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Ballistics Expert Testifies FBI Wrong In Ray Trial

FROM PAGE 1

so mutilated on impact that the markings could not be compared to the rifle which authorities described as the death weapon.

"I feel there is sufficient detail on the slug that identification should be possible," the witness declared. He said at least two land and groove markings on the slug could have been compared with the same markings in the high-powered rifle.

The bearded professor said had he been employed to investigate the ballistics angle, he would have testified the rifle for comparison.

MacDonell said he also closely examined the indentation and his examination disclosed the small cut could not have been the result of the gun being fired.

The witness said it would have been impossible for the rifle to have been fired from the angle, based on the window sill indentation, because the butt of the rifle would have been jammed into a wall only inches away from the window.

"Could you hit a target from that angle?" Fensterewald inquired.

"You could hit it but you wouldn't know you were going to," the witness testified.

However, under cross-examination by Assistant Attorney General Percy Haile, MacDonell admitted his calculations of the window might have been

wrong at least four inches and possibly several more and that it would affect the trajectory of the bullet.

Despite not taking into allowance exactly where the window sill had been removed from its frame and presented to the Shelby County Criminal Court as evidence in the case, MacDonell said he still believed the weapon could not have made the indentation as claimed by the FBI.

During intense cross-examination by Haile, MacDonell said he had not seen the bathroom from which the window sill had been removed nor had he examined the rifle which authorities say was used by Ray in the sniper-killing.

Questioned by Haile about some prior cases in which he had testified, the witness admitted he had been a witness in a non-court Los Angeles hearing concerning the assassination of Robert F. Kennedy.

MacDonell said he testified at that hearing that the bullets removed from the body of Kennedy were "inconsistent with the ammunition with Sirhan Sirhan's gun."

Kennedy, younger brother of slain President John F. Kennedy was gunned down in a Los Angeles hotel after making a speech and in the view of scores of witnesses.

Wednesday's session provided an array of witnesses including a Memphis taxi driver who testified that Charles G. Stephens, the state's chief witness, was

drunk on a rooming house bed 15 minutes before the Nobel Peace Prize winner was killed.

James McGraw, a Yellow Cab driver said he had driven to the rooming at 422 1/2 Main St. to pick up Stephens. He said he saw the driver testified that he was lying on the bed and could not get up.

Stephens, in an affidavit to police, however, had said he heard a gunshot about 6 p.m. and looked out a hallway door to see a person resembling James Earl Ray running down the hallway with a bundle beneath his arm.

McGraw's testimony followed that of District Attorney General Hugh Stanton Jr., a former assistant public defender who aided Houston, Tex., lawyer Percy Foreman in Ray's defense.

Questioned by Bernard Fensterewald, of Washington, Ray's chief attorney, Stanton said Stephens would have been one of the state's major witnesses but that the defense was prepared to discredit the witness, having knowledge that he was drunk at the time of the shooting.

Ray's lawyers have attempted to prove during the hearing that their client's ex-lawyers had made an "incomplete, inadequate and untimely" pre-trial investigation into the death of King.

Stanton, however, defended the state's case and testified that Stephens was not drunk at the time of the shooting.

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Sheriff's Aide Says James Earl Ray Kept 8 Months in Jail With No View of Outside

By MARTIN WALDRON

Special to The New York Times

Memphis, Dec. 23—A Federal District Court was told today that while James Earl Ray was awaiting trial for the assassination of the Rev. Dr. Martin Luther King Jr. he was kept in a brightly lighted cell with the windows blocked off so that he was kept under constant surveillance by deputy sheriffs, television cameras and other devices.

It was also told that Ray's letters had been photostated and copies given to the prosecution and that the state had made alterations in the transcript of the hearing at which Mr. Ray pleaded guilty in return for a 99-year prison sentence.

Attorneys for Mr. Ray, who is seeking a new trial, said that they planned to introduce evidence to show that he pleaded guilty out of desperation after he saw his constitutional rights going one by one.

"Four years ago, we had only shadows which we are to believe were involved in more than a routine investigation of

justice," said Mr. Ray's chief attorney, Bernard Beustwald of Washington. Today, he said, the shadows have become fact.

Mr. Ray sat quietly in the courtroom as his three volunteer attorneys began calling some 20 witnesses in the culmination of more than four years of seeking a new trial.

Mr. Ray, 47 years old, is some 20 or 30 pounds lighter than he was five years ago when he was awaiting trial. He appears to be somewhat drawn, and his hair is graying.

Mr. Ray now contends in the case that after Dr. King, the civil rights leader, Mr. Ray has said he arrived in Memphis with a

Dr. King's murder by his would-be assassins.

One of the early witnesses today was Inspector Billy J. Smith of the Memphis sheriff's office, who was in charge of protecting Mr. Ray after he was extradited to Tennessee from London. Mr. Ray was arrested on June 8, 1968, two months after the April 4 assassination, while trying to go to Africa.

Mr. Smith testified that Mr. Ray had been kept in a brightly lighted cell in a Shelby County Jail in downtown Memphis, that heavy metal shields had been put across the cell windows and that for more than eight months Mr. Ray never saw sunlight, moonlight or the stars.

From the time that he was

returned to the United States with his plea of guilty on March 10, 1969, Mr. Ray was never alone, the witness said. He said that two officers had been in the cell with Mr. Ray at all times, the television cameras had operated constantly and that the only time that microphones in the cell had not operated was when Mr. Ray was being visited by his attorneys.

Whenever Mr. Ray wrote a letter or received one, it was copied, and copies were given to the prosecutors, Mr. Smith said. Letters to Mr. Ray's attorneys were given unopened to the sheriff, Mr. Smith added.

The security was so tight, Mr. Smith said, that even scraps of

paper that Mr. Ray used to flush down his toilet were retrieved and turned over to the prosecution.

Federal Judge Robert R. McRae Jr. made other points in testimony today.

Mr. Blackwell was seen in testimony about changes that he said the judge had made in the transcript before it was released to the public.

In the interview, the clerk said he believed that the alterations were mostly of grammar and not of substance.

Judge Battle died two weeks after the hearing.

Newspaper reporters who covered the 1969 hearing agreed generally that the official account of the hearing as reflected by the altered transcript coincided with their recollections of what happened.

Mr. Ray said at the time he pleaded guilty that he had fired a shot that killed Dr. King. But at one point he interrupted to say he did not want to be considered as agreeing with statements by former Attorney General Ramsey Clark, the late Federal Bureau of Investigation

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UP-039

(RAY)

MEMPHIS, TENN. (UPI) -- A STATE ATTORNEY SAID FRIDAY HE WILL APPEAL A COURT RULING GIVING DEFENSE ATTORNEYS FOR JAMES EARL RAY, CONVICTED ASSASSIN OF MARTIN LUTHER KING JR., PERMISSION TO LOOK AT EVIDENCE FROM THE 1968 SLAYING.

U.S. DISTRICT COURT JUDGE ROBERT MCRAE APPROVED THE DEFENSE'S REQUEST FOR EVIDENCE -- WHICH INCLUDED A FLOPHOUSE WINDOWSILL -- EARLIER THIS WEEK DESPITE THE PROSECUTION'S CLAIMS SUCH RELEASE OF EVIDENCE WOULD ENCOURAGE RAY TO PERJURE HIMSELF.

ASSISTANT STATE ATTORNEY GENERAL HENRY HAILE SAID HE WOULD APPEAL THE DECISION TO THE U.S. 6TH CIRCUIT COURT OF APPEALS.

THE APPELLATE COURT EARLIER GRANTED THE HEARINGS FOR RAY, WHO NOW IS SERVING 99 YEARS AT THE STATE PRISON AT NASHVILLE. RAY CLAIMS HE WAS LURED INTO THE GUILTY PLEA MARCH 10, 1969.

MCRAE SET THE HEARING, WHICH COULD LEAD TO A NEW TRIAL FOR THE 1967 MISSOURI STATE PRISON ESCAPEE, FOR OCT. 22. RAY IS SLATED TO TESTIFY THREE OR FOUR DAYS AT THE TWO-WEEK HEARING ALONG WITH A STRING OF DEFENSE WITNESSES.

HAILE SAID IN NASHVILLE FRIDAY THAT MCRAE'S APPROVAL OF RELEASE OF THE EVIDENCE FROM THE MURDER OF THE CIVIL RIGHTS LEADER WAS "RIDICULOUS."

RAY HAS ACCUSED HIS FORMER DEFENSE ATTORNEYS, PERCY FOREMAN OF HOUSTON, TEX., AND ARTHUR HANES SR., OF BIRMINGHAM, OF LETTING THEIR FINANCIAL INTERESTS IN TWO BOOKS ON THE KING SLAYING INTERFERE WITH THEIR PROPER REPRESENTATION OF HIM BEFORE HIS GUILTY PLEA.

ROBERT LIVINGSTON OF MEMPHIS, RAY'S PRESENT LAWYER, SAID FRIDAY HE WAS PLAGUED BY FREAKY TELEPHONE CALLS AND BELIEVED HIS HOME AND OFFICE TELEPHONES WERE BEING TAPPED BY EITHER THE STATE OF TENNESSEE OR THE FEDERAL GOVERNMENT.

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UP-040

(KIDNAP)

NEEDHAM, MASS. (UPI) -- AN ATTEMPT TO GET MONEY FROM A VAULT BY HOLDING THE WIFE AND DAUGHTER OF A BANK MANAGER HOSTAGE FAILED FRIDAY

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MURKIN

Ray Briefs Filed

MEMPHIS — Attorneys for James Earl Ray said in legal briefs filed in federal court that they will seek to learn in an evidentiary hearing whether the prosecution suppressed testimony that would show Ray, who confessed to shooting Martin Luther King.

Attorneys Thomas W. Smith and Robert F. Lee, of Washington, and Robert L. Keenan, of Memphis, said they want to know whether the prosecution suppressed testimony by police officers and others that Ray was not in the room when King was shot.

The briefs were filed in the federal court in Memphis. Ray is charged with the murder of King. He is currently in the state prison at Nashville.

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McGowan

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James Earl Ray

BALLISTICS TESTS AFTER THE SLAYING SHOWED RAY'S FINGERPRINTS ON THE RIFLE BELIEVED TO HAVE SHOT THE FATAL BULLET, BUT LIVINGSTON SAYS RAY'S FINGERPRINTS WERE ON THE GUN USED BY ANOTHER PERSON TO SLAY KING BECAUSE RAY WAS "SET UP" AND BELIEVED HE WAS INVOLVED IN A MONEY-MAKING GUN-RUNNING VENTURE.

LIVINGSTON AND RAY CLAIMED TWO WEEKS AGO THAT AN INTERMEDIARY FOR THE ALLEGED HIRED GUNMEN IN THE KING DEATH CONTACTED THEM, REVEALED DETAILS OF THE APRIL 4, 1968, ASSASSINATION AT THE LORRAINE MOTEL, AND REQUESTED IMMUNITY IN EXCHANGE FOR FUTURE TESTIMONY.

BUT LIVINGSTON SAID THE ALLEGED CONSPIRACY WON'T ENTER INTO THE EVIDENCIARY HEARING.

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RAY 6-4
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NASHVILLE, TENN. (UPI) -- JAMES EARL RAY SAID FROM HIS SOLITARY CONFINEMENT CELL MONDAY THAT A STRING OF WITNESSES WILL TESTIFY WITH HIM AT A SPECIAL HEARING GRANTED BY THE SUPREME COURT IN THE MARTIN LUTHER KING JR. SLAYING.

"WE WANT TO GET EVERYBODY ON THE WITNESS STAND AND GET EVERYTHING CLEARED UP ONCE AND FOR ALL," SAID THE CONFESSED ASSASSIN, WHO CLAIMS HE WAS COERCED BY HIS FORMER DEFENSE ATTORNEY, PERCY FOREMAN, INTO PLEADING GUILTY TO THE 1968 SNIPER-SLAYING OF THE CIVIL RIGHTS LEADER IN MEMPHIS.

THE SUPREME COURT'S UNEXPLAINED REJECTION MONDAY OF AN APPEAL TO REVERSE A DECISION THAT RAY DESERVED THE HEARING BROKE THE TEMPORARY ROADBLOCK TO WHAT COULD LEAD TO A NEW TRIAL FOR RAY.

RAY, 46, SERVING A 99-YEAR TERM FOR HIS MARCH 10, 1969, CONFESSION WILL GET THE SPECIAL HEARING OF EVIDENCE IN MEMPHIS FEDERAL COURT BY LATE SUMMER OR FALL.

U.S. DISTRICT JUDGE ROBERT MCBRAE AT MEMPHIS MONDAY SCHEDULED A PRE-HEARING CONFERENCE FOR ATTORNEYS INVOLVED IN THE RAY EVIDENCIARY HEARING FOR JUNE 14.

"I THINK THINGS LOOK PRETTY GOOD," RAY TOLD A NASHVILLE BANNER REPORTER FOLLOWING THE HIGH COURT'S RULING. "I'M PROBABLY GOING TO TAKE THE STAND. I'LL PROBABLY TESTIFY THREE OR FOUR DAYS, BUT I DON'T PARTICULARLY WANT TO."

RAY, WEARING A SWEATSHIRT AND PRISON TROUSERS AND SURROUNDED BY CORRESPONDENCE, BOOKS, A TYPEWRITER AND OTHER PARAPHERNALIA, EVADED MANY QUESTIONS SAYING HE DID NOT WANT TO HURT HIS CHANCES FOR A NEW TRIAL.

"I'M OVERJOYED," SAID MEMPHIS ATTORNEY ROBERT I. LIVINGSTON, RAY'S TENNESSEE LEGAL COUNSEL. "MR. RAY IS ON THE ROAD TO GETTING A TRIAL ON THE MERITS OF THE CASE. WE DON'T FEEL THE STATE CAN CONVICT A MAN ON THE CIRCUMSTANTIAL EVIDENCE THEY THINK THAT THEY'VE GOT IN THIS CASE."

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Did Ray Leave Fingerprints On Rifle Deliberately?

NASHVILLE (AP)—Attorney Percy Foreman has told the Tennessee Attorney General's office that the convicted assassin of Dr. Martin Luther King Jr. said he deliberately left fingerprints on the rifle used in the killing. The Tennessee reported Monday.

The newspaper said Foreman had quoted an "anonymous source" as saying that Ray left fingerprints on the rifle used to kill the civil rights leader. The newspaper quoted statements from a deposition Foreman gave to the attorney general's office last week.

"Ray laughed at the FBI for failing to find more fingerprints than they did," Foreman was quoted as saying. "Ray said he put his prints all over the rifle, then wrapped it in a blanket to insure the prints would not be obliterated."

Foreman, of Houston,

Tex., represented Ray when he pleaded guilty to King's murder in March 1969.

Foreman's deposition was made in connection with a petition filed by Ray seeking a new trial.

Ray contended that Foreman was a "subversive" and that his deposition was "untrue and misleading." He also claimed that Foreman was "biased" and "unethical." Foreman, in turn, claimed that Ray was "guilty" and "deserving of the death penalty."

In January, the U.S. Sixth Circuit Court of Appeals ordered a hearing into Ray's petition; however, U.S. State Atty. Gen. W. Henry Halle said the state will ask the U.S. Supreme Court to review the case.

The Tennessee said Foreman testified for more than six hours last Wednesday. He was examined by Halle, then cross-examined by Ray's current attorneys, Per-

nard Fensterwald and Robert L. Lister, Jr., of Memphis.

In a telephone interview Sunday night, Foreman declined to discuss the deposition.

The restrictions placed upon him as an attorney prevented him from talking about the deposition.

"The only reason I did not say fully," he said, "was the overwhelming evidence that the prosecution had developed that could not be controverted. I pleaded guilty to save his life."

Both Lister and Fensterwald described Fensterwald as being "active" during their questioning.

Ray is serving a 99-year sentence in the Tennessee State Prison.

Ray was arrested in London in 1968 and pleaded guilty to the murder of King in April 1969. He was in Memphis to support a garbage strike.

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Ray Asks Judge To End Isolation

NASHVILLE, Tenn. (AP) — James Earl Ray, serving a 99-year prison term for the slaying of Dr. Martin Luther King Jr., has asked a federal judge to end his solitary confinement. The judge said the issue hinged down to a question of whether Ray would try to escape.

U.S. District Judge L. Clure Morton heard arguments Monday on Ray's petition for release from solitary confinement at Tennessee State Prison, then adjourned the proceedings pending submission of written evidence.

In his last court hearing since pleading guilty in March 1969, Ray claimed that his mental and physical well-being was deteriorating in solitary confinement. He also claimed that he was being treated unfairly.

appeal to withdraw his plea of guilty in the King case.

Ray's lawyers asked that their client be allowed to leave his cell for two hours a day and mingle with other inmates in the main prison yard.

Prison Warden James Rose, who accompanied Ray to the courtroom, said in answer to a question that Ray "has had an opportunity to get out of his cell, but he has refused."

Rose said Ray was kept isolated because of two past escape attempts, adding that the prison did not have the manpower to handle Ray as closely as necessary.

Court officials asked a full hearing on Ray's petition. Ray's lawyers said they would like to see his petition granted so that he could be treated more fairly.

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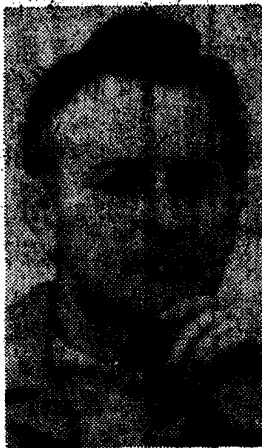
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 McGowan

James Earl Ray: Waits in Solitary



JAMES EARL RAY
 ... in isolation

By Paul W. Valentine
 Washington Post Staff Writer

NASHVILLE, Tenn. — Pallid, sunken-eyed, unshaven and markedly aged, convicted assassin James Earl Ray lolls in his underwear on the edge of his steel bunk.

He has lost weight, down from 170 pounds to 150. His skin hangs loosely on his 5-foot-10 frame. A two-day stubble darkens the pallor of his face. Except for occasional showers and brief walks to the administration building of the state penitentiary here, he has not been outside his 6-by-8-foot cell in 18 months.

"When you're in solitary," he said, "you get to be like one of those roaches that's out of the sunlight for a long time and gets kind of bleached out, you know, all white."

The man who pleaded guilty to the killing of Martin Luther King Jr. says the impact of isolation and denial is gradually weakening him physically and mentally.

Fresh from a federal court victory that gave him a reprieve in the matter of his appeal, Ray and his attorneys are now in a battle with prison authorities, again seeking political asylum and a change of location in the federal prison here to impair his health and keep him from continuing appeals.

Chief Warden H. H. ... the charges against Ray are in part ... medical ... found to be ...

Now 42 years old, Ray ... the temple and ... has sharpened his ... aquiline features ... readily from ... is a hammer ...

The Wall Street Journal _____
 The National Observer _____
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RAY, From A1

"It's all idle time here," he says in the flat unemotional drawl of his native southern Illinois. "It's more or less just marking time . . . I lie on my bunk or walk in my cell all day . . . I never sleep during the day . . . I get more or less irritated. I get headaches. It gets harder to concentrate on anything."

He says he feels weak and anemic and cuts in his skin are slow to heal.

The Sixth U.S. Circuit Court of Appeals recently ordered an evidentiary hearing into Ray's claim that he was coerced in 1969 by former defense attorney Percy Foreman into pleading guilty to killing Dr. King in exchange for a 99-year sentence on the pretext that he would receive the death penalty if convicted in a trial. Ray contends the true reason for the guilty plea was to avoid a full trial at which details of the King murder might have surfaced.

Ray's attorneys privately maintain that Ray was not the trigger man in the shooting, that a larger circle of conspirators was involved and that state officials want to keep the whole subject buried.

A favorable ruling for Ray in the evidentiary hearing ordered by the court of appeals could result in a full trial. The hearing, sought by Ray for more than four years, is still months away, and his present attorneys are concerned about his health in preparation for it.

"I don't believe any state official would attempt in any way to impede his access to the courts," warden Rose said of Ray's claim of isolation and denial.

He acknowledged Ray has been held since August, 1972, in various forms of "administrative segregation," confinement in a special maximum security building separate from the general prison population, chiefly because he has a history of escape attempts.

Ray's attorney contend the convicted killer's form of captivity is unprecedented and want him returned to the general population. Rose counters that it is not unusual for inmates to be held in segregation for a year or more and that Ray gets the same consideration as other prisoners in a monthly classification review process.

Meanwhile, Ray continues to live alone in his dingy blue and white cell. There are about 170 other inmates in the building similarly segregated from the rest of the 1900-man general population. They are there for varying reasons, says Rose, some be-

cause they are violence-prone, some for their own protection, and a few, like Ray, because they are "high escape risks." All, including Ray, are treated alike, Ross asserted.

But at least a portion of Ray's isolation is "self-imposed," says Rose. He has turned down a janitorial job outside his cell during the day, Rose said, and refuses to take advantage of a 45-minute exercise privilege regularly used by the prison's designated "escape risks" in a small concrete yard adjacent to the administrative segregation building.

Ray acknowledges this but says the job, confined to the segregation unit, is a "farce, just a way of keeping me in the building."

He also refuses to exercise in the concrete yard, he says, "because there's nothing there and it's so small I can get just as much exercise walking in my own cell." A larger exercise yard also available to most segregation inmates is off-limits to Ray and the others reputed escape risks, according to Rose, because it is less secure.

Ray won't specify the "politicians" who he says instructed prison officials to isolate him. But he claims their purpose is to "keep me down" so that "the state of Tennessee does not get any bad publicity"—such as a full dress airing of the King assassination and the circumstances surrounding it.

Ray, in keeping with previous practice, would not discuss details of the King shooting in a 2-hour interview with this reporter. The interview, attended by one of Ray's attorneys, James Lesar of Washington, was limited to a discussion of Ray's prison conditions.

As litigation of his case continues in the courts, Ray idles away the long penitentiary days in the seclusion of his cell. He has repeatedly asked to be returned to the general prison population, contending he poses no security threat.

Ray's cell is deeply recessed in concrete and heavy steel, part of a tier of cells perched three floors above ground level and encompassed by a caged catwalk for the guards. Inside his cell, a steel double bunk occupies almost half the space. Ray sleeps on the bottom bunk and uses the top one for shelf space. There is no chair or table.

He uses a typewriter given him by one of his brothers, Jerry, by placing it on the concrete floor and hunkering over it. He also has a fan, a television set (which he says he rarely watches), a radio, a dozen law books and a Bible sent to him unsolicited by a Memphis preacher.

On a shelf above the sink and commode lie a hair brush, plastic shampoo bottle, toothpaste and toothbrush. There are no pictures or other decorations on the wall. A single 60-watt bulb lights the cell.

The air is stuffy. A low throbbing din of machines in the building drowns conversation among inmates attempting to talk from cell to cell.

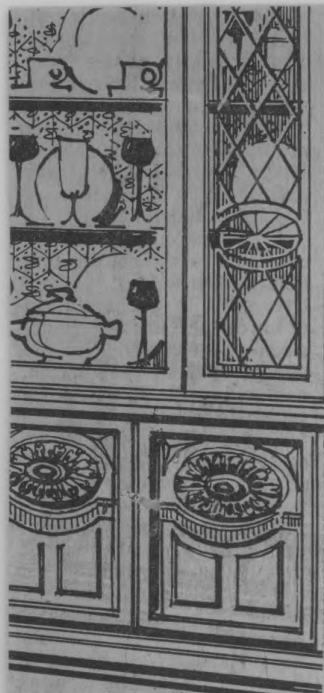
Ray's daily regimen begins with breakfast at about 6:30 a.m. The food is often cold scrambled eggs and bread served on a plastic plate and showed through a slot in the base of his blue latticed steel door.

Then come 15 waking hours of ennui and inactiv-

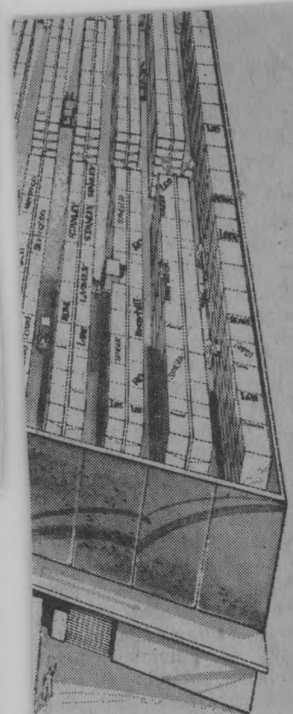
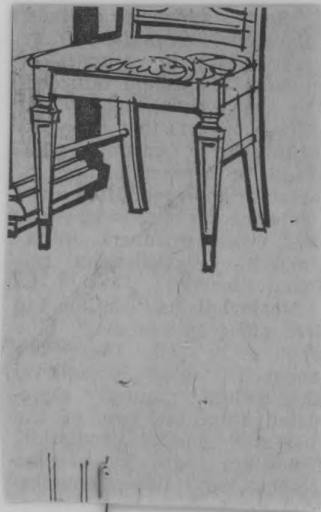
ity interrupted only by lunch at 11 a.m. (meatloaf, stew or pork, beans, bread, a cup of milk and pudding) and supper at about 5 p.m. (more of the same). The food, brought in vats from the main prison mess hall, is bland and frequently cold, Ray says. There are few condiments or spices.

Fresh fruit is uncommon, Ray said, and he is not able to purchase even canned fruit at the prison commissary because administrative segregation inmates are barred from having any kind of tin cans (for fashioning homemade weapons) in their cells.

Ray says he is allowed to take a five-minute shower three or four times a week, and he shaves about twice a



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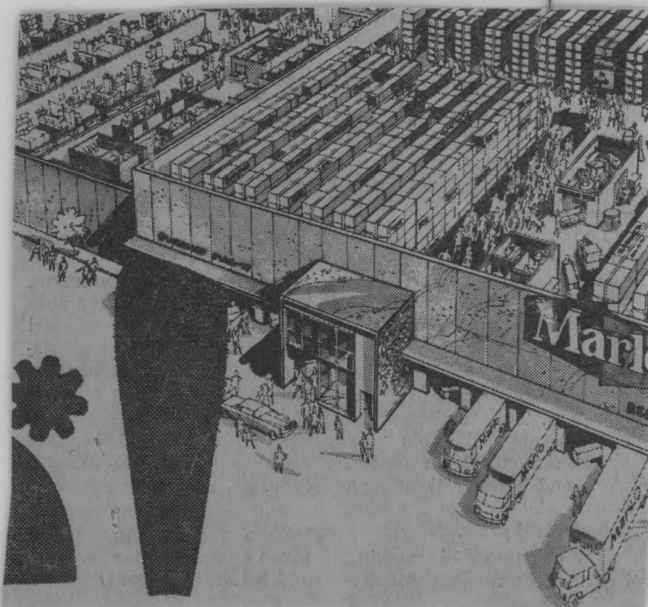
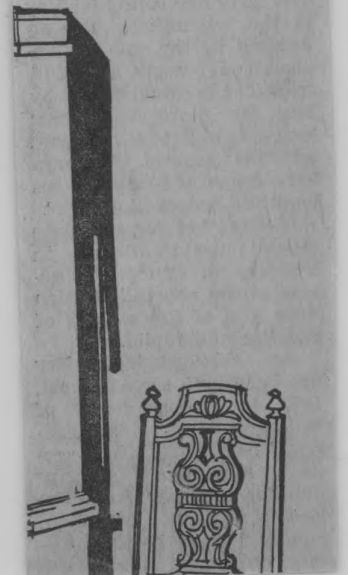



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week, using a razor with locked-in blade passed from prisoner to prisoner on his tier by the guards.

"If you're the last one to get the razor that morning," he said, "I can tell you, you don't get the world's best shave."

Ray estimates he spends \$6 to \$7 a month, "mostly on newspapers and (postage) stamps." He receives and reads the Nashville Tennessean newspaper every morning and is a frequent letter writer.

Since he has no prison job, he earns no money, but he says his brother, Jerry, who lives in suburban Chicago, sends him "a little bit each month." The money is converted to specially minted prison coins, which

he uses to guards to make commissary purchases for him.

Ray may not leave his cell to go to the commissary, prison library or chapel. He leaves the cell only to take a shower and to see occasional visitors.

Ray has lived in this manner since August, 1972, when he was transferred from the now-closed Brushy Mountain satellite prison in eastern Tennessee. He lived in the general prison population there much of the time, but it was also there that he was caught in two escape attempts.

Hence, he is now in segregation, says warden Rose. He discounted earlier assertions of prison officials that Ray also had to be kept in

isolation to protect him from black militant prisoners. "I've seen no evidence of hostility toward him here," he said.

Rose also discounted Ray's claim of declining health. "He just had a complete physical exam within the last month," he said, "X rays, blood tests, the whole work-up . . . The doctor found a slight sprain in his back . . . But otherwise he was in good general health."

He acknowledged that Ray's extreme pallor results from his prolonged stay in segregation, "but a lot of that is by his own choice."

Ray is "just trying to generate enough public support to force us to put him in the general population," Rose said.

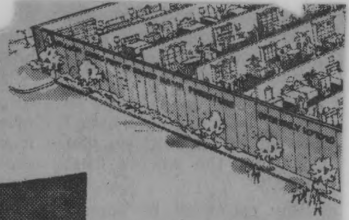
In the slow hours and days that he continues to live in his cell, Ray says he thinks almost exclusively about his case and "how I got maneuvered into it."

"If you don't have anything to do, you think about your case an awful lot," he said.

"In the old days, they [prison authorities] used to come in and knock you around some if they didn't like you," he mused, "and you'd be sore for three or four days, but then you'd come out in the sunshine and get some fresh air."

"Nowadays," he said with a tight, cold smile, "with their new 'humane' way of doing it, they just lock you up in solitary and let you sit there."

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FOREMAN 1-31

GALVESTON, TEX. (UPI) -- DEFENSE ATTORNEY PERCY FOREMAN SAYS JAMES EARL RAY PLEADED GUILTY TO KILLING CIVIL RIGHTS LEADER MARTIN LUTHER KING TO AVOID THE DEATH PENALTY--NOT BECAUSE HIS DEFENSE WAS COMPROMISED.

RAY, NOW SERVING A 99-YEAR SENTENCE IN THE TENNESSEE STATE PENITENTIARY, HAS WON A REHEARING ON AN APPEAL OF HIS CONVICTION ON THE CLAIM FOREMAN COERCED THE GUILTY PLEA.

"I THOUGHT HE WOULD BE GIVEN THE DEATH PENALTY IF THE CASE WENT TO A JURY," FOREMAN SAID WEDNESDAY.

"I DON'T THINK I INTIMIDATED JAMES EARL RAY INTO PLEADING GUILTY. I DIDN'T ATTEMPT TO NEGOTIATE A 99-YEAR SENTENCE FOR RAY UNTIL HE ASKED ME TO."

RAY CLAIMS FOREMAN URGED THE GUILTY PLEA TO INSURE FOREMAN A PROFIT FROM A BOOK ABOUT THE CASE.

RAY SAID TWO LETTERS FROM FOREMAN PUBLISHED IN THE BOOK PROVE FOREMAN'S MOTIVES. THE LETTERS SAID RAY'S SHARE OF THE ROYALTIES WOULD BE DELIVERED ONLY IF HE PLEADED GUILTY AND CAUSED NO EMBARRASSING CIRCUMSTANCES IN THE COURTROOM.

FOREMAN SAID HE RECEIVED \$9,000 FROM THE PUBLISHER OF THE BOOK AND THE PAYMENT DID NOT COVER HIS ATTORNEY FEES.

FOREMAN SAID HE INCLUDED THE ADMONITION ABOUT EMBARRASSING CIRCUMSTANCES IN HIS LETTERS BECAUSE HE FELT RAY HAD A "PENCHANT FOR PUBLICITY."

THE 6TH CIRCUIT COURT OF APPEALS ORDERED THE REHEARING TUESDAY ON THE BASIS OF THE TWO LETTERS. IT WILL BE HEARD IN THE U.S. DISTRICT COURT IN NASHVILLE.

A TENNESSEE STATE PROSECUTOR SAID WEDNESDAY HE DID NOT THINK THE REHEARING ON RAY'S APPEAL WOULD AFFECT THE CONVICTION.

"THE GUY STOOD UP IN OPEN COURT AND REPEATEDLY ADMITTED KILLING MARTIN LUTHER KING UNDER CIRCUMSTANCES THAT WARRANT A CONVICTION FOR FIRST DEGREE MURDER," ASSISTANT ATTORNEY GENERAL WILLIAM H. HAILE SAID.

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NASHVILLE, TENN. (UPI) -- A STATE CORRECTIONS OFFICIAL SAID YESTERDAY IT MAY BE MONTHS OR EVEN YEARS BEFORE JAMES EARL RAY, THE CONVICTED ASSAULT ON MARTIN LUTHER KING JR., IS TRANSFERRED TO A FEDERAL PRISON.

THE TRANSFER ORIGINALLY WAS REQUESTED BY STATE PRISON OFFICIALS SO RAY COULD LEAD A MORE NORMAL LIFE OUTSIDE THE WALLS. HE HAS BEEN IN SOLITARY CONFINEMENT DURING HIS STAY AT THE MAIN PRISON IN NASHVILLE. RAY HAS WORKED LAWNMOWER PROGRAMS, WORKING AMONG OTHER THINGS TO MOVE PERSONS RELEASED FROM PRISON, TO BE RETIRED, AND TO PREVENT HIS TRANSFER TO A FEDERAL INSTITUTION.

INFORMATION DIRECTOR JEROME JUKINS CONFIRMED THAT EXHAUSTION OF RAY'S APPEALS COULD TAKE YEARS. "WE'RE STILL CONSIDERING IT (THE TRANSFER)," JUKINS SAID. "BUT WE'RE NOT ANTICIPATING TRANSFERRING HIM IN THE NEXT FEW YEARS OR MONTHS, CERTAINLY NOT."

JUKINS CONFIRMED THAT TENNESSEE AUTHORITIES HAVE NOT ANSWERED A REQUEST FROM THE FEDERAL BUREAU OF PRISONS FOR THE ADMISSION OF RAY TO THE FEDERAL PRISON AT SPRINGFIELD, ILL.

THE BUREAU'S RESPONSES BECAUSE OF THE SOLICITS BY ATTORNEY GENERAL ROBERT FROST'S OFFICE THAT TO BE STRICTLY LEGAL, HE WOULD NEED ENABLING LEGISLATION TO SET UP THIS TYPE OF TRANSFER, JUKINS SAID.

IN ADDITION, HE WERE ADVISED IT WOULD BE BETTER TO WAIT UNTIL SUCH TIME AS RAY COMPLETES HIS APPEALS.

HOWEVER, JUKINS SAID THE COST TO TENNESSEE FOR KEEPING RAY IN A SOLITARY CONFINEMENT WOULD BE ABOUT \$23 A DAY.

JUKINS SAID BECAUSE OF THE TRANSFER, INCLUDING PAYMENT FOR RAY'S KEEP, AND IT YET WERE WORKED OUT.

THE INFORMATION DIRECTOR ALSO SAID TO HIS KNOWLEDGE THERE WAS NO MOVE AFOOT TO PASS THE ENABLING LEGISLATION FOR RAY'S TRANSFER AT THE PRESENT TIME. HE SAID SOME STATES HAVE LAWS THAT SET OUT CONDITIONS FOR THIS TYPE OF TRANSFER, BUT TENNESSEE DOES NOT.

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REWARD 1-22

NIGHT LD

MEMPHIS, TENN. (UPI)--A CITY ATTORNEY TESTIFIED IN COURT TUESDAY THAT FINGERPRINTS ON A RIFLE, NOT AN EYEWITNESS, WAS THE MOST DAMAGING EVIDENCE AGAINST JAMES EARL RAY IN THE 1968 ASSASSINATION OF MARTIN LUTHER KING JR.

ASSISTANT CITY ATTY. ART SHEA TESTIFIED IN A SUIT BROUGHT BY CHARLES QUITMAN STEPHENS CLAIMING HE IS DUE \$185,000 IN REWARDS OFFERED IN THE KING KILLING.

SHEA ALSO TESTIFIED THAT THE REASON THAT STEPHENS WAS PUT INTO PROTECTIVE CUSTODY IN JAIL RIGHT AFTER THE KING ASSASSINATION WAS BECAUSE OF STEPHENS' "PREDILECTION FOR ALCOHOL."

STEPHENS FILED SUIT IN 1969 SEEKING THE REWARDS, WHICH HAVE NOT BEEN PAID. THE LARGEST PORTION WAS \$100,000 OFFERED BY THE MEMPHIS CITY COUNCIL.

HE TESTIFIED MONDAY THAT HE WAS A RESIDENT OF THE OLD ROOMING HOUSE FROM WHICH THE FATAL RIFLE SHOT WAS FIRED. HE TESTIFIED THAT HE RECOGNIZED RAY--WHO WAS LATER ARRESTED, PLEADED GUILTY AND SENTENCED TO 99 YEARS IN PRISON -- RUNNING DOWN THE UPSTAIRS HALL OF THE ROOMING HOUSE FOLLOWING THE SHOT.

CITY CHANCERY COURT JUDGE CHARLES ROND TOOK THE CASE UNDER ADVISEMENT TUESDAY AFTER TWO DAYS OF TESTIMONY.

SHEA REBUTTED A CLAIM BY STEPHENS' LAWYERS THAT IT WAS THEIR CLIENT'S IDENTIFICATION OF A PICTURE OF RAY WHICH MIGHT HAVE LED TO HIS ARREST AND SUBSEQUENT GUILTY PLEA.

THE CITY ATTORNEY SAID THE MOST DAMAGING EVIDENCE IN THE CASE WAS NOT STEPHENS' TESTIMONY, WEQYQMRINTS ON THE RIFLE USED IN THE KILLING AND FOUND ABANDONED NEAR THE ROOMING HOUSE.

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UPI168

ADD RAY, NASHVILLE (UPI-102)

WILLIAM BRADFORD HUIE, THE AUTHOR WHO PAID RAY FOR HIS VERSION OF THE KING SLAYING, SAID TODAY RAY WAS NEVER ABLE TO PROVIDE ANY IDENTIFIABLE NAMES OF ALLEGED CO-CONSPIRATORS.

HUIE WAS CONTACTED AT HIS HOME IN WARTSELLE, ALA., AFTER RAY FILED HIS SUIT.

HUIE'S CONTRACT PROVIDED FOR PAYMENTS TO DEFENSE ATTORNEYS ARTHUR B. MANES SR. AND PERCY FOREMAN, WHO ENTERED THE GUILTY PLEA FOR RAY.

MORE MORE

UPI 12-27 06:40 PE

UPI170

ADD RAY, NASHVILLE (UPI-102)

1ST ADD UPI168

"WE ALL THE INFORMATION WE GAVE US, THERE WAS NEVER ANY NAME OR TELEPHONE NUMBER THAT WE COULD IDENTIFY," SAID HUIE, WHO WROTE "HE SLEW THE DREAMER."

"IN THE DAYS BEFORE I WAS ABLE TO SEE RAY PERSONALLY, I WENT ALONG WITH THE CONSPIRACY THEORY MAINLY BECAUSE NOBODY IN THE COUNTRY BELIEVED THAT THE KILLING COULD HAVE BEEN DONE BY ONE MAN ALONE.

"BUT THE MORE I GOT INTO THE CASE, THE MORE I TALKED WITH RAY AND CHECKED THE INFORMATION HE GAVE ME, THE MORE CLEAR IT BECAME THAT HE HAD ACTED ALONE AND THAT HE WAS LYING TO US," HUIE SAID.

HE SAID HE FULLY EXPECTS RAY TO CONTINUE FILING SUITS "EVERY SIX MONTHS BECAUSE THAT'S THE KIND OF MAN HE IS -- A TRUE JAILHOUSE LAWYER, WHO HAS NEVER TRUSTED ANOTHER HUMAN BEING."

UPI 12-27 08:23 PES

RAY 12-27

INSERT NIGHT LD RAY NASHVILLE, TENN., 252A AFTER 6TH PGH XXX DISBARRED.

IN HOUSTON, FOREMAN SAID RAY "DIDN'T GIVE ME NUMBERS," AND ADDED: "I DID HAVE TWO TELEPHONE NUMBERS IN NEW ORLEANS, BUT RAY DIDN'T GIVE ME THE NUMBERS. I GAVE THEM TO HIM."

FOREMAN SAID HE RECEIVED THOSE NUMBERS FROM A WRITER WHO INTERVIEWED A MAN WHO RODE WITH RAY FROM LOS ANGELES TO NEW ORLEANS. HE SAID ONE OF THE NUMBERS WAS NOT WORKING AND THE OTHER PRODUCED NOTHING.

PICK-UP 7TH PGH: THE SUIT XXX

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King Slayer Sues, Seeks New Trial

By Albert Gore Jr.

Special to The Washington Post

NASHVILLE, Tenn., Dec. 27

—James Earl Ray filed a \$500,000 damage suit against state officials here today, charging that he has been "falsely imprisoned for a crime he didn't commit."

The confessed assassin of Dr. Martin Luther King Jr., now serving a 99-year sentence in the Tennessee state prison, also asked the U.S. District Court here to prevent his transfer to a federal penitentiary.

Interviewed through the bars of his tiny cell today, Ray said he was concerned about newspaper reports last week that state officials have asked the U.S. Bureau of Prisons about procedures for transferring him to federal custody.

Ray, 41, typed the rambling 15-page lawsuit himself, claiming at one point that his former attorney, Percy Foreman of Houston, had mishandled vital information that could have been used in his defense. He has repeatedly charged that Foreman coerced him into pleading guilty to the murder of King.

Immediately after his guilty plea in March of 1969, the presiding judge cut off an attempt by Ray to explain why he did not agree with those who said there was no conspiracy surrounding the assassination.

He refused to discuss the crime yesterday but claimed that he would "tell everything" if only he could get a new trial. Last April, a federal judge here turned down his request for a new trial on grounds that Ray had knowingly and voluntarily pleaded guilty.

"If I can't get to court, I'm just going to forget it," he said, adding that he saw no point in giving his version of the events surrounding King's death to the news media because, "I'd still be here,

"It would be libelous any-
v. It's different proving
something in the newspapers
and proving it on the witness
stand."

In his lawsuit, Ray charged that he gave two telephone numbers to Foreman, who in turn gave them to another lawyer to investigate. Ray claimed that one of the numbers was traced to a Baton Rouge, La., parish official who was "under the influence of a Teamsters union official."

The other number was traced to a New Orleans man who was "among other things, an agent of a Mideast oriented organization" that Ray believes was concerned about reports that King planned to announce his public support of the "Palestine Arab Cause."

Ray declined to identify the persons he believes the numbers were traced to. Asked if he had ever called the numbers, he said, "I'd rather not go into that."

Foreman told the Associated Press in Houston that he had no knowledge of the telephone numbers. "We did find one number and in checking it out found that it was a New Orleans bar," Foreman said. "I don't know anything about a Baton Rouge number but I believe we did check another New Orleans number and it turned out it had been discontinued."

The Washington Post
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BY GREG L. GEDAL
NASHVILLE, Tenn. (UPI) -- CONVICTED ASSASSIN JAMES EARL RAY, DENYING HIS GUILTY PLEA OF FOUR YEARS AGO, SAID THURSDAY, "I NEVER SAW ANYBODY SHOOT" DR. MARTIN LUTHER KING JR.

RAY FILED A \$500,000 DAMAGES SUIT IN FEDERAL COURT CHARGING HE WAS BEING HELD IN "OPPRESSIVE" CONFINEMENT FOR A CRIME HE DID NOT COMMIT. HE ASKED TO BE RELEASED FROM SOLITARY CONFINEMENT AND TO HAVE HIS CASE REOPENED ON THE GROUNDS HIS FORMER ATTORNEY MISHANDLED SOME EVIDENCE. RAY PLEADED GUILTY IN MARCH, 1969, TO THE 1968 MURDER OF THE CIVIL RIGHTS LEADER. BUT IN AN INTERVIEW WITH THE NASHVILLE BANNER THURSDAY, HE SAID:

"I NEVER SAW ANYBODY SHOOT KING. BUT THAT'S AS FAR AS I WANT TO GO. AS FAR AS THE CRIME, I CONTEND I'M NOT GUILTY. BUT THERE IS NO USE FOR ME TO MAKE STATEMENTS TO THE NEWSPAPER THAT I'M NOT GUILTY. I'VE GOT TO GET IN A COURTROOM FOR THAT."

HE ASKED FOR HALF A MILLION DOLLARS IN DAMAGES ON THE GROUNDS HE WAS THEN HELD IN "UNNECESSARY OPPRESSIVE" SOLITARY CONFINEMENT SINCE HIS ARREST FIVE YEARS AGO. HE ASKED TO BE PLACED IN WITH THE GENERAL PRISON POPULATION AND ALSO REQUESTED A RESTRAINING ORDER BARRING HIS TRANSFER TO A FEDERAL PRISON.

A NASHVILLE TELEVISION STATION, WSM-TV, REPORTED WEDNESDAY NIGHT THAT RAY WAS TO FILE A DOCUMENT WITH FEDERAL COURT NAMING HIS CO-CONSPIRATORS IN THE KING ASSASSINATION. NO SUCH DOCUMENT HAD SURFACED BY EARLY TODAY.

RAY CHARGED HIS FORMER ATTORNEY, PERCY FOREMAN OF HOUSTON, TOOK TWO TELEPHONE NUMBERS FROM HIM THEN GAVE THE NUMBERS TO ANOTHER ATTORNEY, THE LATE Z.T. GORBY, WHO LATER WAS DISBARRED.

ACCORDING TO RAY'S SUIT, ONE NUMBER WAS TRACED TO A BATON ROUGE PARISH (COUNTY) OFFICIAL "UNDER THE INFLUENCE" OF A TEAMSTERS UNION OFFICIAL. THE OTHER, HE SAID, WAS TRACED TO A NEW ORLEANS AREA RESIDENT WHO WAS "AMONG OTHER THINGS AN AGENT OF A MIDEAST ORIENTED ORGANIZATION DISTRESSED BECAUSE OF DR. MARTIN LUTHER KING'S REPORTED FORTHCOMING ... PUBLIC SUPPORT OF THE PALESTINE ARAB CAUSE."

HE CHARGED THE ATTORNEY MIGHT HAVE TURNED THE INFORMATION OVER TO PROSECUTORS.

IN HOUSTON, FOREMAN SAID RAY "DIDN'T GIVE ME NUMBERS," AND ADDED: "I DID HAVE TWO TELEPHONE NUMBERS IN NEW ORLEANS, BUT RAY DIDN'T GIVE ME THE NUMBERS. I GAVE THEM TO HIM."

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NASHVILLE, Tenn. (AP) — A document from James Earl Ray that reportedly claims there was a conspiracy to assassinate Dr. Martin Luther King Jr. was delivered to federal court here today.

Court officials confirmed that a document from Ray, who pleaded guilty in April 1969 to the slaying of the civil rights leader, was delivered but would not disclose its contents.

A Nashville television station, however, reported that Ray had written a statement naming persons he claimed contributed money to a conspiracy. WSM-TV said the statement was attached to a writ sent to U.S. District Judge L. Clure Morton.

Morton was unavailable today for comment on the report. He was believed to be studying the document, and it was not known if its contents would be made public.

A HIGH-RANKING FBI official who had charge of the investigation of the murder of King, discounting today's report, said, "There is no possible way anyone else could have helped him in the murder of King."

Another source said that Ray's brother, Jerry, who works as a busboy for a country club at Lake Zurich, Ill., recently tried to sell the conspiracy story to

a television network for from \$5,000 to \$10,000, but was turned down.

King was assassinated by a sniper on April 4, 1968, as he stood on the balcony of the Lorraine Motel in Memphis, Tenn. A 30.06 caliber rifle, allegedly bearing Ray's fingerprints, was found in a room in a nearby boardinghouse, along with other items linking Ray to the shooting.

On March 10, 1969, Ray pleaded guilty to a state charge of murder in Memphis in exchange for a 99-year prison sentence.

RAY HAS maintained since that he was pressured to plead guilty by his attorney at the time, Percy Foreman.

Much of the recent appeals work was done by Washington attorney Bernard Fensterwald Jr., who also has represented convicted Watergate conspirator James W. McCord Jr.

Fensterwald, reached at his Washington office today, said that as far as he knows, he was never fired by Ray and still represents him.

"We have known all along that he (Ray) was working with a group of people, and he was not at the scene of the crime," the lawyer said.

Fensterwald was skeptical, however, that Ray was going to name others allegedly involved. He said Ray had told him he was afraid to name others, fearing he would be murdered in jail if he did.

The U.S. Court of Appeals in Cincinnati is currently considering a motion by Ray asking for a hearing on a new trial.

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RAY 12-27

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NASHVILLE, TENN. (UPI) -- A NASHVILLE TELEVISION STATION QUOTED "HIGHLY PLACED SOURCES" WEDNESDAY NIGHT THAT JAMES EARL RAY CLAIMS HE WAS INVOLVED IN A CONSPIRACY TO ASSASSINATE DR. MARTIN LUTHER KING JR.

WSM-TV QUOTED THE SOURCES AS SAYING RAY ATTACHED A STATEMENT NAMING SEVERAL PERSONS HE CLAIMS GAVE HIM MONEY TO PARTICIPATE IN THE CONSPIRACY TO KILL KING TO A WRIT MAILED TO THE U.S. DISTRICT COURT HERE SATURDAY.

FEDERAL COURT OFFICIALS SAID, HOWEVER, THEY HAVE RECEIVED NO DOCUMENTS FROM RAY RECENTLY. RAY IS SERVING A 99-YEAR SENTENCE IN THE STATE PRISON HERE FOR THE 1968 SLAYING OF THE CIVIL RIGHTS LEADER IN MEMPHIS.

THE TELEVISION STATION SAID RAY "IS REPORTED TO HAVE DISMISSED HIS LATEST ATTORNEY, WASHINGTON LAWYER BERNARD FENSTERWALD, AND IS APPARENTLY REPRESENTING HIMSELF."

EFFORTS TO REACH FENSTERWALD FAILED.

LAST WEEK, STATE CORRECTIONS COMMISSIONER MARK LUTTRELL SAID HE HAD APPROACHED THE U.S. BUREAU OF PRISONS ABOUT GETTING RAY TRANSFERRED FROM THE PRISON HERE TO A FEDERAL MAXIMUM SECURITY PENITENTIARY.

WSM-TV SAID RAY REPORTEDLY DID NOT LIKE THE IDEA AND "REPORTEDLY DREW UP A WRIT WHICH WAS FORWARDED TO FEDERAL COURT IN AN EFFORT TO BLOCK THE PROPOSED TRANSFER."

"OFFICIALS IN THE FEDERAL COURT CLERK'S OFFICE SAID THEY COULD FIND NO RECORD OF HAVING RECEIVED THE PETITION FROM RAY," WSM-TV SAID.

"HOWEVER, THE SPOKESMAN SAID RAY FILED A WRIT AS A PAUPER AND THAT IT PROBABLY WENT TO JUDGE L. CLURE MORTON."

REACHED AT HIS HOME, MORTON SAID HE DID NOT RECEIVE MAIL DIRECTLY AND THAT HE HAD RECEIVED NOTHING FROM RAY.

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WASHINGTON CAPITAL NEWS SERVICE

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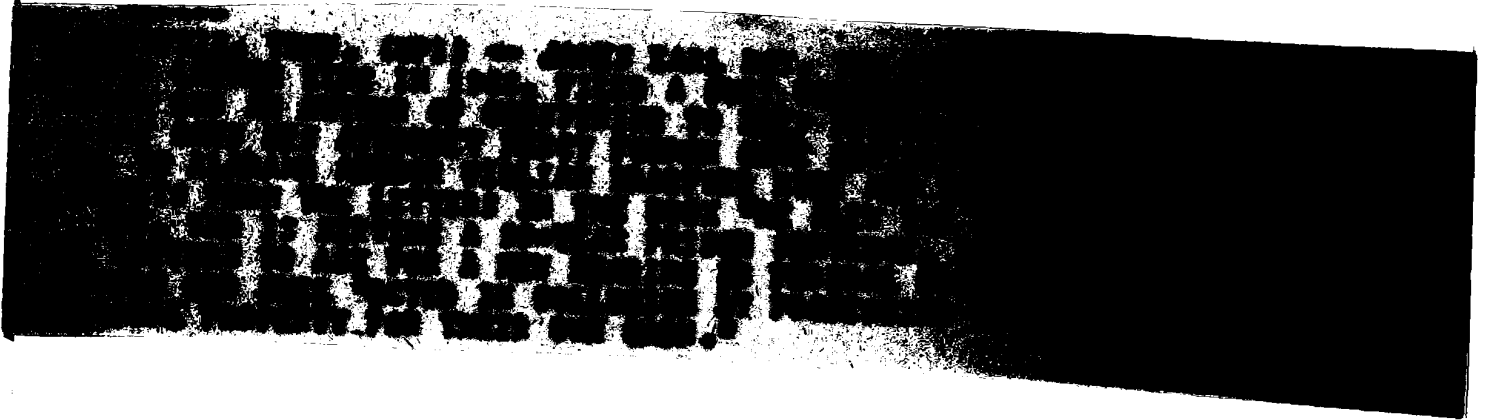
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(RAY)

JACKSON, TENN.--THE TENNESSEE SUPREME COURT REFUSED MONDAY TO CONSIDER THE QUESTION OF A NEW TRIAL FOR JAMES EARLY RAY, THE CONVICTED ASSASSIN OF MARTIN LUTHER KING.

WITHOUT COMMENT, THE STATE'S HIGHEST COURT REFUSED TO REVIEW A DECISION ISSUED IN FEBRUARY BY THE STATE COURT OF CRIMINAL APPEALS. THE APPELLATE COURT HAD UPHELD A PREVIOUS RULING BY A MEMPHIS JUDGE DENYING A NEW TRIAL FOR RAY.

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(RAY)

JACKSON, TENN.--AN APPEALS COURT IN CONSIDERING THE CONTENTION OF ATTORNEYS FOR JAMES EARL RAY THAT THE CONFESSED SLAYER OF DR. MARTIN LUTHER KING JR. IS ENTITLED TO HIS DAY IN COURT AND WANTS TO EXPLAIN KING'S DEATH.

ATTY. ROBERT LIVINGSTON OF MEMPHIS MADE THE STATEMENT HERE WEDNESDAY IN A 15-MINUTE HEARING BEFORE A THREE-JUDGE PANEL OF THE TENNESSEE COURT OF CRIMINAL APPEALS.

LIVINGSTON, ASSISTED BY BERNARD FINSTERWALD OF WASHINGTON, ASKED THE COURT TO EITHER GRANT RAY A NEW TRIAL OR HOLD AN EVIDENTIARY HEARING. A RULING IS NOT EXPECTED FOR SEVERAL MONTHS.

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Court Asked For Dismissal Of Ray's Motion For Relief

The attorney general's office yesterday asked the court to strike down a motion filed by attorneys for James Earl Ray, who charged his chances for a negotiated settlement of his case had been undermined.

The motion filed by the attorneys for the convicted assassin of Dr. Martin Luther King Jr. charged that Ray's attorney at the time, Percy Foreman, said he wouldn't negotiate with the attorney general's office because he didn't want such a settlement, but then did negotiate with the trial judge.

Ray charged that when Judge W. Preston Battle in fact entered negotiations, it removed his chance for a fair determination by the judge on whether the sentence worked out was just.

Ray contended he was "pressured" into accepting the 99-year prison sentence and was threatened by Mr. Foreman into accepting the guilty plea and the sentence.

In the motion filed by the attorney general's office yesterday after officials had talked to Foreman, the state "specifically and categorically denied" defense charges that Judge Battle violated judicial ethics when he entered negotiations with Foreman.

The state also asked that the motion for post-conviction relief be dismissed because Ray's rights under neither the state constitution nor the United States Constitution were violated.

One of Ray's attorneys, Richard J. Ryan, said that he and Washington attorney Bernard Fensterwald would seek "to have Ray brought back to Memphis for a full evidentiary hearing."

(Indicate page, name of newspaper, city and state.)

PAGE 44

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 12/4/70

Edition:

Author:

Editor: GORDON HANNA

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Submitting Office: MEMPHIS

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(KING WITNESS)

MEMPHIS --ATTORNEY CHARLES M. MURPHY JR. SAID TODAY HE WILL SEEK THE RELEASE OF MRS. GRACE WALDEN FROM A STATE MENTAL HOSPITAL ON GROUNDS SHE WAS COMMITTED ILLEGALLY IN AN EFFORT TO SUPPRESS HER TESTIMONY ABOUT THE SLAYING OF DR. MARTIN LUTHER KING JR.

MRS. WALDEN WAS A RESIDENT OF THE ROOMING HOUSE HERE FROM WHICH POLICE SAY JAMES EARL RAY FIRED THE SHOT THAT KILLED KING. SHE SAID SHE SAW A MAN RUN FROM THE ROOMING HOUSE BATHROOM JUST AFTER THE SHOT WAS FIRED, BUT THAT IT WAS NOT RAY. Tenn.

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Disputer of King Death Data Languishes in Asylum

*By Paul W. Valenti
 Washington Post Staff Writer

BOLIVAR, Tenn.—Grace Elizabeth Stephens, 54, an emaciated, sad faced woman in a shapeless mock, rests tranquilized in a mental asylum in this obscure Tennessee town.

Hospital records show her condition is deteriorating. She has been here more than two years.

Her lawyers now want her out before it is too late.

They say state officials railroaded her here in a secrecy-shrouded maneuver to suppress and discredit eye witness testimony by her that contradicts the official account of the assassination of Dr. Martin Luther King Jr. in Memphis on April 4, 1968.

Mrs. Stephens asserts that the man she saw leaving the flop house bathroom, from which police say the fatal shot was fired as Dr. King stood on the Lorraine Motel balcony, was not James Earl Ray, the publicly proclaimed killer.

The man she saw was short, small-boned, in his 50s with "salt-and-pepper" hair, her attorneys say she has told them.

Ray was tall, in his late 30s with _____ hair.

Grace Stephens' potential testimony is a crucial element in a continuing attempt by attorneys to obtain a full trial for Ray; to prove he was not the triggerman in Dr. King's shooting, and to demonstrate there was a conspiracy involving probably several persons in the assassination.

The attorneys contend privately that Ray was an unwitting tool in the plot. They also maintain that the man in the bathroom may have been a "decoy" and that the real assassin fired from another location.

Authorities ranging from Memphis chief prosecutor Phil Canale to former Attorney General Ramsey Clark have maintained from the beginning that Ray acted deliberately and alone.

At stake now in the case is Grace Stephens' credibility as an eyewitness: Her attorneys acknowledge she has a history of alcoholism, but they contend she is not insane as state officials suggest by having her committed to Western State Psychiatric Hospital in Bolivar.

In a brief court appearance here last week, Mrs. Stephens sat with several attendants. She stared blankly. Her movements were slow. Stringy-haired and heavily sedated, she rolled her jaws in a repetitive, chewing motion.

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 The Washington Daily News _____
 The Evening Star (Washington) _____
 The Sunday Star (Washington) _____
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