

(Mount Clipping in Space Below)

Ray, King Families Silent About Trial

Thus far neither the family of James Earl Ray nor that of the late Dr. Martin Luther King has expressed an interest in attending Ray's trial, it was disclosed today.

"We have received no requests from either the family of the defendant or the deceased for seats in the courtroom," said Charles Holmes, who is handling press relations for the trial.

The trial is slated to begin in Judge W. Preston Battle's Criminal Court Nov. 12.

Half of the 76 spectator seats in the courtroom have been set aside for the general public and half for representatives of the press.

Holmes said 103 press personnel from 38 different agencies have been approved for the press section. No seats will be reserved for the public, but it is customary at trials to give preference to the families if they desire to attend.

Facilities for the press will be set up in the assembly room on the first floor of the Shelby County office building. This space is now used for overflow desk work by

the Election Commission. The election Commission is scheduled to start moving into the new Shelby County Building directly across Second the day after the Nov. 5 election.

Ray, charged with first degree murder in the slaying of

Dr. King, has two brothers, a sister and a mother who would be eligible for seats in the courtroom.

His mother, so far as it can be determined, hasn't been heard from in several

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

Page /

Memphis
Press-Scimitar

Memphis, Tenn.

Date: 10-30-68

Edition: Home

Author:

Editor: Charles H.

Title: Schneider

Character:

or

Classification: 44-1987

Submitting Office: Memphis

☐ Being Investigated

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OCT 31 1968	
FBI - MEMPHIS	

years and is believed to have remarried since his father, a railroad switchman and laborer, died in Alton, Ill., in 1947.

Dr. King's immediate survivors include his widow and four children. His parents live in Atlanta, where his father is a minister.

Holmes also reported that nine subpoenas have been served on witnesses within the past two days, but he was unable to say whether they were served at the request of the state or the defense. They are:

Bertie L. Reeves, night clerk at the rooming house at 422½ S. Main from which the civil rights leader was shot.

Lt. R. W. Bradshaw of the Police Department, who relayed to headquarters a mysterious Civilian Band radio broadcast describing a shooting chase — now thought to be bogus — involving a white Mustang and blue Pontiac.

James N. McCraw, a Veteran's Cab driver, believed to be one of several customers inside Jim's Grill at 418 S. Main who said they saw a white Mustang parked in front the day of the slaying.

William B. King and Charles E. Stone of the Memphis Fire Department.

Guy Canipe Jr., owner of Canipe Amusement Co., 424 S. Main, who found a high powered rifle, which the state is expected to contend is the death weapon, in the doorway of his business moments after the shooting.

Gregory Jaynes, a reporter for the Commercial Appeal.

Harvey Gibson and William E. Friedman, attorneys who represent Charley Stephens, who told police he saw the killer in the hallway of the rooming house.

(Mount Clipping in Space Below)

6 More Join Trial Lineup

Reporter, Attorneys Added To Witnesses List For Ray Case

Subpena papers were returned on six more witnesses in the James Earl Ray case yesterday, including two attorneys and a newspaper reporter.

The new witnesses are Harvey Gipson and William E. Friedman, attorneys for a material witness in the Ray case, Charles Q. Stephens; William B. King and Charles E. Stone, city firemen who manned the ambulance that took Dr. Martin Luther King Jr. to St. Joseph Hospital the night he was slain; Guy Canipe Jr., owner of an amusement company at 424 South Main where a high-powered rifle was found moments after the shooting, and Gregory Jaynes, a reporter for The Commercial Appeal.

Mr. Stephens, who was in a rooming house at 422½ South Main and is supposed to have seen a man in the hallway at the time of the shooting, is a material witness under police guard.

Another witness, the Rev. James Bevel, a top leader in the Southern Christian Leadership Conference, could not be located at his old Chicago address last night, the Cook County Sheriff's Office in Chicago reported.

Other witnesses subpoenaed thus far are Bertie L. Reeves, owner of the rooming house from which police think the shot was fired; James N. McCraw, a taxi driver believed to be one of several customers at a nearby restaurant at the time, and Lt. R. W. Bradshaw, Memphis police officer who relayed a radio broadcast about a high-speed chase through the city shortly after the shooting.

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

— Page 69

— Commercial Appeal

— Memphis, Tenn.

Date: 10-31-68

Edition: Final

Author:

Editor: Frank R. Ahlgren

Title:

Character:

or

Classification: 44-1987

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OCT 31 1968
FBI - MEMPHIS

The subpoena of the Rev. Mr. Bevel, who was on the balcony of the Lorraine Motel with Dr. King when the bullet killed the nation's best-known civil rights leader, lent further strength to the expectation that Ray's attorneys plan to cast doubt on where the shot came from.

Mr. Jaynes interviewed Solomon Jones, Dr. King's chauffeur, shortly after the shooting. Mr. Jones told the reporter he saw someone "with something white on his face" step from behind a nearby bush after he heard the shot.

Arthur Hanes, Ray's chief counsel, would not say whether he has asked that Mr. Jones be subpoenaed.

Meanwhile, the committee of seven attorneys which is counseling Criminal Court Judge Preston Battle on pretrial publicity and procedure, met yesterday. The meeting was confirmed by Leo Bearman Jr., one of the members, who also confirmed that he had read an article in Look magazine by author William Bradford Huie, who purchased the rights of Ray's story.

Mr. Bearman would not say what was discussed, but the meeting took place the day after the Look magazine issue went on sale.

(Mount Clipping in Space Below)

2 Won't Talk In Ray Case

Two Memphis lawyers subpoenaed by the defense as witnesses in the James Earl Ray case today balked at testifying.

The witnesses, Harvey Gipson and William E. Friedman, filed a petition asking that Ray's attorney, Arthur J. Hanes, be required to show cause why they were subpoenaed.

If Hanes is unable to show cause why their testimony is needed, they will ask Criminal Court Judge W. Preston Battle to enjoin Hanes from

enforcing the subpoenas.

Gipson and Friedman represent Charles Q. Stephens, a key state witness now under police protection. Stephens reportedly saw the killer of Dr. Martin Luther King Jr. in the hallway of a rooming house at 422½ S. Main moments after the shooting.

Stephens was jailed earlier as a material witness at the state's request, but the two lawyers went to court and got him released.

So far, subpoenas have

been served on 10 defense witnesses, to testify at Ray's trial, scheduled to begin Tuesday, Nov. 12. The latest to receive process was Lloyd Jowers, a Veteran's Cab driver and operator of Jim's Grill on S. Main, near the shooting scene.

Several customers in the grill are reported to have seen a white Mustang parked out front the day of the murder. The state contends Ray made his getaway in a white Mustang after killing the civil rights leader with a high-powered rifle.

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

PAGE 22

MEMPHIS PRESS
SCIMITAR

MEMPHIS, TENN.

Date: 11-1-68
Edition:
Author: CHAS. H.
Editor: SCHNEIDER
Title:

Character:
or
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Submitting Office: MEMPHIS
☐ Being Investigated

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FBI - MEMPHIS	

44-1987-Sub-C-238

(Mount Clipping in Space Below)

FBI Is Going Past Ray In Search For Suspects

The FBI is looking for other suspects, besides James Earl Ray, in its move to reconstruct the murder of Dr. Martin Luther King Jr., author William Bradford Huie said last night.

Interviewed by long distance at his home in Hartselle, Ala., Mr. Huie said, "You would be justified in concluding the FBI does not accept Atty. Gen. Ramsey Clark's view," (that one man acted alone in planning and carrying out Dr. King's assassination).

"The FBI goes every place I have revealed Ray stopped at and shows photos and plays sound tracks of the voices of at least two other men and asks whether the photos and sound tracks are recognized. The FBI certainly is looking for other people."

Mr. Huie has received from Ray, who goes on trial here Nov. 12 on a charge of slaying Dr. King, many pages of long-hand manuscript on what he did prior to the date of Dr. King's murder.

The first of the three articles Mr. Huie is writing, largely from the Ray manuscript, appeared in Look magazine Monday. The next will appear Nov. 12, the day Ray's trial starts.

Mr. Huie said that immediately after the first Look article "leaked out," FBI agents showed up at the Indian Trail Restaurant in Winnetka, a Chicago suburb, where Ray washed dishes in May and June, 1967. This was just after his escape from the Missouri State Prison at Jefferson City.

"The FBI next went to 2731 North Sheffield," where I revealed Ray roomed while working at the Indian Trail. They showed their photos again there. They asked the landlords, Mr. and Mrs. Donnelly, 'Did you see this man, or this man (showing the photos) here with Ray? Did you hear these voices?'"

Mr. Huie said both his reporting and the FBI's investigation have been hampered by the refusal of Criminal Court Judge W. Preston Battle to allow new photos to be taken of Ray in his cell in the Shelby County Jail.

People recognize the oft-published photos of Ray, which are the only ones he and the FBI have to show to persons they contact, Mr. Huie said. So there is no clear proof of recognition, he asserts.

"If photos were made of Ray in his cell there in Memphis, as the Los Angeles court has let pictures be made of Sirhan Sirhan (accused slayer of Senator Robert F. Kennedy) it would aid the FBI as well as answer the requests of the news media."

The amici curiae committee of lawyers named by Judge Battle to advise him in administering a court order to restrain pre-trial publicity was reported last night to be considering adding Mr. Huie to the list of five men against whom contempt proceedings have been brought.

Mr. Huie said he had had the

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

PAGE 8

COMMERCIAL
APPEAL

MEMPHIS, TENN.

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Editor: ANTHONY
Title:

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FBI - MEMPHIS	

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(Mount Clipping in Space Below)

Action Being Asked Against Huie, Look

Criminal Court Judge W. Preston Battle's legal advisory committee in the James Earl Ray case has recommended contempt action against Alabama author William Bradford Huie and the publishers of Look magazine.

Huie, who says he is under contract to write Ray's biography, was cited for an article that ran in the Nov. 12 issue of Look, which came out last week, and also for an interview reported in the Commercial Appeal Nov. 1.

The Committee, in a report filed yesterday, said there is "probable cause" the writer and Cowles Publications as well as "others closely connected with or interested in the case" had violated the court's orders restricting pre-trial publicity.

The other parties were not identified in the report. The Look article, based on what Huie said were written interviews with Ray, hinted of a conspiracy in the assassination of Dr. Martin Luther King, with Ray playing the role of an unknowing dupe. The magazine said the arti-

cle was the first of several installments.

The newspaper story quoted Huie as saying the FBI was on the trail of other suspects in the crime. Ray's trial is scheduled to begin a week from today in Judge Battle's court.

The committee urged the court to require Huie and the other parties to show cause why they should not be held in contempt "at such time as the above parties are within the jurisdiction of the court" and after the jury has been selected.

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

— Page 13

— Memphis
Press-Scimitar

— Memphis, Tenn.

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Editor: Charles H.

Title: Schneider

Character:

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Sub-C-340*

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11-5-68
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(Mount Clipping in Space Below)

105 Subpoenas in Ray's Trial

By ROY B. HAMILTON
Press-Scimitar Staff Writer

The State of Tennessee will subpoena 105 witnesses in its efforts to convict James Earl Ray in the slaying of Dr. Martin Luther King, The Press-Scimitar learned today.

Atty. Gen. Phil Canale confirmed a report that subpoena papers are now being served to "about" that number of persons, but declined to release their names.

"They have been talked to

enough," he said. "I don't want them harassed any more."

However, the identities of many persons expected to testify for the state have been previously published.

Ray's trial is scheduled to start a week from today in

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

Page /

Memphis
Press-Scimitar

Memphis, Tenn.

Date: 11-5-68

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Editor: Charles H.

Title: Schneider

Character:

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Classification: 44-1987

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NOV 11 1968
FBI - MEMPHIS
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but did not say how the interview was obtained. Ray was quoted in one response as saying he was in Memphis the day before but not on the day of Dr. King's murder.

How the newspaper obtained answers to its questions posed a mystery. Sheriff William Morris said Ray has been allowed no visitors in county jail other than his attorneys.

Judge W. Preston Battle's Criminal Court.

Meanwhile, the attorney general's office was reported to be concerned about the source of another story that appeared last week in the National Enquirer, a weekly newspaper published in New York and sold on Memphis newsstands.

The story quoted Ray in a question-answer interview

The arrangement was opposed by Robert K. Dwyer, executive assistant attorney general, who argued close censorship was necessary to prevent security leaks.

Judge Battle previously gave Hanes permission to submit written questions to Ray for Huie. He ruled that guards could not read the material passing back and forth between the prisoner and Hanes but merely inspect it to see that it contained no drawings or diagrams which might breach security.

(Mount Clipping in Space Below)

Readers To Get Best Seat At Ray Trial

In this century there has been a handful of American trials internationally regarded as history makers.

Tuesday, another will be added to the list. At 9:30 a.m. on that day the trial of James Earl Ray, a Missouri State Penitentiary escapee charged in the murder of Dr. Martin Luther King Jr., will begin. The world will watch and listen — and read.

Since a high-powered rifle cracked at 8:01 p.m. April 4 and a bullet penetrated the jaw of Dr. King, The Commercial Appeal has assigned many men and devoted many man-hours to the job of keeping its readers informed of all the developments in a case that required one of the most extensive manhunts the world has ever witnessed.

The men who are the most familiar with the case, those who were working when the shot was fired and wrote about the crime and the funeral, the manhunt and the capture, the return to Memphis and a cell in the Shelby County Jail, will be our readers' eyes and ears beginning Tuesday.

Angus McEachran, assistant metropolitan editor, will direct this newspaper's staff of writers, photographers and artists who will cover the trial from the Criminal Courts Building.

Mr. McEachran, who has directed a majority of the coverage of this case, went to London June 8 when Scotland Yard arrested Ray. For a week his daily reports captured a part of the complicated and mysterious life of James Earl Ray. Born in Memphis, Mr. McEachran has built a reputation for enterprising news stories and skillful writing. He attended George Washington University and Memphis State.

Charles Edmundson, veteran court reporter, will provide a running account of the trial from the seat reserved for The Commercial Appeal. Mr. Edmundson's first taste of courtroom coverage came at the Scopes trial or the Dayton Monkey Trial at Dayton, Tenn., in 1925. Taking military training at Fort Oglethorpe,

Ga., he got leave to cover the climactic days of the test of Tennessee's law against the teaching of evolution for a now defunct Knoxville newspaper.

Mr. Edmundson, a Nieman Fellow at Harvard and a graduate of the University of Tennessee, also covered the trial of the Scottsboro Negroes, charged with criminal assault, at Decatur, Ala., in 1932. At the conclusion of the case Judge James E. Horton declared the jury's guilty verdict "unsupported by evidence" and set it aside. The judge was never elected to public office again. Mr. Edmundson has had a distinguished journalistic career that has brought him worldwide assignments from The Commercial Appeal, The St. Louis Post-Dispatch, Fortune magazine and The United States Foreign Service.

Staff writer Gregory Jaynes, who was sent to Toronto after the capture of Ray and who, like Mr. McEachran, pieced together a side of the life of the accused slayer, will de-

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

PAGE 50

COMMERCIAL
APPEAL

MEMPHIS, TENN.

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44-1987-Sub-C-24/3

9/18

scribe the drama surrounding the trial, concentrating on events outside the courtroom.

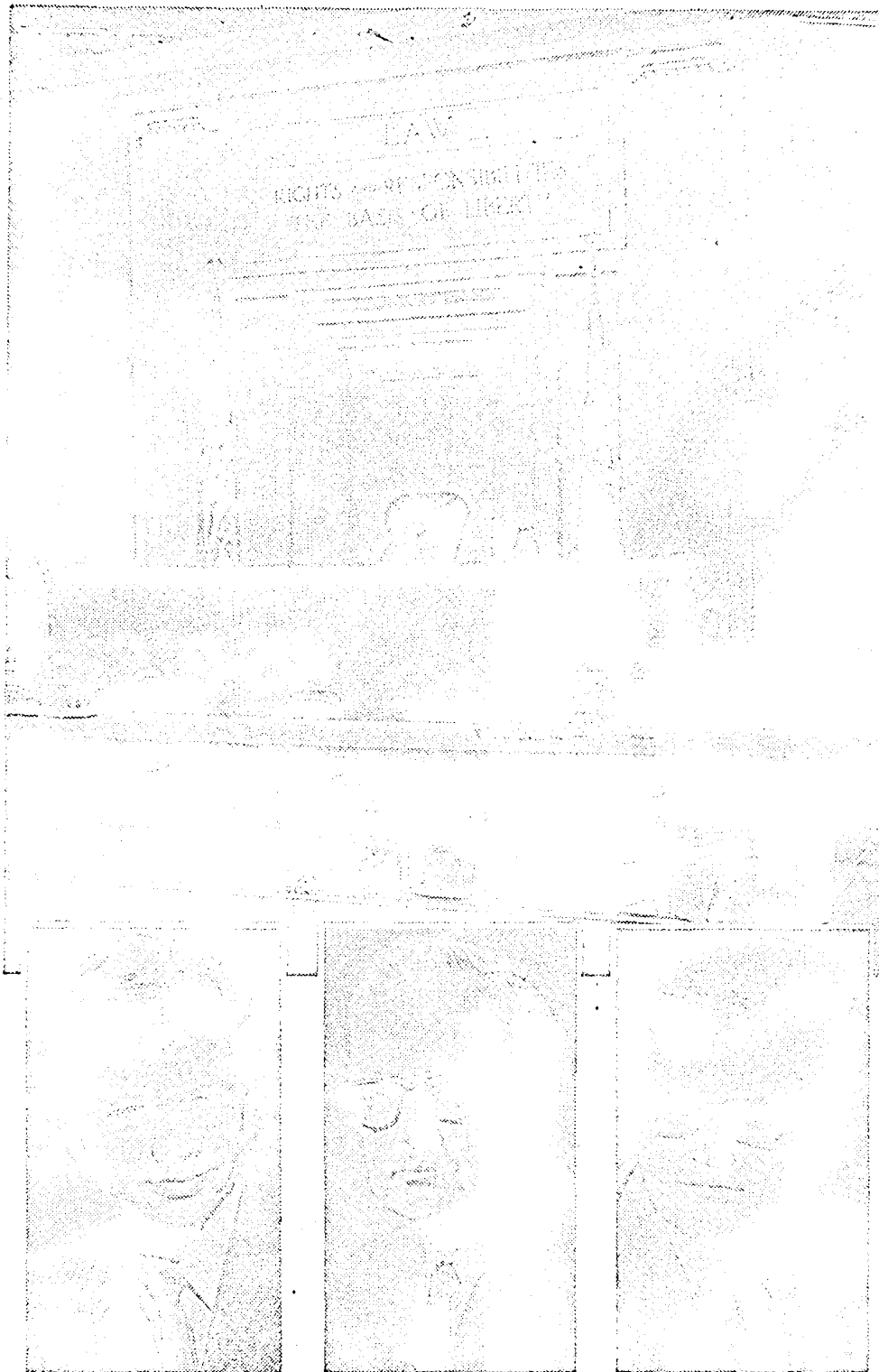
Mr. Jaynes has another reason for attending the trial. He has been subpoenaed by the defense as a result of his reporting minutes after the death of Dr. King. Mr. Jaynes was born in Florence, Ala. He attended Memphis State.

Others accredited to cover the trial for this newspaper include Jimmie Covington, also a veteran court reporter and assistant metropolitan editor; photographers Robert Williams and Fred Griffith.

The Commercial Appeal's coverage, also will include the dispatches of The New York Times News Service and The Commercial Appeal-Chicago Daily News Service as well as the Associated Press and United Press International.

In a cooperative effort with leading national and foreign newspapers, The Commercial Appeal and Memphis Press-Scimitar have arranged for pool transcripts of the testimony. The court has supported this plan to help make up for the lack of space in the courtroom.

It all adds up to a first-rate effort for our readers. It is an effort that was begun at 6:01 p.m. April 4. It will continue until the case is closed.



Gregory Jaynes

Charles Edmundson

Angus McEachran

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Ray Trial Defense To Report 'Ready'

King Murder Case To Go To Court Tuesday

The defense will announce ready when Division 3 of the Shelby County Criminal Court opens Tuesday morning for the trial of James Earl Ray, chief defense counsel Arthur Hanes Sr. said yesterday.

Mr. Hanes and his co-counsel, Arthur Hanes Jr., were in Memphis yesterday for a conference with their client and defense witnesses. They said that Ray, charged with the murder of Dr. Martin Luther King Jr. here April 4, is in good condition. They conferred with him for more than an hour in his cell at the Shelby County Jail.

Mr. Hanes declined to comment on reports that he would ask Judge W. Preston Battle, chosen to conduct the trial, to recuse himself in favor of another judge. Mr. Hanes is reported to feel Judge Battle showed prejudice in the degree by which he has sought to limit pretrial comment by counsel.

The first week of the trial is expected to be taken up with the choice of a jury. Although nearly 700 veniremen were chosen at the beginning of the fall term of court, a special venire is expected to be required. Supplementary veniremen are not expected to be called until it becomes clear the regular venire will be exhausted.

Of a list of 300 prospective witnesses earlier submitted to Circuit Court Clerk James A. Blackwell, about 120 have been subpoenaed. Receiving subpoenas today, at the request of the defense, will be Fire and Police Director Frank Holloman, Patrolman W. B. Richmond, Vester L. Moore, a former City Park ranger, and Thomas Fox, a reporter for The Commercial Appeal.

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

—PAGE 28

—COMMERCIAL
APPEAL

—MEMPHIS, TENN.

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Author: FRANK R.

Editor: AHLGREN

Title:

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Trial Reporters Face Tough Going

The eyes and ears of the world will focus on a small second floor courtroom of the Criminal Courts building starting Tuesday.

But it will have to be word pictures for the most part from the biggest aggregation of news reporters ever gathered in Memphis — to cover the trial of James Earl Ray, charged with the April 4 assassination of Dr. Martin Luther King, Negro civil rights leader.

There will be no pictures permitted, not only in Judge Preston Battle's courtroom, but also in the block on which the Criminal Court Building is located — from Second to Third, and Poplar to Washington.

PICTURES

Photographers will be permitted to take pictures of persons entering and leaving the building from the south side of Washington across the street from the building. Washington will be closed to traffic between Second and Third by order of Sheriff William Morris, who has charge of protecting Ray.

Busiest man in connection with the trial will be Charles Holmes, borrowed from Memphis State University to serve as press officer for the trial.

His telephone in an office

on the same floor as the courtroom keeps ringing, with calls from London, Washington, New York and elsewhere. Newsmen keep coming in to make certain they are properly certified. It is difficult to get a few minutes conversation with the obliging and friendly Holmes, a former reporter.

SMALL

The small courtroom will have 38 seats reserved for reporters and four rotating seats for reporters who were too late to qualify for reserved seats, making 42 press seats in all.

Holmes said once reporters are in they will have to remain and there will be no swapping of seats except at the noon recess. Holmes said the occasional brief recesses, will not give enough time to permit a substitute to go through the intricate security precautions.

Most of the reporters for foreign news agencies are coming from New York or Washington, but four will come from London and two from France.

EDITOR

Ralph McGill, noted editor and columnist from Atlanta has already arrived. McGill will share his seat with

Celestine Sibley, an Atlanta Constitution reporter.

Richard Starnes, a veteran of reporting, including the entry of James Meredith to Ole Miss and many other civil rights cases, will represent Scripps-Howard Newspapers. There's also a seat for a Press-Scimitar reporter.

Gerold Frank of Doubleday and Co., who wrote the book, "The Boston Strangler," has a seat.

There will be a Press Room in Room 126 of the County Office Building and transcripts of the trial testimony will be available every hour, Holmes said.

LOSES

Hubert James Putt, a mentally ill federal prisoner who claimed to have inside information on the assassination of Dr. Martin Luther King, lost a legal bid to become a witness in the trial.

Judge Battle dismissed a habeas corpus petition mailed by Putt from the Federal Medical Center in Springfield, Mo.

In the petition, handwritten in pencil on white tablet paper, Putt claimed he was "inadvertently involved in the assassination of John Fitzgerald Kennedy and knew the very day that Dr. Martin Luther King Jr. and

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

Page 17

Memphis
Press-Scimitar

Memphis, Tenn.

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Sen. Robert F. Kennedy
were to be killed."

Judge Battle announced
yesterday the trial will run
six days a week and a mini-
mum of six hours a day.

He said the trial hours will
be 9:30 a.m. to 12:30 p.m.,
and 2-5 p.m. in the begin-
ning. If it appears the trial
will extend too close to
Christmas, Judge Battle said
the closing hour will be set
at 6 p.m.

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Judge Outlines Trial Procedure

**Six-Day Week Agenda Set
For Ray Murder Case,
With Six-Hour Days**

By CHARLES EDMUNDSON

The trial of James Earl Ray, accused of killing Dr. Martin Luther King Jr., will run six days a week and a minimum of six hours a day, Criminal Court Judge W. Preston Battle said last night.

Trials usually run Monday through Friday.

"Jurors who are going to be locked up seven days a week for several weeks running might not like it if the judge and the attorneys held to a five-day week," Judge Battle observed.

Trial hours will run from 9:30 a.m. to 12:30 p.m. and from 2 to 5 p.m. in the beginning, Judge Battle said. If the trial shows signs of running too close to Christmas the closing hour will be set back to 6 p.m.

"Before we do anything the first day, we will have a new venire called," Judge Battle said. "The fall term veniremen won't want to start a new trial running as long as this one."

But 100 veniremen from the old list will be examined Tuesday for service in the Ray trial. The 100 includes five women, of whom two are Negroes. By Tennessee law a woman venireman is excused from duty if she wishes, but a woman sometimes elects to serve.

The jury dormitory in the Criminal Court Building provides quarters for men only. If a woman juror is chosen, she is put up, under escort of a woman deputy sheriff, at a hotel.

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

Page /

The Commercial
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Bureau
11-12-68*

[Signature]

Two of Ray's family, brothers John and Jerry Ray of St. Louis, will attend the trial, it was learned. Ray's father, who is reported living as a semi-recluse at New London, in northeast Missouri, will not attend.

Members of Dr. King's family will meet with officers of the Southern Christian Leadership Conference in Atlanta this morning to decide who of the family and of SCLC will attend. Seats have been reserved for members of both groups.

Nine out-of-town reporters, vanguard of about 250 expected, arrived yesterday.

They were shown Judge Battle's courtroom, where stiff, uncomfortable benches have been replaced with well-cushioned theater-type seats. They were also shown the jury dormitory, on the first floor of the building, which has been completely refurbished.

Private cubicles, finished in walnut veneer, have replaced the rows of cots which formerly lined the wall. A new dark green rug covers the floor. New orange counterpanes cover the beds.

In the living room new crimson drapes, a light green rug and a handsome billiard table have been installed.

The British attorney Michael Eugene, who represented Ray in the extradition hearings in London after his arrest in June at an airport there, arrived in New York late yesterday en route to Memphis.

In his briefcase was a record of the extradition proceedings, which he will deliver to Ray's chief counsel, Arthur Hanes Sr. "Yes, I've formed an opinion as to Ray's guilt or innocence," Mr. Eugene said. "But I mean to keep it to myself."

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State To Ask Death Penalty For Ray

The state will ask the electric chair for James Earl Ray, charged with killing Dr. Martin Luther King Jr., it was learned yesterday.

Ray, who was captured in London June 8 after a 1.5-million-dollar search, will go on trial before Criminal Court Judge W. Preston Battle Tuesday.

No convicted person has been put to death in Tennessee since 1960 and nobody convicted in Shelby County has suffered the death penalty since 1949, but Tennessee law provides for electrocution if the jury prescribes it.

Death sentences were made more difficult to obtain when the United States Supreme Court recently ruled that a citizen may not be excluded from a jury because he says he would not vote for the death penalty. Since then the Shelby County attorney general's staff has asked veniremen only if they are willing to find a verdict in keeping with Tennessee law — which provides for the death penalty.

Tennessee law permits the death penalty only if the crime is premeditated. Legal authorities say the circumstances of Dr. King's murder show that, whoever committed it, it was premeditated.

Dr. King was shot to death on the balcony of the Lorraine Motel on Mulberry Street on the evening of April 4.

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

—Page 1

—The Commercial Appeal

—Memphis, Tenn.

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A 30-caliber deer rifle bought in Birmingham March 29 and found abandoned near the front door of a South Main Street rooming house overlooking the Lorraine Motel is said by the attorney general's office to be the murder weapon.

George Bonebrake, a senior fingerprint specialist of the FBI, has stated the gun bears Ray's fingerprints. Whether fragments of the fatal bullet taken from Dr. King's neck can be traced to this gun appears problematical.

Arthur Hanes Sr., Ray's attorney, examined the fragments and decided not to test-fire the rifle, as a court order permitted him to do. Some observers infer that Mr. Hanes, a former FBI agent, considered the fragments ballistically untraceable to the gun.

In another development Judge Battle yesterday denied the habeas corpus petition of Hubert James Putt, a mental patient at the United States prison hospital at Springfield, Mo., seeking to be brought here to testify in the Ray trial.

In a handwritten letter, Putt, whose home is in Nashville, claimed he had information to solve not only the murder of Dr. King but also those of President John F. Kennedy, Senator Robert F. Kennedy, and Albert Anastasia of the Murder, Inc., ring in New York and New Jersey.

24 Policemen Bolster Sheriff's Force

Twenty-four policemen yesterday were assigned to aid Sheriff W. N. Morris Jr. during the trial of James Earl Ray next week.

Asst. Police Chief Bill Price said the men will work under orders from the sheriff. Fourteen policemen previously were assigned to aid in guarding Ray and such key witnesses as Charlie Stephens.

Police Chief Henry Lux said the 38 men will be involved in "different aspects" of the trial's security. He said the 24 assigned yesterday include a lieutenant, 17 patrolmen and 6 detectives.

(Mount Clipping in Space Below)

Cast Fits Well In Ray Trial Drama

If TV movie director Gail Patrick, born Margaret Fitzpatrick in Birmingham, were picking a cast for her former Perry Mason TV series, she could hardly do better than the list of principals chance has cast up for the trial of James Earl Ray, charged with killing Dr. Martin Luther King Jr.

In the center of the stage on the second floor at the Court-house — as the trial opens Tuesday — will be Criminal Court Judge W. Preston Battle, who looks, thinks and acts like a judge. He is short in stature, wide-beamed, firm-chinned and soft-spoken, but with a presence that effortlessly dominates the courtroom.

Defense attorneys may complain in private that Judge Battle, a former assistant attorney general, is still something of a prosecutor. But universally liked or not, the judge never leaves any doubt as to who is in charge. When he knits his brow and protrudes his lower lip — his characteristic gesture of authority — everybody snaps to attention. "Judge Battle has a Mac-Arthurian sense of his own dignity," one lawyer has remarked.

He hardly needs the black robe, the raised platform, the oak gavel, the flanking state and national flags or gravel-voiced bailiffs to guarantee his authority.

James Earl Ray, the 40-year-old escaped convict and defendant in this case, is himself by no means lacking in "amour propre." He may have been a two-bit con most of his life but nobody who has seen him in the courtroom here can doubt that, innocent or guilty, he feels that at last his search for a personal identity has been rewarded.

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

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In his new clothes, bought and delivered to him by his attorney, a former mayor of Birmingham, Ray appears self-contented. Formerly a fugitive from prison, he is now at least a footnote to history.

His off-black hair oiled and combed, his tie adjusted, his poker-pale face plumped out by four months of starchy jail food, he will sit almost beaming behind his attorneys at the counsel table, visibly jealous if he is restrained from taking the witness stand.

Arthur J. Hanes Sr., ex-mayor and ex-president of the school board in Birmingham, describes himself as "a pretty fair country lawyer." But he may prove considerably better than that. He has a strain of flamboyance, which he will try to hold in check, and a biting wit, as he showed when he termed Judge Battle's amicus curiae committee on pretrial publicity "Harper Valley PTA hypocrites."

Mr. Hanes and Martin Luther King were personal foes in the early 1960s when Dr. King was leading protest marches in Birmingham. Hanes' defense of the man charged with shooting Dr. King is in a sense a continuation of the enmity of that time. Mr. Hanes said of Dr. King then, "He should be put out of circulation because if any group, organization or person can divide a country, then it is wrong and should be stopped."

Unlike many attorneys coming into a new city, Mr. Hanes will not associate himself with a local attorney. His only aid will be his son, Arthur Jr., a blond 26-year-old Princeton Law School graduate, who sometimes frowns on his father's courtroom demarches.

The father-and-son defense team will sit at the right end of a long mahogany counsel table, separated from the judge's dais only by the court reporter's desk. At the left end of the table, just in front of the witness stand, raised on the judge's right, will be stationed the prosecutors.

For the first time, in seven and a half years, Atty. Gen. Phil M. Canale, 50 years old but with scarcely a wrinkle or touch of gray, will direct a trial in person. He is expected to leave most of the cross-questioning and speaking to two assistants. But he is known for keen mind and sharp intuition and will call the plays.

Executive Asst. Atty. Gen. Robert K. Dwyer, who will examine most of the witnesses and do most of the speaking, appears mild enough in repose, but can become a scourge of righteousness in action.

Asst. Atty. Gen. James C. Beasley, who will occupy the

third chair set aside for the prosecution, looks exactly what he is—a talented, serious-minded lawyer, who can be depended to plumb any conundrum of criminal law and come up with any answer.

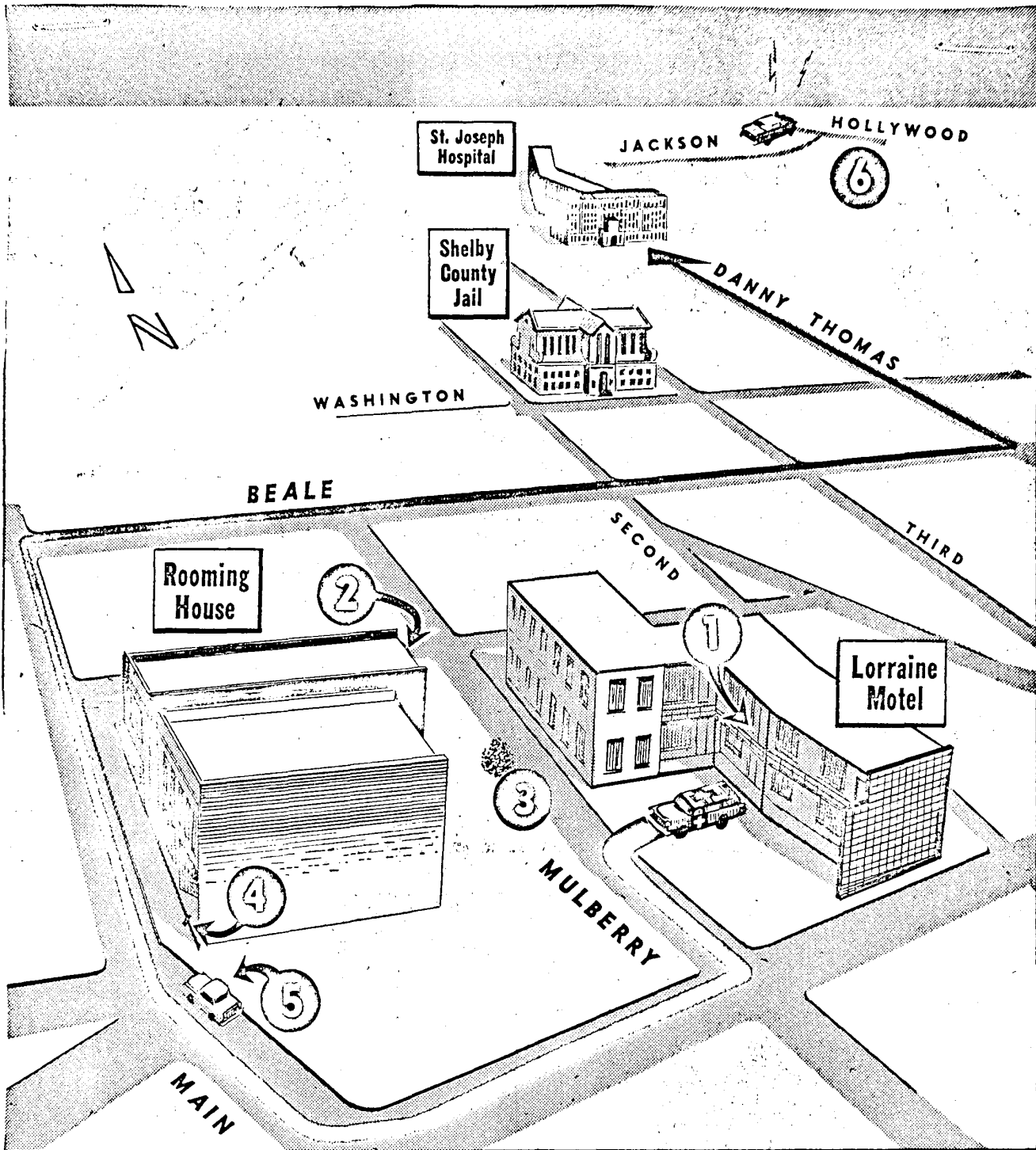
The jury will probably, but not necessarily, be all male and probably will include Negroes. About a third of the veniremen from whom the jury is to be struck will be Negroes. Most criminal court juries have from two to eight Negroes, depending on chance and the bent of opposing counsel in using up their peremptory challenges.

Occupying a reserved seat back of the chancel rail will be an uncle of Dr. Martin Luther King Jr., the Rev. Joel Lawrence King of Mansfield, Ohio, who will be the only King family representative. In Atlanta Dr. Martin Luther King Sr. said yesterday that neither he nor Mrs. Coretta King, widow of the slain man, will attend.

Also in reserved seats, but separated from relatives and friends of Dr. King, will be John and Jerry Ray of St. Louis, brothers of the defendant.

While the real jury of 12, with one alternate, sit in the jury box, a surrogate jury of reporters serving news media in all parts of the world will occupy 42 seats outside the chancel rail. If they do not form opinion, they transmit the reports on which public and world opinion will be based.

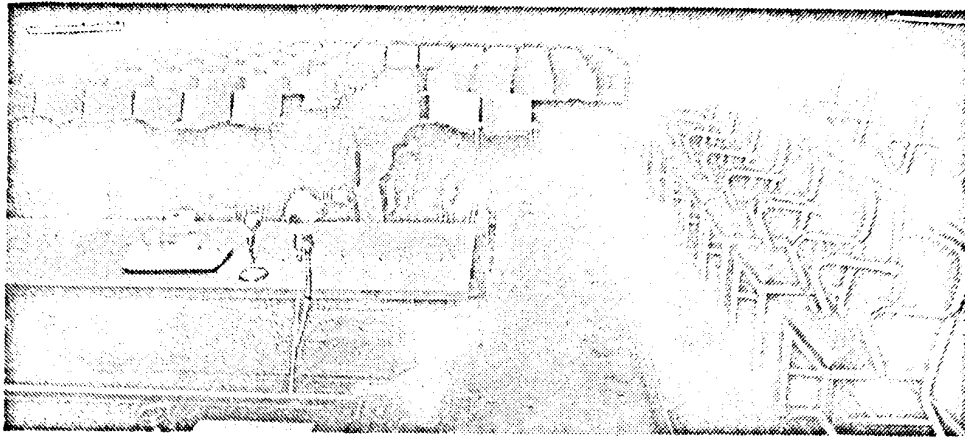
Although only 42 seats have been rationed to the press, they will be used at one time or another by an estimated 250 reporters. Their dispatches or broadcasts will help the world decide whether justice in the United States is administered "without regard to race, color or creed," as is engraved on many courthouse walls.



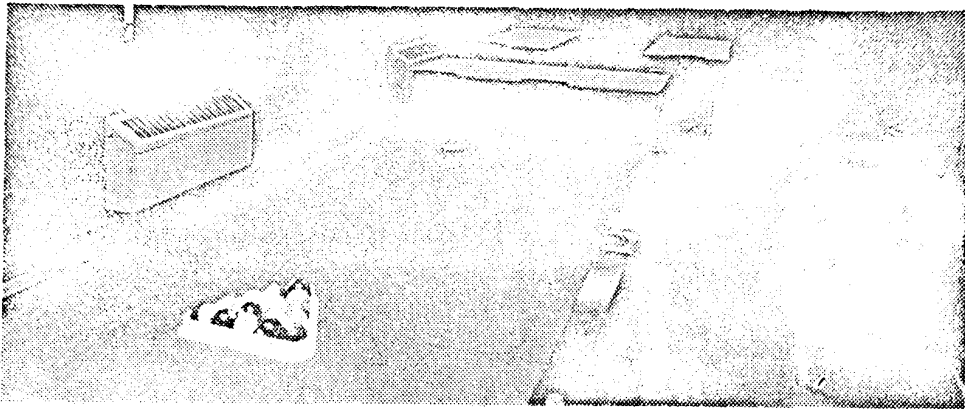
It Was 6:01 p.m.

When the trial of James Earl Ray, accused in the assassination of Dr. Martin Luther King Jr., begins Tuesday these places will be referred to innumerable times: (1) The balcony of the Lorraine Motel where Dr. King was shot at 6:01 p.m., April 4. (2) The rooming house at 422½ South Main, where the man charged with murder stayed and from where the prosecution will contend that the shot that killed Dr. King was fired. (3) A thicket from which at least one witness says he saw a man running with some-

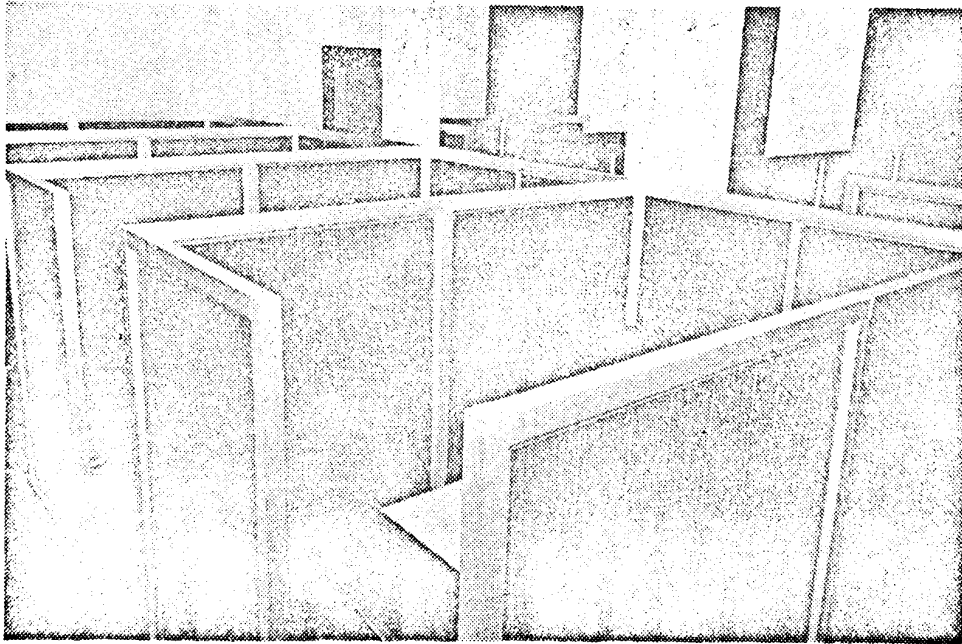
thing white over his face. (4) Canipe Amusement Co., the spot where a 30.06 rifle with telescopic sight was recovered. (5) The spot where witnesses say they saw a man speed off in a white Mustang. (6) The area where a supposed chase took place between a white Mustang and a blue Pontiac. Two other important places round out the map, St. Joseph Hospital where Dr. King was pronounced dead and Shelby County Jail, where James Earl Ray waits for the trial to begin.



Theater-Type Seats Have Replaced Uncomfortable Benches For Ray Trial



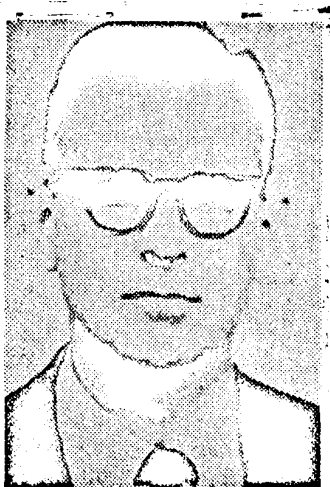
Donated Pool Table Will Serve Jury In Renovated Room



Private Cubicles Have Replaced Rows Of Cots For Jurors



This Will Be Home For Ray Trial Jurors For About Five Weeks



James Earl Ray

(Mount Clipping in Space Below)

Security Pulled Tighter For Ray Trial

By ANGUS McEACHRAN

Further restrictions against the press and public in the murder trial of James Earl Ray were confirmed yesterday.

Sheriff William N. Morris Jr. said the 35 seats assigned in the courtroom for the public would not be available until after the jury was selected.

Sheriff Morris said the seats would be needed to seat ve-

niremen waiting to be questioned for jury service. Selection of the jury, which begins with the opening of the trial Tuesday morning, is expected to take about a week.

Once the public seats become available they will be allocated on a first-come, first-serve basis.

"Anyone wishing to attend the trial will have to come early and bring plenty of identification which can be quickly checked by our office," Sheriff Morris said. "We will take

steps to screen out those persons we feel could try to create an incident in the courtroom."

The sheriff's office will also take steps to screen out any reporters who stand in line for general public seats.

"We are doing this at the court's direction, but it is an order I concur in," the sheriff said. "There is a precedent for this sort of thing."

Some newsmen, especially those representing large metropolitan dailies which did not

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receive allocated seats in the courtroom, contend they have a right to be considered as part of the general public. To prohibit them from standing in line for seats would be denying their rights as private citizens, they contend.

Judge W. Preston Battle, who will preside over the trial, said yesterday there was no precedent for the number of seats which must be allocated the public.

"But it is a matter that was widely criticized in the (Dr. Sam) Sheppard (murder) case, where almost all the seats were given over to the press. I am of the opinion that at least half of the seats should be available to the public."

Reporters have been assigned 42 seats.

The sheriff's office meanwhile was working to refine security arrangements which The New York Times called "perhaps the strictest . . . in American trial history."

Every person entering the Courthouse during the trial will go through at least two security checks, including being searched, before being admitted to the courtroom.

Reporters, lawyers and court personnel have been fingerprinted and photographed. Before entering the courtroom, all persons, including spectators will have their voices recorded and analyzed to prevent an imposter from getting near Ray.

Even Judge Battle and Sheriff Morris will undergo the security clearance each day.

Memphis authorities are determined that Ray, accused of killing Dr. Martin Luther King Jr., shall not meet the fate of Lee Harvey Oswald, accused in the assassination of President Kennedy. Oswald was shot and killed in Dallas by Jack Ruby before Oswald could be brought to trial.

"I think we are as ready as we'll ever be," said Sheriff Morris. "We'll spend all day Monday going through a shakedown, but I think we are ready."

(Mount Clipping in Space Below)

Fair Trial Vs. Public's Right To Know

By RICHARD SPONG

Editorial Research Reports Writer

"FREE SPEECH and fair trial," Supreme Court Justice Hugo L. Black wrote almost three decades ago, "are two of the most cherished policies in our civilization, and it would be a trying task to choose between them."

James Earl Ray, charged with the murder of Dr. Martin Luther King Jr., goes on trial in Memphis tomorrow. The trial of Sirhan Bishara Sirhan, accused in the assassination of Senator Robert F. Kennedy, now is scheduled for Dec. 9 in Los Angeles.

These two trials will show this press-justice dilemma in its most dramatic light.

Judge W. Preston Battle on Sept. 6 refused to quash an indictment charging James Earl Ray with Dr. King's murder. The defense had argued that Ray could not get a fair trial in Memphis because of widespread publicity after the King slaying.

THE UNITED STATES SUPREME COURT time and again has been forced to make the choice between free speech and fair trial. In the

landmark Sheppard case in 1966 the Supreme Court voiced new concern over sensational trial and pre-trial publicity.

The American Bar Association in Chicago last February formally adopted the recommendations of the Reardon Committee, a panel of distinguished judges and lawyers. The committee recommended that court and police officials withhold from news media "potentially prejudicial" information.

The report called on lawyers, judges and police officials to restrict their comments on pending criminal cases and to curtail release of information about them. It recommended contempt of court action against those who make statements prejudicial to a defendant in a willful attempt to affect the outcome of a trial.

Judge Battle has cited Ray's attorney, a private detective, and two Memphis newspapermen for contempt of court for allegedly damaging pre-trial publicity in the Ray case. On Oct. 24 he named a Federal Bureau of Investigation agent as a probable violator of the ban.

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Similar controversy marks the pre-trial atmosphere in Los Angeles. The county district attorney on Oct. 24 filed an appeal asking the court to nullify a state order restricting official comments in the Sirhan case.

THE REARDON COMMITTEE rules pretty much worked against the swift administration of justice in the recent "Budville Case" in West Central New Mexico (see editorial in The Commercial Appeal, Oct. 22). Court-ordered secrecy and astonishingly coincidental circumstances led to the arrest for murder of a young Navy petty officer on leave.

So long as the charge was lodged against him, the serviceman for 18 days faced the threat of execution in the gas chamber, while another suspect went free. Prof. Tony Hillerman of the University of New Mexico's journalism department observes: "In the Budville case it's obvious the Reardon rules did not accomplish their intended effect—the protection of the defendant. Indications of (the arrested man's) guilt leaked. Evidence of his innocence did not."

(Mount Clipping in Space Below)

Foreman Hired

Judge Battle Is Expected
To Grant Time To
Study Case

By ROBERT KELLETT

Famed Texas criminal lawyer Percy Foreman was named by James Earl Ray yesterday to replace former Birmingham mayor Arthur Hanes Sr. as his chief counsel in his defense against charges of killing Dr. Martin Luther King Jr.

Mr. Foreman met with Ray and two of his brothers about six hours before the change of attorneys was announced at a 10 p.m. news conference. He said he would seek a delay of the trial before Criminal Court Judge W. Preston Battle at 9:30 a.m. tomorrow.

It was indicated that Judge Battle probably would grant the request.

Sheriff William N. Morris Jr. called the late evening press conference. He said he was told, after Ray met with Mr. Foreman, that "certain decisions were made" and that he was given a letter written to Mr. Hanes by Ray.

"It was declared an intent by James Earl Ray to dispense with the legal services of Mr. Hanes and his son (co-counsel Arthur Hanes Jr.) and of an intention to obtain new counsel and a Tennessee lawyer," the sheriff said.

Meeting with newsmen in a light rain after the announcement, Mr. Hanes said, "I was prepared to go to trial Tuesday morning. I did not come to Memphis for the ride. I came for a ball game."

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He said he first learned that he was being dismissed at "about 8:20" last night when he got a telephone call from Sheriff Morris. He said he later talked to Mr. Foreman by phone but would not say what part he would play in assisting the change of attorneys.

Asked if he might fight the move, he replied: "I won't do that. I never want a reluctant client."

The change followed indications that Mr. Hanes had at one time considered withdrawing from the case and that Ray might be unhappy with his attorney's handling of the case or with articles written in Look magazine by Alabama author William Bradford Huie.

Part of the conflict appeared earlier when Ray talked with J. B. Stoner, an Augusta, Ga., lawyer, in September, supposedly at the instigation of the two Ray brothers. Mr. Stoner is known as an organizer for the National States Rights party and the Georgia Ku Klux Klan.

Mr. Hanes said at the time he would withdraw if Mr. Stoner became involved in the case. In his appearance with newsmen last night, Mr. Hanes reasserted what he had said as late as last Friday—that he had not met or had any conversations with any members

of the Ray family other than the accused man.

Asked if he was disappointed by the announcement from Ray, Mr. Hanes said, "I've been on this case for a long time — since June 13 and there's going to be some court action Tuesday. We'll have some comment then."

Mr. Foreman — who has represented such clients as Jack Ruby and Candace Mosler — did not appear at the news conference and would not answer calls from newsmen at a downtown hotel where he and John and Jerry Ray were believed staying.

It was not revealed who would be the Tennessee attorney to join Mr. Foreman in the defense.

It was John Ray, a St. Louis tavern operator, who is believed to have first suggested retaining Mr. Foreman in a letter he wrote to "R. G. Snyder" — the name James Earl Ray used while fighting extradition from London.

Mr. Hanes already had been chosen as Ray's counsel. In a

letter replying to his brother, Ray said: "You mention Percy Foreman. He is a good attorney but I will wait until I get back as I want some attorneys who can work together, so I will let Hanes decide on someone he thinks would be best."

There was no immediate in-

dication what financial arrangements had been agreed on for Mr. Foreman's participation. A fee for Mr. Hanes had been arranged from \$30,000 already advanced, with other payments later for the information Ray supplied for Huie's articles and a book that is to follow.

Court observers speculated that if a delay is granted, the trial probably would not be rescheduled until early next year. Mr. Foreman, it was theorized, would probably not ask for anything less than a 30-day postponement. Such a delay would cause the trial to run through the holiday season if it were begun in early December.

Other preparations for the trial continued.

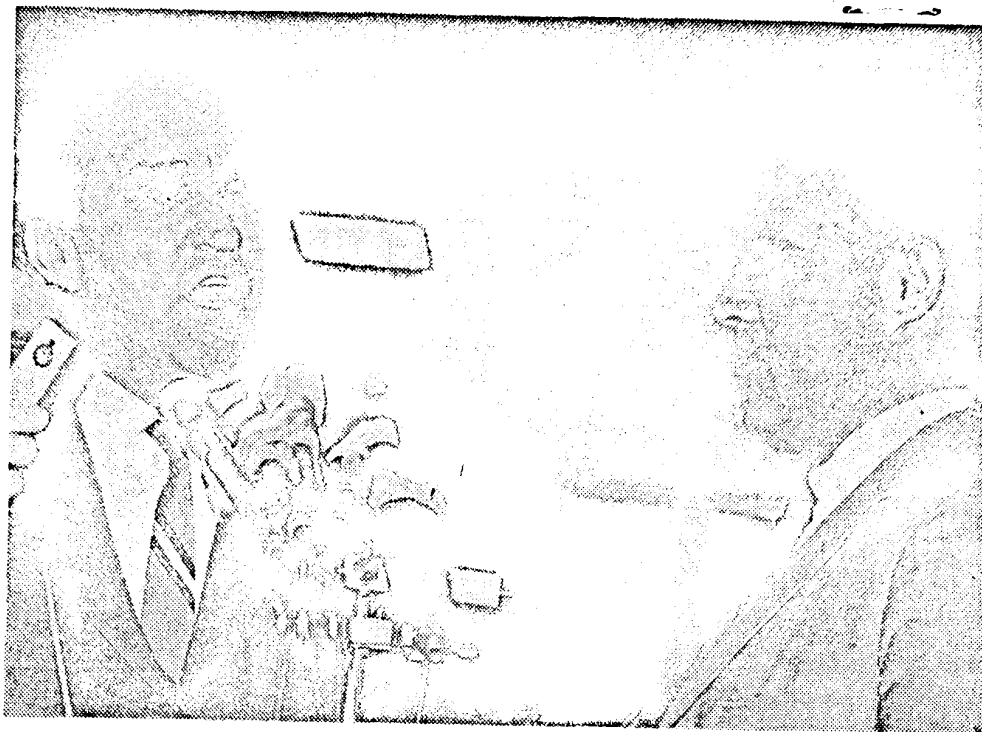
The 100 block of Washington was closed to traffic last night. Guards resumed their vigils in the four small guard houses at the four corners of the Shelby County Jail — as they did when Ray was first brought from London to Memphis.

Charles Holmes, handling public relations for the Sheriff's Department during the trial, said that of 105 newsmen cleared to enter the courtroom when the trial begins, 80 had checked in with the Sheriff's Department yesterday.

Final preparations also were being made for facilities for

accredited news media members. The facilities are being arranged by the Memphis

Area Chamber of Commerce on the 10th floor of the State Office Building.



Arthur Hanes Sr. (with son): "I did not come to Memphis just for the ride. I came for a ball game. I was ready to go to trial, but I'm not going to fight this."

(Mount Clipping in Space Below)

Success Brings Fat Fees

Percy Foreman has become a kind of legend in his home state of Texas.

Judge Roy Hofheinz, owner of the Houston Astro baseball team, once said: "If I was guilty as hell of stealing or killing, he'd be my first choice as a lawyer."

Mr. Foreman, whose large frame contradicts a puckish grin, reached international renown in two cases recently. In his brief involvement in the appeal of the first-degree murder charge against Jack Ruby, convicted of killing Lee Harvey Oswald, the man accused of killing President John Kennedy; and the successful defense of Candace Mossler and her nephew, Melvin Lane Powers, in the stabbing death of her multimillionaire husband, Jacques Mossler.

In the Mossler case, jurors later said that the state never came close to a conviction, although 20 months and a fortune went into its preparation.

In that case, Foreman successfully involved a man named Fred Roy Weissel, 29, who the police had earlier cleared. Mr. Weissel was never charged, however.

The Foreman record and the Foreman workload are famous among his fellow attorneys. He handles about 40 cases a week. In 1958, a friend counted 778 accused murderers among his clients. Of these, one was executed and 52 were sentenced to jail. The other 705 were acquitted.

Since then, the Houston lawyer estimates, he has "defended 250 to 300 murder cases. There was only one conviction. The man got life."

Mr. Foreman lives in a \$500,000 home with his wife, Marguerita, and his daughter, Marguerita Jr., and the fees he charges have become a subject of almost as much discussion as the kind of law he practices.

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He has been known to voice the "what the traffic will bear" theory of fee assessment. From the Mossler case, he may have come into the largest criminal case fee of all time. Because of her acquittal, Mrs. Mossler became heiress to her banker husband's 33-million-dollar estate. Foreman says he hasn't collected what he understood was to be the fee, and he is preparing to sue for 11 million dollars.

"Considering that she would have got nothing at all if she were found guilty," he drawls

in his East Texas voice, "I think my services were worth a third of what she did get."

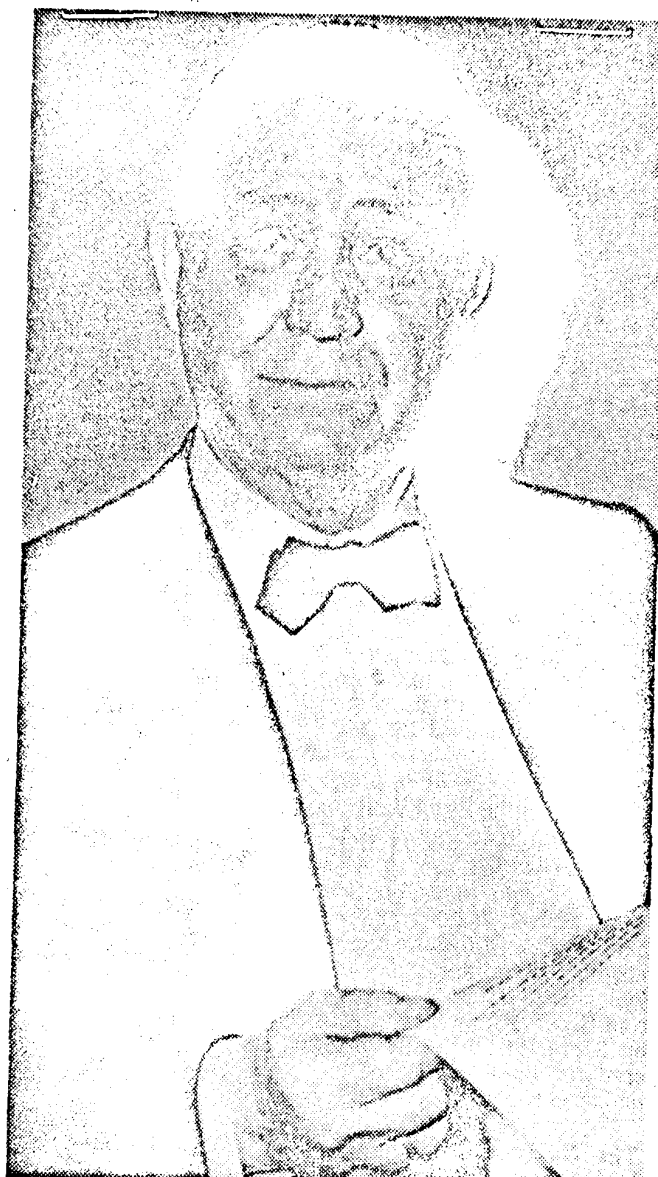
Often fees come in the form of what amounts to a barter system. "I prefer cash," he says cheerily, "but if a client hasn't got any, I'll take anything of value that he does have—excepting his home, if he's a married man."

The result is that the attorney has amassed a fortune in what were once the jewels of families whose members have run into difficulties, hundreds of home appliances, some choice pieces of real estate and 30 automobiles which, he says, his law practice doesn't allow him time to drive.

The colorful attorney has been acquitted on charges of adultery, operating a policy racket and using abusive language. He has paid fines for letting weeds grow too high on his property, and he paid 22 parking tickets at once, getting 105 dismissed.

Foreman was once beaten by the widow of a man whose accused slayer he freed. Another time, he was struck by the purse of a woman whose husband he represented in a divorce action.

"In such cases, what was once love turns to hate and they can't hate themselves so they hate the lawyer," Foreman said.



Percy Foreman To Ask A Delay

(Mount Clipping in Space Below)

Hanes Isn't First Attorney To Be Dismised By Ray

By JOHN MEANS

One of the major questions for Percy Foreman, as he ponders his defense strategy for James Earl Ray, has to be how to control his client.

Two other attorneys have failed—and found themselves fired in the middle of the case. When the man accused in the slaying of Dr. Martin Luther King Jr. fired Arthur Hanes Sunday night, it wasn't the first time.

He waited until a five-day trial was almost over in 1959 to tell the judge in a St. Louis courtroom he felt he had not been represented properly, and asked that his court-appointed attorney be dismissed from the case.

The judge overruled his request, but the attorney was relieved after Ray's conviction, and Ray himself argued his appeal before the Missouri Supreme Court. He lost.

Mr. Foreman stepped into the case Sunday night, when Ray fired Mr. Hanes and Arthur Hanes Jr. The colorful Texas attorney said he was hired by Ray and Ray's two brothers, Jerry Ray and John Ray, who met him at the Claridge Hotel.

Ray tried to fire Richard D. Schrieber nine years ago, just before the closing arguments to the jury in his armed robbery trial.

Mr. Schreiber remembers Ray as "a guardhouse lawyer ... he pretty well ran his own trial. He knew what he wanted to do, and I pretty well had to go along with it." He said Ray took the witness stand in his own defense although his court-appointed lawyer advised against it "in the most vigorous language possible.

"When he did, of course the prosecution was then entitled to bring out his past criminal record before the jury. He hadn't even told me of his past record."

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Convicted and sentenced to 20 years, Ray handled his own appeal before the Missouri Supreme Court, and lost. "In those days," Mr. Schreiber said, "the court was likely to look more closely at a case without a lawyer. I don't know whether he knew that or not, but it's possible."

"Our relations up to that time had been normally pleasant, and he had given me no indication he planned to do this (ask for another lawyer). We had already tried the bulk of the case—we were just getting into closing arguments—when he stood up in open court and made some statement like 'I haven't been adequately represented at this trial, and I don't want him to argue this case in front of the jury.'"

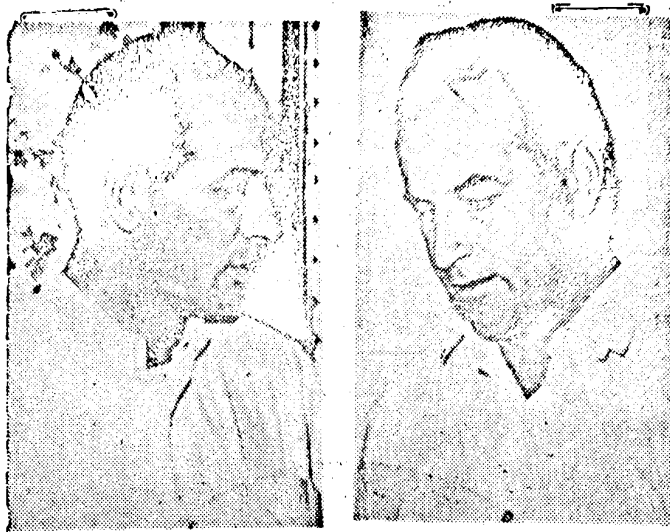
Missouri Circuit Judge John C. Casey also remembers Ray. Ray clobbered a deputy on the morning of his trial opening, and tried to escape from the courtroom rear corridor. It happened just after the judge had demanded that extra guards be posted in the corridors of the Municipal Building, to prevent just such incidents.

Ray was convicted in December, 1959, in Judge Casey's court of the armed robbery of a St. Louis Kroger store. It was this 20-year prison term

he was serving when he escaped from the Missouri State Penitentiary at Jefferson City in 1967.

Ray's dissatisfaction with his attorneys' strategy in the present case was first revealed several weeks ago during a hearing when Mr. Hanes told Criminal Court Judge W. Preston Battle that "serious differences have arisen between my client and myself over the conduct of this case . . . it may be necessary for me to withdraw as defense counsel in this case."

At that time, it was understood Ray and his attorney had argued over bringing in another attorney, and over whether Ray would take the stand. Ray said yes, Mr. Hanes advised no.



Jerry Ray

John Ray

(Mount Clipping in Space Below)

Change Of Lawyers Is Based On Money

By CHARLES THORNTON

Money and disgruntled brothers emerged yesterday as reason behind the change in attorneys hours before James Earl Ray was scheduled to stand trial in the April 4 slaying of Dr. Martin Luther King Jr.

Jerry Ray and John Ray, brothers of accused James Earl Ray, have told several newsmen here they feel attorney Arthur Hanes and writer William Bradford Huie are using their brother to make money and get publicity.

Jerry Ray, it was learned, became curious enough about the flow of cash from Look magazine to writer Huie and from Mr. Huie to attorney Hanes that he flew to Huntsville, Ala., from St. Louis to inquire about it of Mr. Huie 11 days ago.

Mr. Huie has said he has turned over "more than \$30,000" to Ray's attorney as part payment to Ray for the exclusive rights to his story. The story is being published by Look magazine.

Percy Foreman of Houston, Ray's new lawyer, said yesterday Mr. Hanes told him over the telephone that Ray still owes him \$12,000 in expenses plus legal fees.

Mr. Hanes, in fact, said yesterday he won't turn over any evidence or papers in the case to Mr. Foreman until he's paid the \$12,000.

Jerry Ray told newsmen at the Claridge yesterday he was concerned that Hanes "seems to be in this case just for the publicity." He said he admired Foreman's technique especially because "he doesn't talk to reporters. He works to win."

James Earl Ray and Hanes earlier have been at odds over financial arrangements over Mr. Huie's exclusive rights to Ray's story of the mystery shrouded slaying.

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Jerry Ray said his brother (James Earl) has been "unhappy because he hasn't seen any of that money (the \$30,000 supposedly turned over to Mr. Hanes) yet."

Contacted yesterday in Look's New York editorial offices, Mr. Huie termed reports that the brothers were disgruntled over the financial arrangements "complete nonsense."

"I went over all of that with Jerry Ray on Nov. 1. He spent the night and we talked at great length. He seemed satisfied. I went over everything—

all the contracts with James Earl Ray. I told him that any way Ray wanted the money held was quite all right with me and Mr. Hanes. There was no disgruntlement whatever."

Mr. Huie said there has been complete disclosure of his financial arrangements with Mr. Hanes and Ray.

"In August I made a complete disclosure to Judge (W. Preston) Battle. There has been no secrecy in this matter at all."

After brief comments to reporters in the Claridge lobby yesterday that they were unhappy with Mr. Hanes, his handling of the case and the financial aspects of it, both declined questions from newsmen.

"I've got nothing to say. My counsel told me not to say anything," said John Ray as he strode through the drizzle after visiting James Earl Ray in his cell.

Mr. Foreman, wearing his hat and with his feet propped on the bed in his Claridge room, wasn't reluctant to talk about the money he's made.

"There may be lawyers who make more money than I do, but I make more money out of law than any lawyer in Houston," he said.

"I've given away at least \$300,000 this year."

Mr. Foreman said he has made so much money in the courtroom this year that he could afford to pay a national television network \$300,000 for a five-hour film on the law. He said he plans to give the film to a school.

Referring to his tax bracket, Mr. Foreman said: "I've made so much money that it cost me only \$17 on the thousand to buy the film."

But the question of who is paying him for his work in the Ray case remained unanswered.



Percy Foreman On The Job

(Mount Clipping in Space Below)

Hanes To Appear In Court; Foreman's Role Hinges On Continuance

By CHARLES EDMUNDSON

Criminal Court Judge W. Preston Battle will rule this morning on a motion to continue the trial of James Earl Ray and his ruling will determine whether Texas attorney Percy Foreman takes over the defense.

"If the judge refuses a continuance, I'm not in the case," said Mr. Foreman, who estimates he has tried 1,000 murder cases. "I've done no work on the case and can't do any till I am a part of it."

Ray, who was to have gone on trial today on a charge of murdering Dr. Martin Luther King Jr., gave Mr. Foreman a handwritten note Sunday saying he was to supersede Arthur J. Hanes, former mayor of Birmingham, as chief counsel.

Atty. Gen. Phil M. Canale said last night the prosecution would announce "ready" but indicated he would neither oppose nor favor a continuance. If a continuance is granted, Mr. Canale will insist notice be served that there will be no continuance later.

Judge Battle is believed to be inclined to grant a continuance as part of a policy of closing every possible loophole of appeal. However, on April 26 he refused to allow grocery executive Louis F. Montesi to switch counsel during a motion for a retrial of his conviction for manslaughter in the pistol death of his first wife.

At his suite in the Holiday Inn-Rivermont Mr. Hanes said, "I shall appear in court in the morning as counsel of record. But I do not wish to represent a reluctant client."

Mr. Hanes, it was learned, has disagreed with Ray for some time on whether or not to demand a continuance.

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

page 1

The Commercial Appeal

Memphis, Tenn.

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Edition: Final

Author:

Editor: Frank R.

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"So far as I am concerned, I was and am ready to go to trial," he said. "I went to the jail last night to confer with my client. This was about 8:10 p.m. Sheriff (William N.) 'Bill' Morris said he wanted to see me. A few minutes later he handed me a duplicate of a handwritten note from Ray saying I was being replaced by Mr. Foreman."

Mr. Foreman's name has been on Ray's tongue several times the past four or five months, Mr. Hanes said. But only on a visit to his client in the Shelby County Jail Wednesday did he feel a change of counsel was imminent.

"Ray did not talk and act like a man who was going on trial for his life in less than a week," Mr. Hanes commented.

If Judge Battle grants a continuance and a switch in counsel, Mr. Hanes said he would expect payment of his fee and expenses before turning his files on the case over to a successor. His fee, with that of his son, Arthur Hanes Jr., is understood to be \$25,000, with more than \$12,000 in expenses.

Mr. Hanes is understood to have received most if not all of \$25,000 in fees promised him by Ray, who received money in payment of a handwritten

story of his life prepared for magazine writer William B. Huie.

Ray's two brothers, John and Jerry Ray of St. Louis, are known to have worked to have Mr. Hanes replaced as counsel, urging that Mr. Foreman be retained instead. One of them is quoted as objecting that Mr. Huie was "getting about \$100,000 for articles based on our brother's manuscript, while James Earl is getting only attorney fees to pass on to the Haneses."

Mr. Foreman, reputed to have become a millionaire several times over from fees from wealthy clients, said he was not interested in money in the Ray case. "I've given away \$300,000 this year."

Asked if the Ku Klux Klan has offered to pay for his services in the case, Mr. Foreman exploded in a voice resounding through a whole floor of the Claridge Hotel.

"That's a ---- lie, an unmitigated lie. I've never known or spoken to a Klansman in my life."

Look magazine today publishes the second installment of the series Mr. Huie is writing on Ray. Mr. Huie writes that the plot to murder Dr. King existed as early as Aug. 15, 1967, eight months prior to the fatal shooting on the balcony of the Lorraine Motel here April 4. Mr. Huie adds:

"As late as March 23, 1968, less than two weeks before the murder with which he is charged, Ray did not know that the plot included murder or that it was aimed in any way at Dr. King."

This installment brings Ray's actions up to March 23,

1968. In New York an editor of Look said the third article, if it appears, will be published only after the trial. This scheduling, it was said, is to avoid conflict with Judge Battle's order restricting pretrial publicity in the case.

Mr. Huie describes Ray's meanderings, after his escape from the Missouri State Prison at Jefferson City, from Chicago to Canada, where he first met his contact 'Raoul,' to Mexico, Los Angeles, Atlanta, Selma and Birmingham.

In Los Angeles he was analyzed by a hypnotist, the Rev. Xavier von Koss. Mr. von Koss said his treatment of hypnosis was hampered because Ray evidently feared that in the trance he might reveal embarrassing secrets. But Mr. von Koss did learn enough to give this diagnosis:

"Ray belongs to the recognition type. He desires recognition from his group, from himself. He yearns to feel that he is somebody. This desire for recognition is in him superior to sex, superior to money, superior to self-preservation."

Ray, Mr. Huie relates, was trying to improve not only his inner personality but his physical appearance. On Feb. 19, 1968, he went to a plastic surgeon, Dr. Russel C. Hadley, on La Brea Boulevard in Los Angeles, to have some facial changes made.

Ray and Dr. Hadley agreed on the terms. On March 5, less than a month before Dr. King was slain, Ray, relieved by a local anesthetic, had a too-pointed nasal tip corrected.

The cost was \$200. According to Huie, sure the FBI one day would put him on its list of "Ten Most Wanted Criminals," Ray thought he got his money's worth.

At the end of August, 1967,

'Raoul,' his beneficent contact, had given him \$1,995 to buy in Birmingham a white Mustang with red upholstery. (A white Mustang is now stored in the Memphis Police Department garage, ticketed as an exhibit for Ray's trial.)

His face remodeled, Ray in mid-March, 1968, mounted his Mustang and headed for Selma, Ala., where Dr. King was expected to appear March 22. Ray reached Selma on schedule, Mr. Huie writes, but Dr. King's pilgrimage into south Alabama stopped at Camden.

From Camden Dr. King flew to Atlanta. Ray apparently left Selma the same evening, or the next day. Mr. Huie does not say. He draws the curtain at this point, not to raise it again till the Ray trial is under way, with the jury sequestered for the duration.

Look Magazine and Mr. Huie, it is clear, think that with the jury locked up, Judge Battle's anti-evidence order will no longer be in effect. Judge Battle himself says, "My order is in effect till the jury hands in its verdict at the close of the trial."

Mr. Huie concludes his article, "The outline of the plot to murder Dr. King now begins to become visible to me (although) I cannot reveal all I have found to be true:

"Dr. King was to be murdered for effect. His murder was planned, not by impulsive men who hated him personally, though they probably did hate him, but by calculating men who wanted to use his murder to trigger violent conflict between white and Negro citizens.

"He was to be murdered during the election year of 1968.

"Since he was to be mur-

dered for maximum bloody effect, he was to be murdered, not while he was living quietly in his home in Atlanta, but at some dramatic moment, at some dramatic place where controversy was raging. By March 15, 1968, the plotters clearly had begun aiming at murdering him at some point where he was forming or leading the Poor People's March.

"He was to be murdered by a white man, or white men, who should be described as 'Southerners' and 'racists.'

"Preferably, he was to be murdered in Birmingham or Montgomery or Selma, since these cities were milestones in his career as an advocate of racial change.

"There was no necessity, after the murder, for the murderer or murderers to be murdered to prevent a trial or trials — because a trial or

trials could yield extra dividends of hatred and violence.

"Therefore, in this plot, Dr.

King was the secondary, not the primary, target. The primary target was the United States of America."

—Staff Photo by Sam Melhorn



COME MORNING — Washington between Second and Third was well lighted but seemingly deserted last night on the eve of the possible beginning of the trial of James Earl Ray. Guards remained

in the four small guardhouses in front of the Shelby County Jail (left) where the man accused of the murder of Dr. Martin Luther King Jr., was under strict security.

(Mount Clipping in Space Below)

Denied Access to Rooming House**New Ray Attorney Protests to FBI Chief**By KAY PITTMAN BLACK
Press-Scimitar Staff Writer

Percy Foreman, preparing to defend James Earl Ray in the slaying of Dr. Martin Luther King, told today of having written to FBI director J. Edgar Hoover demanding entrance to the boarding house room in which King's killer is said to have stayed just before firing the fatal shot.

Foreman was denied entrance to the room when he went there yesterday afternoon.

The room is in a boarding house at 418-422½ S. Main. Adjacent to the room is a bathroom from which police say the sniper fired the shot that killed King as he stood on the balcony of the Lorraine Motel.

TURNED DOWN

Foreman inspected the Lorraine before he was turned down at the boarding house.

"A man who called himself Delbert White and said he was in charge of the place, would not let me enter," Foreman said. "In fact, he said they were fixing up the room, putting glass in it and all to rent it, and he wouldn't even let me rent it.

"This man told me that the FBI and Memphis police told him to demand to see a gold badge before letting anyone inspect the room Ray allegedly used. I asked him if I

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showed him permission from Judge Preston Battle to see the room if he would let me in. He said 'No,' that I would have to have permission from the FBI.

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the room, I just intend to let Mr. Hoover handle it."

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Edition: mid-sea
Author:
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Title: Schneider

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Turn to Page 4—FOREMAN

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Delaney was a former collector of internal revenue who was given a one year sentence and fined \$10,500 for accepting bribes and falsifying tax liens.

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On capital punishment Foreman said: "I don't believe in it." He said he doesn't think modern day electrocutions are a deterrent to crime, saying, "In the old days they took a man before the general public, to the highest hill and hanged him."

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benches. You couldn't have a better judge. I respect him."

Foreman's profanity is legend. In the course of one day's time he chewed out in purple prose at least a half dozen newsmen. Foreman has a hair-trigger temper, but in the next instant can be extremely kind and gentle.

He is also erudite, sprinkling his conversation with quotes from the Bible, H. G. Wells, and the Greeks.

Meanwhile, Atty. Gen. Phil

M. Canale is considering subpoenaing Ray's 20,000-word handwritten manuscript as evidence.

Ray wrote the document in his jail cell as the basis for a series of stories being written by Huie and appearing in Look magazine. Canale's approach may well be a request for Huie or Look to supply the material voluntarily, as the attorney general's subpoena powers do not extend outside the state.

The second of the articles,

published yesterday, claims that a conspiracy to murder Dr. King existed as early as August 1967, but that Ray did not know, as late as March 23, 1968, that murder was involved or that the victim was to be Dr. King (killed April 4).

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— Memphis, Tenn.

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Edition:

Author:

Editor: Charles H.

Title: Schneider

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