ray was reported to be basing his bid for a new trial.

The high tribunal ruled Wednesday that a convicted criminal cannot invalidate a prison sentence by saying he pleaded guilty on the advice of his lawyer. A top legal source said the ruling could "fit the James Earl Ray case like a glove."

But the admitted slayer of the Rev. Dr. Martin Luther King Jr. apparently is planning to attack his 99-year sentence nonetheless. A Memphis attorney identified as Richard J. Ryan tried to visit Ray Wednesday, but was turned away by Tennessee state prison authorities. They said Ryan had not been officially retained by Ray.

A PRISONER who was a cell neighbor of Ray's in the prison said on his release Wednesday that Ray told him "he didn't

expect to be in prison very long." James Powers said Ray indicated he expected to return to the Memphis jail soon to await new legal proceedings.

The court's ruling Wednesday came in the case of Robert E. Richmond, who had petitioned for a writ of habeas corpus on the ground that his pleas of guilty in two burglary cases were induced by "improper advice" from privately retained counsel.

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Report Ray Now Wants a Trial

MEMPHIS (AP)—James Earl Ray will seek to have his guilty plea set aside and go to trial for the murder of Dr. Martin Luther King Jr., the Memphis Press-Scimitar said today.

The newspaper quoted sources which it said were close to the case as saying that Ray had written Criminal Court Judge W. Preston Battle Jr. from the state penitentiary in Nashville asking a new hearing.

Report Lawyer Fired

The newspaper said the letter advised Battle that he had discharged Percy Foreman, of Houston as his lawyer.

Ray pleaded guilty of first-degree murder before Battle on March 10 and was sentenced to 99 years in prison. He began serving his sentence in Nashville the following day.

In Nashville, Warden Lake Russell said he was unable to confirm whether Ray had sent a letter to Battle from his maximum security cell.

Judge Not Commenting

Judge Battle declined to comment.

Legal authorities said that to reopen the case, Ray probably would have to file a petition for a writ of habeas corpus, contending that his legal rights were violated in some way.

So far, no such petition has been received by the Criminal court clerk's office.

P. Foreman
CHICAGO AMERICAN

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Judge receives letter

Ray wants a trial by jury

MEMPHIS (AP) — James Earl Ray wants the judge to void his plea of guilty and give him a trial by jury on the charge of killing the Rev. Dr. Martin Luther King Jr.

Ray's intention to seek a new hearing was stated in a letter he wrote from his cell in the state penitentiary to Judge W. Preston Battle, who on March 10 accepted the guilty plan and imposed a 99-year sentence.

"He said he's going to file a post-conviction petition and get a lawyer," Judge Battle said Wednesday in disclosing receipt of the letter. "If he does, then we'll have an evidentiary hearing."

Such a hearing would give Ray a chance to show that his legal rights were impaired to the extent that a new staff in the case is warranted.

EXPRESSING on surprise at

Ray's move, Judge Battle commented: "Everybody does it."

Petitions from prisoners have flooded the courts in recent years in the wake of Supreme Court decisions more sharply delineating the pretrial rights of accused persons.

Percy Foreman, the lawyer who advised Ray to plead guilty and who says his connection with the prisoner is now ended, said in New York:

"I think that James Earl Ray enjoys the spotlight and

any way he can keep the center of the stage he will do it. I wish him well. I don't think it advisable, but that's his responsibility, not mine."

FOREMAN reiterated his conviction that contrary to the views of many who suspect a conspiracy, Ray acted alone.

"James Earl Ray decided, and he alone decided, to kill Martin Luther King so that he

could claim the glory," Foreman declared.

"I think James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race."

Ray, now 41, is ineligible to seek parole until he has served 30 years. With a life sentence he would be eligible in 13 years 7 months.

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SERIALIZED	FILED
MAR 20 1969	
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JUDGE GETS PLEA FROM JAIL CELL

Ray Retrial Is 'Up to Evidence'

MEMPHIS (AP) — James Earl Ray wants the judge to reopen the Martin Luther King Jr. murder case, void his plea of guilty, and try him by jury.

Ray stated so in a letter from the state penitentiary to Judge W. Preston Battle, who on March 10 accepted the guilty plea and imposed a 99-year sentence.

"He said he's going to file a post-conviction petition and get a lawyer," Battle said yesterday. "If he does, we'll have an evidentiary hearing."

Such a hearing would give Ray a chance to show that his legal rights were impaired.

Expressing no surprise, Battle commented: "Everybody does it." Petitions from prisoners have flooded the courts in recent years in the wake of Supreme court decisions more sharply delineating the pre-trial rights of accused persons.

Mersey Foreman, who says his connection with Ray is ended, said in New York:

"I think James Earl Ray enjoys the spotlight and any way he can keep the center of the stage he will do it. I wish him well. I don't think it advisable, but that's his responsibility."

Foreman reiterated his conviction that Ray acted alone.

"James Earl Ray alone decided to kill Martin Luther King so he could claim the glory," Foreman said.

"I think James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race."

Gov. Buford Ellington of Tennessee, referring to the conspiracy theory, said he wonders how "one man alone could do all the things he did."

Ellington saw the bulk of the evidence against Ray before

signing papers for his extradition from London after his arrest there last June.

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SERIALIZED	FILED
MAR 20 1969	
FBI — CHICAGO	

RAY CHANGES MIND, TO FILE FOR HEARING

King Killer Fires His Attorney

Memphis, March 19 [Special]
—James Earl Ray, who on March 10 confessed in court here to the murder of Dr. Martin Luther King Jr., and accepted a 99 year prison sentence, already has changed his mind and is planning a post-conviction hearing application soon, Criminal court Judge W. Preston Battle confirmed today.

The judge said he had received a letter, written in the state penitentiary at Nashville, in which Ray stated he would ask for the hearing "in the near future." Ray also informed the judge that Atty. Percy Foreman of Houston, who took over Ray's case last fall after a Birmingham attorney was fired, "no longer represents me in any capacity."

Battle Not Surprised

Battle said that he had not been surprised by this shift in Ray's position. In a brief, impromptu interview within an hour after conclusion of Ray's trial on March 10, the judge had predicted he "by no means has heard the last of this matter."

At that time Battle pointed out that, in court, Ray had at least six times affirmed that he was guilty of first degree murder, that he was "freely, willingly, and without pressure from anyone" making his confession and accepting the 99 year sentence.

"I Do Understand"

The court record of this two

and a half hour hearing also shows that Ray had been cross-examined repeatedly by Battle about his willingness as part of the proceedings, to waive his rights to a trial, to an appeal to the Tennessee courts, and, should it be necessary, an appeal of the trial findings to

the United States Supreme court.

To all of this the defendant, who sat unmoved a few minutes earlier as he heard details of the ambush murder of the Negro civil rights leader, responded with alacrity and conviction: "Yes sir. I do understand."

Judge Recalls Words

In the post-trial interview Battle had said: "Despite all this waiving of rights there are many ways Ray's case can be returned to the courts. Under the circumstances I feel it incumbent not to discuss the trial or case in any detail because it can very well be right back in my lap."

Today the judge recalled these words and added that Ray might ask for a rehearing on grounds of alleged error, violations of his rights, or on writs of habeas corpus in either state or federal courts.

In his letter Ray did not give an indication of how soon he

would make his application nor did he say what attorney might be representing him. In his past, during an appeal from a 20-year sentence in Missouri on a conviction for committing armed robbery in 1959, Ray represented himself. In that instance the appeal was denied.

Ray Processes In

At Nashville, prison authorities said Ray "still is processing into the penitentiary regime." This requires a period of about two weeks, normally, Warden Lake Russell stated.

Russell said the penitentiary authorities had not known of the letter to Battle. It was dated March 16, indicating Ray had taken less than a week to lose his fear of a death penalty, the reason cited in court for accepting the penitentiary punishment.

STATION
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SERIALIZED	FILED
MAR 20 1969	
FBI — CHICAGO	

Ray 'conspiracy' hint discounted by the FBI

By Jack Anderson

WASHINGTON— Despite James Earl Ray's courtroom hint that others helped to plot the assassination of Dr. Martin Luther King Jr., the FBI's \$3,500,000 investigation of the shooting produced no evidence of a conspiracy.

This column has checked carefully into all the conspiracy angles. Here are the conclusions:

- Ray was a racist with a long record of crime and hate. He even refused to go to the prison's honor farm because he would have to work alongside blacks. He also boasted to fellow convicts that he would kill Dr. King when he got out.

- Ray flew to Los Angeles around Easter Sunday, 1967, because he had heard that Dr. King was scheduled to speak there. Ray continued to stalk Dr. King until the tragic day in Memphis a year later.

- Ray's hints that he was aided by conspirators apparently were motivated by a psychotic notion that he could invent a couple of nonexistent persons and blame them for the actual shooting, thus avoiding the death penalty.

Ray spoke, for example, of meeting a blond man named "Raoul" in a New Orleans bar. Later this same mystery man was supposed to have turned up in Montreal while Ray was here. The FBI could find no evidence "Raoul" ever existed.

- The fact that Ray seemed to have plenty of cash caused the FBI to suspect at first that he may have collected a pay-off.

But it was able to trace Ray's money back to profits from smuggling narcotics into prison and to a series of holdups. He staged at least two robberies in this country, two in Canada, one in London and one in Portugal.

- Although Ray bungled the shooting by leaving clues that easily would have convicted him, he had a twisted cunning that enabled him to throw the FBI off his track while he escaped the country. There is no evidence to support the rumor that conspirators hustled him off to Europe.

Clearly, Ray loves the lime-light and can be expected to make statements that will keep his name in the newspapers. Those who know him say he almost looked forward to returning to prison as a celebrity.

Note: The whispers of conspiracy, however, continue to circulate. Dr. King's former associates in the Southern Christian Leadership Conference find it easier to raise

money with the conspiracy talk in the air.

The story can now be told of Lyndon Johnson's New Year's resolution to chop another \$8 billion off his budget.

He invited Mr. Nixon's treasury secretary, David Kennedy, to the LBJ ranch on New Year's Eve to discuss the plan, which would have called for drastic cuts in such government programs as farm subsidies. However, these programs cannot be reduced without an OK from Congress.

Kennedy agreed to use his influence with Mr. Nixon to

continue the surtax, so Mr. Johnson could leave the White House with a budget surplus, but he flatly refused to condone budget cuts that were contrary to the existing laws.

Mr. Johnson desperately wanted to electrify the nation by leaving a record budget surplus. But the mild-mannered Kennedy wouldn't

let him get away with it.

During President Nixon's first two months, he issued more than 30 directives to department heads demanding answers to controversial questions.

The directives were routed through Arthur Burns who appears to be emerging as Mr. Nixon's chief of staff.

Unlike President Eisenhower who wanted to see only the majority views of his subordinates, Mr. Nixon wants to see all the minority reports as well.



James Earl Ray

STRATTON

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MAR 26 1969	
FBI - CHICAGO	

Ray's Retrial Efforts Off to Bumpy Start

NASHVILLE (P)—James Earl Ray, who wants to disavow his admission of guilt in the murder of Martin Luther King Jr., has been denied an immediate meeting with a Memphis attorney at the state prison here.

Harry S. Avery, Tennessee commissioner of corrections, said Richard J. Ryan was turned away by prison officials yesterday because he had not been officially retained as Ray's lawyer.

In another development, the Tennessee Supreme court handed down a decision which could become a major hurdle for Ray in his bid to gain a new trial and overturn his 99-year sentence.

The court, in an opinion by Justice Allison B. Humphreys dealing with a burglary conviction, ruled that a convicted criminal cannot seek to invalidate a prison sentence on grounds he was misadvised by his attorney to plead guilty.

Jerry Ray, James' brother, said last week Ray would ask for a new trial on grounds he was "pressured" by his former attorney, Percy Foreman, into entering a guilty plea. Foreman has denied he pressured Ray.

Ray's brother said a Memphis lawyer had been asked to work on the new trial plea. He identified the attorney as "A. J. Ryman."

Prison sources said Ryan did not present a letter or other proof of contact with Ray when he arrived at the prison.

Avery said prison regulations allow only the prisoner's immediate family to visit during an initial 6-week penitentiary processing period. That would mean Ray would not be able to have other visitors until next month.

"As a courtesy we usually allow any attorney who has been officially retained to visit

inmates at any time," said Avery. "But we are not going to let in just any Tom, Dick, and Harry who would like to represent him."

Avery said Ray's official biographer, author William Bradford Huie, also had been temporarily denied permission to visit Ray.

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SERIALIZED	FILED
MAR 27 1969	
FBI—CHICAGO	

Judge Who Tried Ray Is Dead

MEMPHIS (AP) — The judge who presided over the James Earl Ray case since last summer died in his chambers Monday of a heart attack.

Shelby County Criminal Court Judge V. Preston Battle, 60, was found slumped over his desk. He was pronounced dead on arrival at a Memphis hospital.

Judge Battle accepted Ray's March 10 plea of guilty to the murder of Dr. Martin Luther King Jr., and sentenced Ray to 99 years in the Tennessee state penitentiary in Nashville.

While Ray entered a guilty plea to the King slaying, he later said he was pressured into doing so and would seek a review of his case.

Review Up To Battle

Under Tennessee law, it would have been Judge Battle, as the judge who passed sentence, who would grant such a review. Another Criminal Court judge said Ray's

rights to a new trial would in no way be prejudiced because of Battle's death.

Judge Battle was found about 5:25 p.m., by Asst. District Atty. Gen. James Beasley, who was one of the prosecutors in the Ray case.

An autopsy performed Monday night by Dr. Jerry T. Francisco, the same county medical examiner who did the King autopsy, confirmed that Judge Battle's death was from a heart attack.

"There was no indication of any foul play," said Sheriff's Capt. A. C. Gilles. "I was one of the first ones to view the body when it was found."

Phone Unanswered

Gilles said Beasley's discovery of the body came after Beasley was unable to contact the judge for an appointment.

"He was to meet with Judge Battle this

Monday afternoon," Gilles said. "He had called him several times and could not get an answer. When he went to the judge's office, the door was closed and the light was still on and he thought there might be something wrong."

Judge Battle was taken to Methodist Hospital in a fire department ambulance similar to one that carried the mortally wounded Dr. King to a hospital last April 4.

Dr. King was shot to death by a sniper while in Memphis to aid the city's striking garbage collectors. A memorial march for Dr. King is scheduled here next Friday, the anniversary of the slaying.

County Criminal Court Clerk James A. Blackwell said Judge Battle had signed the minutes of the March 10 Ray hearing, therefore the guilty plea and sentence were official. He said there was one case on record in the state where a judge died before signing the minutes, and that provided the basis for a new trial.

Judge Battle said in a recent interview he remained puzzled about several unanswered questions in the Ray case but added that he was convinced a trial would not have produced the answers.

Speaking of the agreement to accept the

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SEARCHED	INDEXED
SERIALIZED	FILED
APR 2 1969	
FBI — CHICAGO	

guilty plea, he said, "I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer."

Judge Battle was known as a stickler for the law and rigid courtroom behavior. He imposed stringent restrictions on press coverage of the Ray trial.

He began his legal career in 1934 as a county prosecutor, leaving the county service in 1945 with the rank of first assistant district attorney general. From 1945 to 1959 he was in private law practice, working mainly on criminal cases.

He was appointed to the bench in 1959 when a new Criminal Court division was formed in Memphis.

Judge Battle was picked by lot from among five Shelby County criminal court judges to preside over the Ray trial.

Judge Battle presided over a number of headline-making trials during his term on the bench.

One was the celebrated trial of grocery executive Louis F. Montesi, charged with the shooting death of his wife in 1965. Montesi's conviction of voluntary manslaughter was invalidated by the State Supreme Court. He was later convicted of involuntary manslaughter in a second trial before Judge Battle.

Judge Battle had sentenced "at least seven men, maybe more," to the electric chair, but none of them were executed.

Judge Battle was born in Memphis on May 6, 1908. He attended Memphis public schools, Memphis University School, Woodbury Forest School in Orange, Va., Washington & Lee University and the University of Memphis

Law School, now a part of Memphis State University.

He is survived by the widow, the former Florence Boyce of Memphis, and four children, Mrs. E. Frank King of Germantown, Tenn., W. J. Britton, Mrs. E. R. Innerbrew and W. Preston Battle Jr., all of Memphis.



Memphis Criminal Court Judge W. Preston Battle, who accepted James Earl Ray's plea of guilty, was found dead in his chambers.

LETTER OF THE L

With Judge Dead, Ray May Be Retried

BY DOUG STONE

MEMPHIS (AP) — Judge W. Preston Battle has died of a heart attack, raising the possibility that Tennessee may have to give James Earl Ray the trial by jury he now says he wants.

The 60-year-old jurist was found dead in his chambers last night. On March 10 he had accepted Ray's plea of guilty to the murder of Martin Luther King Jr. and sentenced him to 99 years in prison.

Later Judge Battle disclosed Ray had written from the state penitentiary advising that he wanted to withdraw his plea and stand trial.

Question of Construal

Charles Galbreath, a Tennessee Appeals court judge, said today that if the letter is construed as a motion for a new trial, the state would have to give Ray one.

Galbreath said such a motion must be granted under state law if the trial judge dies or is judged insane while the case is pending.

In the case of a petition for a writ of habeas corpus—under which a prisoner claims his rights were denied—Tennessee Supreme court Chief Justice Hamilton Burnett said Battle's death would have no effect on the case.

No Motion on File

"It makes no difference at all," Burnett said, adding that a petition of this kind could be filed with another judge.

Criminal court clerk James A. Blackwell said no motion for a new trial nor writ of habeas corpus is on file in his office. He did not speculate on how Ray's letter might be interpreted.

Blackwell said Ray almost certainly would have been



W. PRESTON BATTLE

Judge found dead

entitled to a new trial if Battle had not signed the minutes of the March 10 hearing where the guilty plea was made. But Blackwell said that was a detail the state had completed.

Beasley said he had tried to reach Battle during the afternoon and found him still on in the Criminal court chambers when leaving.

Beasley said he had tried to reach Battle during the afternoon and found him still on in the Criminal court chambers when leaving.

"I thought something might happen," said Beasley. He opened the door to the chambers and found Battle slumped over his desk.

A death certificate was given as the cause of death after an autopsy by Jerry T. Francis, county medical examiner, did the post mortem examination of Ray.

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SEARCHED	INDEXED
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APR 2 1969	
FBI — CHICAGO	

Battle Found Dead; Judge in Ray Trial

Memphis, March 31 (AP)—The judge who presided over the James Earl Ray case since last summer died of a heart attack in his chambers today.

Shelby county Criminal court Judge W. Preston Battle, 60, was found slumped over his desk. He was pronounced dead on arrival at a Memphis hospital.

An autopsy performed tonight by Dr. Jerry T. Francisco confirmed that Battle's death was from a heart attack.

"There was no indication of any foul play," said Capt. A. C. Giles of the sheriff's police. "I was one of the first ones to view the body when it was found."

Battle accepted Ray's March 10 plea of guilty to the murder of Dr. Martin Luther King Jr., and sentenced Ray to 99 years in the Tennessee state penitentiary in Nashville.

Ray Changes Stand

Altho Ray entered a guilty plea to the King slaying, he

later said he was pressured into doing so and would seek a review of his case.

Under Tennessee law, it would have been Battle, as the judge who passed sentence, who would grant such a review.

Battle was found by Asst. Dist. Atty. Gen. James Beasley, who was one of the prosecutors in the Ray case.

Judge Battle said in a recent interview that he remained puzzled about several unanswered questions in the Ray case but added that he was convinced a trial would not have produced the answers.

Speaking of the agreement to accept the guilty plea, he said, "I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray

as the killer."

Battle was known as a stickler for the law and rigid courtroom behavior. He imposed stringent restrictions on news coverage of the Ray trial.

He began his legal career in 1934 as a county prosecutor, leaving the county service in 1936 with the rank of first assistant district attorney general. From 1945 to 1959 he was in private law practice, working mainly with criminal cases.



Judge Preston Battle

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APR 2 1969	
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JURIST FOUND IN CHAMBERS

Judge Dead, Ray May Get New Trial

BY DOUG STONE

MEMPHIS (AP) — Judge W. Preston Battle has died of a heart attack, raising the possibility that Tennessee may have to give James Earl Ray the trial by jury he now says he wants.

The 60-year-old jurist was found dead in his chambers last night. On March 10 he had accepted Ray's plea of guilty to the murder of Martin Luther King Jr. and sentenced him to 99 years in prison.

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Criminal court clerk James A. Blackwell said no motion for a new trial nor writ of habeas

corpus is on file in his office. He did not speculate on how Ray's letter might be interpreted.

Blackwell said Ray almost certainly would have been entitled to a new trial if Battle had not signed the minutes of the March 10 hearing where the guilty plea was made. But Blackwell said that was a detail the judge had completed.

Battle's body was found by James Beasley, an assistant district attorney general who was one of the prosecutors in Ray's case.

Beasley said he had tried unsuccessfully to reach Battle during the afternoon and noticed lights still on in the chambers in the Criminal court county jail building when leaving for home.

"I just thought something might be wrong," said Beasley. He said he opened the door to the chambers and found Battle slumped over his desk.

Judge's Files Impounded

A heart attack was given as the cause of death after an autopsy by Dr. Jerry T. Francisco, the same county medical examiner who did the post mortem examination of King.

The county's four other criminal judges, along with city and county homicide officers, spent several hours in Battle's chambers late last night. They emerged with boxes filled with papers which a court official said would be locked in a safe.

"We don't want Ray to tell us later he wrote something to Judge Battle and it disappeared," said Beasley.



W. PRESTON BATTLE
Jurist found dead

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SEARCHED	INDEXED
SERIALIZED	FILED
APR 2 1969	
FBI — CHICAGO	

Trial judge dies Ray may get a new trial

MEMPHIS (UPI) — The death of the trial judge in the James Earl Ray case could bring the convicted slayer of the Rev. Dr. Martin Luther King Jr. a new trial under Tennessee law, an Appeals Court judge said Tuesday.

The key apparently was a letter mailed by Ray to Judge W. Preston Battle, who collapsed in his chambers and died of a heart attack Monday. Battle, 60, recently had returned from a vacation he took after the Ray trial ended three weeks ago.

Ray pleaded guilty to the April 4, 1968, murder of Dr. King in Memphis and received a 99-year prison sentence. Ray said his lawyer, Percy Foreman, advised him to plead guilty to avoid a possible death penalty.

BUT AFTER Ray began serving his sentence in the state prison at Nashville, he reportedly had second thoughts and considered seeking a new trial. He wrote to Battle asking for a new trial, sources said. Battle's office confirmed receipt of a letter, but did not divulge its contents.

Judge Charles Galbreath of the state Court of Criminal Appeals said in Nashville that Tennessee law provides that any motion for a new trial pending before a deceased judge must be granted. The law does not define a motion, or how it must be filed, he said.



Judge W. P. Battle

"An attorney could make an argument that a letter asking for a new trial, in general terms, was a motion for a new trial," the judge said.

GALBREATH emphasized that he was only expressing general principles of law and did not want to pass on the merits of the case unless it was presented to him.

The decision, perhaps, would have to be made by Battle's successor, to be appointed by Gov. Buford Ellington.

Battle, who had been picked by lot from among five Shelby County Criminal Court judges to preside over the Ray trial, apparently had been dead about two hours when he was found slumped over his desk.

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Find Ray Letters in Judge's Files

Memphis, April 1 (P)—Judges studying the personal files of Judge W. Preston Battle, who died yesterday of a heart attack, today discovered a second letter from James Earl Ray. Ray said the letter was notice of an intent to seek reversal of his 99-year sentence for the slaying, of Dr. Martin Luther King Jr.

The letters were found as the four surviving judges of the Shelby county Criminal court sought to determine whether Battle's files contained anything that could be considered a motion by Ray for a new trial.

Judge Battle handed down the sentence after Ray pleaded guilty March 10 to the sniper slaying last April 4 of Dr. King, who was in Memphis to aid the city's striking garbage workers.

The second letter, dated March 26, stated:

"I would respectfully request

this court to treat this letter as a legal notice, of an intent to ask for a reversal of the 99-year sentence petitioner received in aforementioned court."

Whether this statement constitutes a request for a new trial would have to be determined judicially.

Judge Charles Galbreath of the state Court of Criminal Appeals said after Battle's death that a new trial would be automatic if Ray had asked for a new trial since Battle died before giving a ruling.

Acknowledged One Letter

The contents of Ray's Letters were disclosed by Criminal court Clerk James A. Blackwell, who took custody of Battle's official papers to be filed as part of the court's records.

Battle had acknowledged receipt of a March 19 letter from Ray and had divulged some of its contents, including Ray's wish for a new trial. The judge

had never disclosed that he had received a second letter.

Tennessee law gives a 30-day grace period after sentencing during which a prisoner can have his case reopened at the judge's discretion. Ray was sentenced March 10.

Automatic if Asked

If the presiding judge dies during this period, as in Battle's case, Tennessee law is clear. If a new trial motion is pending, the trial automatically is granted. And if the judges decide the letter does not constitute a new trial motion, Ray still has until April 10 to seek a new trial. The outcome of that motion would be left to the discretion of the new judge.

After Battle's funeral tomorrow, Gov. Bulford Ellington will appoint the judge's successor. So far, there has been no indication whom the governor will name or when he will name him.

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SERIALIZED	FILED
APR 2 1969	
FBI—CHICAGO	

Judges split on new trial for Ray

MEMPHIS (AP) — Two prison-cell letters from James Earl Ray and the death of the judge who received them have resulted in two judges' disagreeing on whether Ray must be given a new trial.

The admitted killer of the Rev. Dr. Martin Luther King Jr. has been quoted as saying he wants a trial by jury.

Faced by conflicting opinions from higher judicial authority, four judges of the Shelby County Criminal Court huddled with prosecution officials Tuesday. None of those at the meeting would say what, if any, conclusion was reached.

JUDGE W. Preston Battle, who accepted Ray's guilty plea in Criminal Court March 10 and sentenced him to 99 years, disclosed nine days later that he had received a letter from Ray, saying he intended to "file for a postconviction hearing."

Battle, 60, died of a heart attack Monday in his chambers.

Associates who searched his official effects said Tuesday that they found a second letter from Ray. He asked the judge to treat the letter "as a legal notice of an intent to ask for a reversal of the 99-year sentence."

HIGH COURT judges differ on the implications of the letters.

State Criminal Appeals Court Judge Charles Galbreath said Monday that a motion for a new trial filed within 30 days of the original trial is automatically granted when the judge who presided over the case dies before acting on the motion.

But Chief Justice Hamilton Burnett of the Tennessee Supreme Court said Ray's letters, even if construed as motions, do not automatically guarantee a new trial.

"The new-trial plea is one of the rights Ray waived in pleading guilty, along with his right of appeal to other state courts," said Burnett.

The justice said any petition filed by Ray would have to be ruled upon as a habeas corpus writ, in which a prisoner contends his rights were violated.

THE MEMPHIS Commercial Appeal reported that "at the attorney general's office, it was said a preliminary hearing on the motions implied in Ray's letters probably will be held in about two weeks."

Ray entered the guilty plea before Battle in exchange for a 99-year sentence.

Shannon
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SERIALIZED	FILED
APR 2 1969	
FBI—CHICAGO	

Retrial Dilemma Spurred by Ray's Notes to Judge

MEMPHIS (AP)—Two prison cell letters from James Earl Ray and the death of the judge who received them have placed Tennessee in an apparent legal dilemma.

The problem is whether the circumstances may force authorities to give the admitted killer of Martin Luther King Jr., a trial by jury he has been quoted as saying he wants.

Faced by seemingly conflicting opinions from higher judicial authority, four judges of the Shelby County Criminal Court huddled with prosecution officials yesterday. None of those at the meeting would say if any conclusion was reached.

Letter from Ray
Accepted Ray's guilty plea in Criminal Court March 10 and sentenced him to 99 years, disclosed 9 days later that he had received a letter from Ray, saying he intended to "file for a post-conviction hearing."

Battle, 60, died of a heart attack last Monday in his chambers.

Associates who searched his official effects yesterday found a second letter which Ray asked the judge to treat "as a legal notice of an intent to ask for a reversal of the 99-year sentence."

Kept Second Letter

Existence of the second letter written from the state penitentiary in Nashville, had not been made public by the judge. Its wording raised the question whether it was the valid equivalent of a motion for a new trial, or perhaps a writ of habeas corpus.

"I understand on one avenue of appeal," Ray's second letter said, "I have only 30 days in which to file review notice, to have previous sentence set aside. That is the appeal route

to which I address the court."

Ray apparently referred to a 30-day review period in which a judge may reopen a case at his discretion.

High Court Differences

High court judges differed on the implications of the letters.

State Criminal Appeals court Judge Charles Galbreath says a motion for a new trial filed within the 30-day review period is automatically granted when the judge who presided over the case dies before acting on it.

But Chief Justice Hamilton Burnett of the Tennessee Supreme Court said Ray's letters, even if construed as motions, do not automatically guarantee a new trial.

Waived New Trial

"The new trial pleads one of the rights Ray waived if pleading guilty, along with his right of appeal to other state courts," said Burnett.

The Memphis Commercial Appeal reported that "at the attorney general's office, it was said a preliminary hearing on the motions implied in Ray's letters probably will be held in about 2 weeks."

Ray entered the guilty plea before Battle in exchange for a 99-year sentence for the April 4, 1968 sniper slaying of King.

Ray Claims Pressure

In court, Ray was asked repeatedly by Battle whether he understood that such a plea precluded appeals. He said he did.

Ray has claimed since that he was pressured into his guilty plea.

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SEARCHED	INDEXED
SERIALIZED	FILED
APR 2 1969	
FBI—CHICAGO	

Ray Hires Third Lawyer in Fight for New Trial

NASHVILLE, Tenn. (AP)—James Earl Ray has hired a third lawyer, this time in an effort to help him win a new trial in the murder of Dr. Martin Luther King Jr.

King was assassinated in Memphis a year ago tomorrow.

State Corrections Commissioner Harry S. Avery said today that Richard J. Ryan of Memphis has been hired by Ray.

Trial Judge Dies

Ray previously sought a new trial in a letter to Criminal Court Judge W. Preston Battle Jr., who died of a heart attack Monday. Battle had sentenced Ray to 99 years in prison after Ray pleaded guilty in King's death.

There is legal dispute over whether he will get the new trial. Chief Justice Hamilton Burnett of the State Supreme Court has said Ray's guilty plea closed the door to a new trial.

Law in His Favor

On the other hand, Judge Charles Galbreath of the State Court of Criminal Appeals says state law requires that any prisoner who has asked a new trial will get it if a judge died before he had a chance to act on it.

Ryan was turned away by prison officials last week when he sought to visit Ray. Warden Lake Russell explained that he was not properly accredited.

Subsequently, Ray notified prison officials by letter that he has hired Ryan.

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SEARCHED	INDEXED
SERIALIZED	FILED
APR 4 1969	
FBI—CHICAGO	

'Within 2 years'

Inmates would kill Ray: guard

NASHVILLE, Tenn. (UPI) — A Tennessee State Prison guard says James Earl Ray would be dead within two years if he were taken from his maximum-security cell and placed with other prisoners.

In a copyrighted story in the Nashville Tennessean Wednesday, the unidentified guard said prison officials would be "smart" to keep Ray in maximum security as long as he is confined here.

The guard said officials are "seriously considering" moving Ray from his maximum security cell when his classification period is up later this month.

"The temptation to kill the man who killed Martin Luther King Jr. will be too great for some of our prisoners out here, the guard said. "They'll

get him and there's nothing we can do about it."

WARDEN Lake Russell declined comment on the guard's statement. Earlier, Russell had said he could see no difficulty in allowing Ray to mingle with other prisoners.

"I don't have the feeling he is in danger from any inmate or other source," said Russell shortly after Ray arrived to begin serving a 99-year sentence for the assassination of the Rev. Dr. Martin Luther King Jr.

Any decision to move Ray would await the outcome of his attempt to get a new trial in Memphis.

The newspaper said an unofficial survey showed that at least 12 persons have been killed inside the prison since 1957.

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SEARCHED	INDEXED
SERIALIZED <i>Ko</i>	FILED <i>Ko</i>
APR 9 1969	
FBI — CHICAGO	

Special hearing today

Brother doubts Ray guilty plea

By Jerry Lipson
Staff Writer

MEMPHIS — A special hearing in the James Earl Ray murder case was set Monday, amid speculation he may plead guilty to the slaying of the Rev. Dr. Martin Luther King Jr.

However, Ray's brother, John, said he would be "surprised" if his brother pleaded guilty. John said the family would understand, though, if the change in pleas were made.

John said his brother may have tired of being under constant observation in his cell by guards and closed-circuit television.

"All the time he has spent up there (in the cell) may have affected his mind," Ray said of his brother. "He can't even go to the bathroom in private.

"I'd be surprised if he pleaded guilty," Ray said. "They must have more evidence than I know about."

RAY SAID he saw his brother for an hour Saturday and that nothing was said about a guilty plea or rumors that the defense attorney, Percy Foreman would be fired.

"He was in good spirits," John Ray said.

Court officials and Foreman have refused to comment on reports that James Earl Ray would plead guilty and receive a 99-year prison sentence. However, excellent sources in-



James Earl Ray

indicated that the change in pleas would be made.

A flurry of excitement developed during the weekend with reports that Ray was "upset," and presumably having second thoughts about Monday's hearing before Criminal Court Judge W. Preston Battle.

REPORTS EVEN circulated that Ray was ready to fire Foreman, who took over as defense attorney after Ray dumped Birmingham attorney Arthur Hanes Sr.

The only hint from Foreman about difficulties with Ray came Sunday when he told a Daily News reporter: "I'm

having a problem with my client."

However, Foreman apparently was alluding to Monday's special hearing, because members of Ray's family said there was "no possibility" a new lawyer would be sought.

The attorney's mood brightened after a 90-minute meeting with Ray in his steel-sheathed cell in the Shelby County Courthouse, and a 50-minute huddle with the prosecuting attorney, Deputy Dist. Atty. Gen. Phil M. Canale.

Canale has said he would seek the death penalty for Ray. Tennessee last held an execution in 1960.

THE LATEST developments raised the question of why the state would accept a guilty plea now. An official said one reason is the cost and time.

"It would cost us \$50,000 and could take two months just to present the state's evidence," he said. "We have every bit of 100 witnesses coming in from all over the world."

Unlike Illinois, where a guilty plea shuts off further public action except for sentencing, Tennessee requires a public hearing. Such a hearing is superficial, however.

Prosecutors must present evidence to a jury much as they would to a grand jury in seeking an indictment. The jury then must formally approve the recommended sentence.

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MAR 10 1969	
FBI - CHICAGO	

Ray Formally Asks Retrial

MEMPHIS (AP) — James Earl Ray has taken the first formal step to get a new trial for the slaying of Dr. Martin Luther King Jr.

A motion requesting a new trial was filed yesterday in Shelby County Criminal court.

No date was set for hearing the motion. It was anticipated that Ray, who was held in a top-security cell in the Memphis jail for 8 months, would be returned for such a hearing.

Ray pleaded guilty March 10 to shooting King and was sentenced to 99 years in the state penitentiary. He began talking about moving for a full trial virtually as soon as his guilty plea was entered.

The motion asserts that Ray was pressured into entering the guilty plea.

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SERIALIZED	FILED
APR 8 1969	
FBI — CHICAGO	

Ray Enters Motion To Obtain Full Trial

MEMPHIS (AP) — James Earl Ray took the first step Monday to get a full-fledged trial for the murder of Dr. Martin Luther King Jr. A motion signed by Ray and three attorneys, requested a new trial and was filed in Shelby County Criminal Court.

No date was set for hearing the motion. It was expected that Ray, held in the Memphis jail for eight months, would be returned for such a hearing.

The petition charged that Ray's previous guilty plea was "a farce, a sham and a mockery of justice." He has contended he was forced into making the plea.

Ray's motion said one of the grounds on which he seeks a

new trial is the "conflict of interest" of his two previous defense attorneys — Arthur Hanes of Birmingham and Percy Foreman of Houston.

Ray said the attorneys "actually represented William Bradford Huie and their own financial interests. . . ." Huie has written magazine articles regarding Ray, will publish a book on Ray's life and is negotiating movie rights for it.

Ray pleaded guilty March 10 to shooting Dr. King on April 4, 1968, and was sentenced to 99 years in the penitentiary.

Under Tennessee law, a guilty plea in a capital case requires the state only to present evidence that a crime was committed. In the March 10 hearing, the state presented five witnesses to prove that Dr. King had been killed, and then an assistant prosecutor outlined the case the state would have presented had there been a full trial.

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SEARCHED	INDEXED
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APR 8 1969	
FBI — CHICAGO	

Newsbriefs

Ray files plea for new trial

MEMPHIS — James Earl Ray took the first formal step Monday to get a full-fledged trial for the slaying of the Rev. Dr. Martin Luther King Jr.

A motion requesting a new trial was filed in Shelby County Criminal Court. No date was set for hearing the motion. Ray pleaded guilty March 10 to shooting Dr. King and was sentenced to 99 years in the state penitentiary.

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SERIALIZED	FILED
APR 8 1969	
FBI — CHICAGO	

VOID \$200,000 IN CONTRACTS, RAY SUIT ASKS

Nashville, April 11 (AP) — James Earl Ray, serving a 99-year prison sentence for the murder of Dr. Martin Luther King Jr., sought today to void contracts for at least \$200,000 with his former lawyer and a biographer.

Robert Hill Jr., a Chattanooga lawyer, filed suit in United States District court accusing lawyer Percy Foreman of Houston, and writer William Bradford Huie of Hartselle, Ala., of "looking out for their monetary interests, rather than the rights" of Ray.

Charges Money Interest

The suit and exhibits indicate Foreman was to receive royalties up to \$165,000 from writings by Huie on Ray's life. Huie was to receive at least \$35,000 himself from sale of magazine articles and a book entitled, "He Slew the Dreamer."

The result, the lawsuit says, was that Foreman had "a strong monetary interest in having Ray found guilty and sentenced to a 99-year term for a crime which he did not commit."

The development came as a spokesman for Criminal court at Memphis said an announcement was expected Wednesday on a date for a hearing on Ray's plea for a new trial on a first-degree murder charge in King's death. Ray fired Foreman after pleading guilty March 10.

Foreman Denies Pressure

Both the new trial bid and the attempt to nullify the contracts with Foreman and Huie are based on Ray's charges that he was pressured by Foreman — a charge which Foreman has denied.

The lawsuit in federal court says Ray "charges that Foreman advised, then cajoled,

then pressured him into pleading guilty to the aforementioned charge of murder in the first degree."

The petition for a preliminary injunction against enforcing the contracts said, "Foreman told him that this course was the only way to save Ray's life—all of this in spite of the fact that petitioner had at all times protested his innocence to Mr. Foreman."

King was slain April 4, 1968, in Memphis, where he had gone to lead a demonstration of the city's 1,200 garbage workers. They settled a strike against the city soon after the civil rights leader's death.

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SEARCHED	INDEXED
SERIALIZED	FILED
APR 14 1969	
FBI — CHICAGO	

Ray retrial hearing May 26

MEMPHIS (UPI)—A hearing to determine whether James Earl Ray will be tried again for the slaying of Dr. Martin Luther King Jr. has been set for May 26.

Criminal Court Judge Arthur C. Faquin said he permitted the Shelby County attorney general's office and Richard J. Ryan, acting on behalf of Ray, to select "the most convenient date for the hearing."

Ray pleaded guilty March 10 and was sentenced to 99 years in prison, but later wrote to the late Judge W. Preston Battle saying he was "pressured" into the move.

He asked Battle for a new trial, but Battle died March 31 before he could rule on the matter. Faquin was named to succeed Battle as trial judge.

IN THE HEARING, Faquin will determine whether the letter constitutes a new trial motion and whether it comes under a Tennessee law that automatically grants such motions if the judge dies before ruling on them.

Ray is confined to the maximum-security unit at the state prison in Nashville.

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SERIALIZED	FILED
APR 17 1969	
FBI—CHICAGO	