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# 'Rev. Bevel Named In Court Motion'

A motion was filed in Criminal Court this afternoon by Judge W. Preston Battle's Amici Curiae Committee saying it believes the Rev. James Bevel to be in probable contempt of court in the James Earl Ray case.

Bevel, a top official in the Southern Christian Leadership Conference and former aide to the late Dr. Martin Luther King, claimed recently he has evidence that will prove Ray innocent of King's murder.

The committee said that in its opinion Bevel's statements are in violation of the court's order prohibiting witnesses from discussing the case.

Bevel, 32, of Philadelphia, is under subpoena to testify as a defense witness at Ray's trial scheduled March 3.

Last week he asked to become associated with Percy Foreman as part of Ray's legal defense team, but was turned down by Judge Battle because he is not a lawyer.

The Amici Curiae Committee, composed of Memphis attorneys appointed by the judge to police publicity in the Ray case, will recommend that Bevel be cited to show cause why he should not be held in contempt.

The same procedure was followed in contempt action against four others.

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

Page /

Memphis Press-  
Scimitar

Memphis, Tenn.

Date: 2-5-69  
Edition: Home  
Author:  
Editor: Chas. H.  
Title: Schneider

Character:

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# Ray Seeking Permission For Photos

By **ROY HAMILTON**  
Press-Scimitar Staff Writer

James Earl Ray says that a magazine has offered to pay him between \$3,000 and \$5,000 for a series of "exclusive" photographs of himself — and that he could sure use the money.

His attorneys filed two typewritten motions yesterday in which Ray asked court permission to have the pictures made and to confer personally with his biographer, William Bradford Huie.

Judge W. Preston Battle is expected to rule on the requests shortly.

Ray said he would like to have a photographer of his own choosing make the pictures in his maximum security county jail cell. He said that he had been advised that a "picture magazine," which he did not name, was interested in the photographs. The proceeds, he added, would be used to help finance his defense.

If the court objected to the publication of the pictures before his March 3 trial date Ray said he was willing to have them "impounded" until after the jury was selected.

## DISHEVELED

The prisoner also promised that he would make two of the pictures available without charge to other news media. He complained that his only recent photo, made by the Shelby County Sheriff's office, showed him "manacled in chains and at the end of a long journey, disheveled and otherwise unfavorable and opprobrious."

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

— Page 31

— **MEMPHIS PRESS-  
SCIMITAR**

— **MEMPHIS, TENN.**

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Ray said he needed to talk to Huie about "a number of questions" relating to his agreement with the writer.

The author paid Ray \$30,000 for the publication rights to his story — but Ray says all the money was turned over to his former attorney, Arthur Hanes of Birmingham, before Ray fired Hanes and got Percy Foreman to represent him last November.

Ray said Hanes kept all the money despite their disagreement. Hanes claims it all went for legal expenses and fees.

A conference with Huie is necessary, Ray's motion said, "in order to obviate a misunderstanding and to adjust to the changes that have taken place with reference to the case. . . ." Ray added that he hoped to obtain additional funds from Huie for his defense.

Ray further asked that he be allowed to meet with Huie in his jail cell, in the courtroom or in an anteroom adjacent to the courtroom.

#### NO VISITORS

The prisoner is allowed no visitors inside his cell other than his attorneys. The motions, signed by Ray, provided the first graphic description of his only means of communication with the outside of his cell:

"In the first place there is no privacy. A person is required to talk through a metal network and to look through a seven-inch diamond-shaped thick glass. Both vision and hearing are grossly impaired. One is required, to be heard ever so faintly (by the person on the inside), to shout so that his voice and words can be clearly heard over most of the third floor."

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# Courtroom Appearance For Ray?

There is a strong possibility that James Earl Ray, the accused assassin of Dr. Martin Luther King, will appear in Shelby County Criminal Court tomorrow to hear attorneys argue motions as a preliminary to trial in the celebrated case.

Sheriff William B. Morris said it has not been decided whether Ray will appear or not in Judge Preston Battle's court at 9:30 a.m. However, Ray has been brought down from his steel-plated cell in the Shelby County Jail, for all previous hearings and motions.

## MOTIONS FILED

Judge Battle today set the hearing for tomorrow on motions filed by Ray asking Court permission to have some pictures made of him in his cell and to be allowed to confer privately with Alabama writer William Bradford Huie. Huie paid Ray for information that led him to write a series of articles for "Look" magazine that hinted at a conspiracy in the King killing.

Huie himself will appear before the Shelby County Grand Jury, which also convenes at 9:30 a.m. tomorrow, to testify about what he knows concerning the alleged conspiracy.

Huie is under subpoena to appear before the Shelby County Grand Jury at 9:30 a.m. tomorrow and tell what he knows about the James Earl Ray case.

Huie was ordered to bring with him a 20,000 word manuscript he bought from Ray and all other notes and documents he may possess relating to the case.

While neither the Hartselle, Ala., writer nor the attorney general's office would comment, sources said the subpoena was served on Huie while he was in Memphis Tuesday.

## CONTENTION

Huie maintains that King was killed as the result of a conspiracy and Ray was not the only one involved.

Ray's attorneys, Percy Foreman of Houston, Tex., and Public Defender Hugh Stanton, also filed motions to be heard tomorrow asking for a court order to allow Ray to sell photographs of himself taken in jail to a magazine (known to be Look) to raise money for his legal defense.

## REQUESTS

He also filed a petition asking permission for the defense to sell a transcript of the evidence to the news media and a petition asking Judge Battle to allow the defense to take depositions of witnesses living at distant points, rather than assume the expense of bringing them to Memphis to testify.

Another motion asks that the state be required to show the defense the returns of subpoenas of state witnesses — a move regarded as an effort to find which, if any, prospective witnesses have not been reached.

Yesterday a motion was filed in Criminal Court by Judge W. Preston Battle's amici curiae committee saying it believes the Rev. James Bevel to be in probable contempt of court in the Ray case.

Bevel, a top official in the Southern Christian Leadership Conference and former aide to Dr. King, recently claimed he had evidence proving Ray innocent.

Bevel's statements were believed by the committee to be in violation of the court's order prohibiting witnesses from discussing the case. Bevel, 32, of Philadelphia, is under subpoena to testify as a defense witness.

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

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COMMERCIAL APPEAL

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# Grand Jury Calls Writer To Bring Ray Manuscript

## Due Tomorrow

20,000-Word Document  
May Be Impounded  
In Pretrial Study

By CHARLES EDMUNDSON

William Bradford Huie, a magazine writer who has obtained a 20,000-word manuscript from James Earl Ray since he has been held in Shelby County Jail, has been subpoenaed to testify before the Grand Jury here tomorrow.

The subpoena, served on Mr. Huie at the Holiday Inn-Rivermont Tuesday, directs him to bring with him Ray's handwritten account of his actions in the months before the slaying of Dr. Martin Luther King Jr., with which Ray is charged.

A reliable source said Atty. Gen. Phil M. Canale will either impound the original manuscript or make an attested copy.

Mr. Huie is also directed to bring with him "all other notes, manuscripts, memos and documents under his control" relating to Ray and the King murder case.

Mr. Huie has spent most of his time since Ray's arrest — he was in London when Ray was arrested there in June — studying and writing on the case. He has maintained the thesis that Dr. King's slaying was not a "one-man job" but resulted from a months-long conspiracy. In a recent article in Look, Mr. Huie expressed the opinion that Ray was in Memphis at the time of the murder and was part of a conspiracy.

His subpoena here is the first known move by the attorney general's office diverging from the original theory, voiced by former United States Atty. Gen. Ramsey Clark, that Ray committed the crime alone.

At his home in Hartselle, Ala., last night Mr. Huie would not discuss what he will tell the grand jury. But he is known to have told friends that in his opinion the prosecution should be willing to consider terms for using Ray's testimony as a basis for prosecuting a ring of conspirators.

He has pointed out that the Department of Justice "purchased" or "negotiated" testimony prosecuting race crimes such as the murder of Mrs. Viola Liuzzo at Selmer, Ala., in 1966; the murder of three young civil rights workers near Philadelphia, Miss., in 1964; and the firebomb slaying of Vernon Dahmer, a vote registration leader in Hattiesburg, Miss., in 1966.

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

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COMMERCIAL APPEAL

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In other developments yesterday, Ray's attorneys asked for a court order to allow him to sell photographs to be taken of himself in jail to a magazine (known to be Look) to raise money for his legal defense.

He also asked for an order permitting him to confer privately with Mr. Huie, saying that privacy is impossible shouting to be heard through a thick glass and metal-network barrier. His financial relationship with Mr. Huie, who has paid Ray \$35,000 toward meeting trial expenses in return for the right to his handwritten notes, is cited as legal grounds for the order.

Other motions by Ray's attorneys yesterday were also regarded as economic, including: A petition asking permission for the defense to sell a transcript of the evidence to the news media, and a petition asking Judge W. Preston Battle to allow the defense to take depositions of witnesses living at distant points, rather than assume the expense of bringing them to Memphis to testify.

Another motion asks that the state be required to show the defense the returns on subpoenas of state witnesses—a move regarded as an effort to find which, if any, prospective witnesses have not been reached.

The seven-attorney amicus curiae committee, appointed by Judge Battle to oversee an order restricting pretrial publicity, yesterday advised the court that probable cause exists for the Rev. James Bevel of Philadelphia to be ordered to show why he is not in contempt.

An associate of Dr. King, the Rev. Mr. Bevel was present at the Lorraine Motel April 4 during the fatal shooting, and three weeks ago offered to serve as co-counsel in Ray's defense, expressing the belief that Ray is "innocent."

# Conspiracy Theory Gets Grand Jury's Ear Today

By ROBERT KELLETT

The Shelby County Grand Jury, which last year heard the "one-assassin" evidence of the United States attorney general and indicted one man in connection with the death of Dr. Martin Luther King Jr., will listen for the first time today to an Alabama author who says more persons were involved.

William Bradford Huie said last night he will "go to Mr. (Atty. Gen. Phil) Canale's office about 10 in the morning" and then go before the Grand Jury to discuss and exhibit a version of the case prepared by the man who has been indicted by the jury — James Earl Ray.

Although members of the jury may be expecting to see the 20,000-word longhand manuscript that Ray wrote in his cell in the Shelby County jail, Mr. Huie said last night it will not be with him when he appears this morning.

Instead he will bring a typed manuscript.

"I know what they would like to have," Mr. Huie said, as he looked over the typed pages. "All that is in the possession of Mr. (Percy) Foreman at the moment."

Looking at the subpoena that ordered him to bring any other memos and documents he might have relating to the King murder, Mr. Huie said he would take with him "some notes I made" in several phases of his investigation of the Ray manuscript.

"They're probably not going to get nearly as much as they have specified," added Mr. Huie.

"I'm going to tell them (the jury) of my work and what Ray has written to me. I will cite information that leads me to conclude that there were two and possibly four persons involved with Ray in the months after he escaped from the prison at Jefferson City (Mo.)."

Mr. Huie repeatedly said he could not discuss certain phases of his investigation because of a court order issued by Criminal Court Judge W. Preston Battle restricting pre-

trial comment. He confirmed, however, he would name at least one co-conspirator—the individual identified as "Raeoul" in previously published material.

He said the extent of involvement with Ray and the individual bearing on the King case of each of the alleged co-conspirators "is a matter still under investigation."

While Mr. Huie is with the grand jury, Ray himself is expected to appear in a hearing before Judge Battle in support of a series of motions — some of which are designed to help him raise funds for his legal defense.

Mr. Foreman, Ray's chief counsel, will ask Judge Battle to let Ray be photographed in his cell at the Shelby County jail, with most of the photos to be sold to Look magazine, which earlier carried the Ray-Huie materials, for from \$3,000 to \$5,000.

From 24 to 36 photos would be taken, with two to be released to the press and TV. The only photograph released of Ray since he was extradited from London in June is one in which he was being escorted into the jail here by Sheriff William N. Morris Jr.

Mr. Huie confirmed last night that his arrangement with Mr. Foreman is much like one that he had with Birmingham attorney Arthur Hanes before Mr. Hanes was dismissed by Ray, and that he has paid Mr. Foreman \$5,000 so far.

"The only primary difference is that the money I pay Ray used to go to Mr. Hanes and now the money that I pay Ray for his work goes to Mr. Foreman."

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

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COMMERCIAL APPEAL

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Mr. Huie Scans Transcript

—Staff Photo by James McKnight



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# Others Aided Ray, Claims Author Huie

BY ROY B. HAMILTON

Press-Scimitar Staff Writer

William Bradford Huie, the Alabama author who claims to have evidence of a conspiracy in the murder of Dr. Martin Luther King, said today he could name other suspects — but probably wouldn't do so before the Shelby County Grand Jury.

"I can't name people who I think may be involved until they are arrested — I could be sued for libel," said the dapper, balding writer, shortly before testifying before a secret session of the grand jury.

Huie, who conferred with Atty. Gen. Phil Canale before stepping into the grand jury room, said he had "no comment" on a report that Canale and his staff were skeptical of his information.

"All I can say is that I am appearing here under subpoena served on me two or three days ago by Mr. Canale," he said.

## AVAILABLE

Asked how the grand jury could return indictments if he didn't name names, Huie replied, "I am not in the law enforcement business. The only information I have is information given me by James Earl Ray. All of it has been made available to the FBI and the state of Tennessee."

Huie also declined comment on a report he has turned over the 20,000-word manuscript written by Ray to Percy Foreman, Ray's attorney. He had been ordered to bring the manuscript, plus all other papers and documents relating to the case, with him to the grand jury.

Huie used the manuscript to write a series of Look Magazine articles on Ray and the King murder. He has also written a book on the case, scheduled for publication shortly.

## MEETING

The writer has never seen the man about whom he has written many thousands of words, but hoped to get his first glimpse of him this afternoon.

Ray was scheduled to appear in judge W. Preston Battle's court for a hearing on several defense motions. These included requests by the prisoner for permission to talk to Huie personally about his contractual rights and to have a photographer make a series of pictures of him in his steel-plated coun-

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#### AUTHOR HUIE

ty jail cell. Ray said a magazine has offered to pay him up to \$5,000 for exclusive rights to publish the photographs.

Observers foresaw little chance of Judge Battle granting either request. Huie has already been cited as being in probable contempt of the court's orders against pretrial publicity.

In the interview, Huie, of Harselle, Ala., described Ray as a "strange man who gets stranger as the trial approaches." He said he has no doubt that some of the things that Ray wrote are untrue and self serving, but there was enough in his story to convince him that "there are others involved who had foreknowledge of the crime."

Added Huie; "The only way a case can be made against anybody else is to use guilty men against guilty men. The only man who has information about the case is a guilty man."

(Mount Clipping in Space Below)

## Foreman Backs Supreme Court

**Lawyer Says Sole Reversals Have Occurred Where Officers Broke Law**

A ringing defense of recent United States Supreme Court opinions defining the rights of accused persons was sounded yesterday by Percy Foreman, renowned Texas defense attorney.

"From Mapp vs. Ohio, decided in 1960, to the Spinelli case decided last week, the Supreme Court has not reversed a single case except when a law enforcement officer has violated the law," Mr. Foreman told the Memphis and Shelby County Bar Association.

He addressed nearly 300 lawyers, the largest bar luncheon audience in recent years, at the Top of the 100 Club.

"All that the libertarian decisions of the Supreme Court do," he declared, "is to extend to the state courts the same protections that have been enforced in the federal courts since the birth of the republic."

"Until policemen, deputy sheriffs and constables commence obeying the law, instead of considering themselves the law, we shall continue to have the situation of which the Supreme Court critics complain."

The Union of Soviet Socialist Republics has the most perfect law enforcement in the world today, Mr. Foreman said, but he said this is not the kind of government under which Americans would find it desirable to live.

"Every one of the more than 40 rights guaranteed citizens by the Constitution of Tennessee and the Constitution of the United States is a hindrance to the law. They were written into the basic law for the express purpose of being a hindrance. But they are necessary in a society where the individual, rather than the state, is of paramount importance."

"If the worst criminal on earth doesn't have his constitutional rights, neither do you nor I nor our children have those rights, and we have become a government of men, not of laws."

The Supreme Court ceased in 1843 to hold state courts to the same standards as federal courts and resumed the single standard only eight years ago, Mr. Foreman said.

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

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*"I have a passion to see that this case, in a fishbowl so to speak — under a microscope, is tried as fairly as I can have it."*



Judge W. Preston Battle

## Judge Laments Task After Citing Author

By CHARLES EDMUNDSON

"They are sending me elephant hunting with a bear-shooter," lamented Judge W. Preston Battle from the bench yesterday after citing Alabama author William Bradford Huie for possible contempt of court for his reporting in the Dr. Martin Luther King murder case.

The judge noted, a bit ruefully, that the state was expecting him to police the national news media with rather limited contempt powers—10 days in jail and a \$50 fine is the maximum.

He mentioned the scorn heaped on Tennessee for the circus-like conduct of the "Scopes Monkey Trial" held at Dayton, Tenn., in the scorching summer of 1925. He'd like for the trial of James Earl Ray, the fugitive small-time thief charged with killing Dr. King, to be accomplished in a way to correct the Dayton image.

Judge Battle yesterday denied motions for Mr. Huie to interview Ray or have exclusive photographs made of him. Ray, looking young and spry at age 40, watched intently throughout the three-hour session.

Mr. Huie was served with a contempt citation as he emerged from a voluntary session with the Shelby County Grand Jury. The author, it is understood, told in detail what Ray said in a 20,000-word statement handwritten in jail here and what he found in following Ray's wanderings before he was arrested in London.

Atty. Gen. Phil M. Canale declined to say whether Mr. Huie's information resulted in the return of any indictments.

In refusing to allow Mr. Huie to interview Ray, Judge Battle said:

"I sent Mr. Huie copies of all orders issued in this case . . . and requested him not to publish anything . . . But his first story in Look came out two weeks before the trial was set (Nov. 12) and second came out the day of the trial . . . Frankly . . . I don't trust Mr. Huie not to violate these orders in the future."

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THE COMMERCIAL  
APPEAL

MEMPHIS, TENN.

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Editor: GORDON HANNA

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Mr. Huie posted a \$1,000 cash bond pending the contempt trial.

Judge Battle has convicted—but not sentenced—four men for contempt in the Ray case and has cited two others, including Mr. Huie, to show cause why they should not be held in contempt.

But Mr. Huie, a slight, bald, soft-spoken writer of 56, is also a man with a mission. In court yesterday, Percy Foreman, the towering, broad-shouldered attorney for James Earl Ray, lightly referred to Mr. Huie as a "mild, meek, little man who couldn't whip anybody."

But Mr. Huie has licked some pretty big, self-assigned reportorial jobs, writing both magazine articles and books which have made him wealthy in royalties and through the sale of movie rights.

His stories such as those on the Emmett Till slaying in Tallahatchie County, Miss., and the murder of three civil rights workers at Philadelphia, Miss., are credited with helping abolish a double standard of justice in the South.

He has been prosecuted for contempt of court before. For stories and a book he wrote on the trial of a Negro woman in Florida in 1955, Circuit Judge Hal Adams of Live Oak held him guilty of contempt and gave him the choice of paying a \$750 fine or spending six months in jail. Mr. Huie was pardoned by Gov. Leroy Collins.

"If I am convicted of contempt in Memphis I shall appeal to the governor of Tennessee for a pardon," Mr. Huie said at Justine's restaurant last night.

Mr. Huie said he does not accept Judge Battle's statement that his articles on the King case in Look have done great damage.

"I think I made a contribution to truth and justice. I certainly acted on the advice of competent counsel. I don't believe reporters should make contracts with judges."

Judge Battle agreed for new photos to be taken of Ray by the sheriff's official photographer for distribution to all news media, but would not allow exclusive photos for which Ray reportedly had been offered \$5,000.

Judge Battle postponed until next Friday arguments over a defense motion to be allowed to record the trial, scheduled for March 3, in shorthand and sell duplicated to the news media. Also postponed was a ruling on whether the state is legally required to let the defense know which of 360 prospective witnesses are actually subpoenaed to testify.

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# Foreman Opposes Free News Pictures Of Ray

By CHARLES EDMUNDSON

Percy Foreman, attorney for James Earl Ray, yesterday curtly refused an offer by Sheriff William N. Morris to have an official photographer take pictures of his client in Shelby County Jail for distribution free of charge to the news media.

Denied permission to take photographs of Ray for sale to Look magazine for from \$3,000 to \$5,000, Mr. Foreman said he is opposed to having any pictures taken at all.

"I'll tell my client of the sheriff's offer but I'll oppose it as long as my client will," Mr. Foreman said.

Judge W. Preston Battle in a hearing Friday turned down a motion for photographs to be taken for sale to raise funds for Ray's defense on a charge of murdering Dr. Martin Luther King Jr.

"It would be desecrating the temple of justice for the court to be drawn into any scheme to distribute pictures,"

of James Earl Ray for profit," Judge Battle said.

But he authorized photographs made by the sheriff for impartial distribution to news media to correct what Mr. Foreman last Friday called an unfavorable image created by a photo of Ray being returned here from London last July.

"My client won't cooperate in any way in taking photos now," Mr. Foreman said. "I don't know whether Tennessee



Percy Foreman  
—Staff Photo

has a right-of-privacy statute protecting prisoners in such cases. But we will look into that if the sheriff lets pictures be taken while a deputy sheriff holds my client."

Mr. Foreman charged that the sheriff about 10 days ago "tried to take pictures of my client for an hour. Ray yelled and he ran and he screamed and the photographer just clicked steel bars."

Sheriff Morris denied this. "There will be no pictures taken unless the judge authorizes it," he said.

In his motion asking for the right to have photographs made for sale to a magazine, Mr. Foreman cited that the only previously released photograph of Ray was "one taken by the photographer for the sheriff showing this defendant manacled in chains at the end of a long journey, dishevelled and otherwise opprobrious."

This is the photograph Sheriff Morris released of himself

escorting Ray into the jail when he was flown here from London on July 19.

Mr. Foreman said in court the magazine offered to go as high as \$3,000 to \$5,000 for exclusive photos of Ray in his cell.

Judge Battle commented, "I think you have been very conservative on what the photographs would be worth. I think on the open market it would be closer to \$15,000 or \$16,000."

Mr. Foreman had suggested that 24 to 36 photos be authorized, with two to be released to the news media in general. He agreed that publication be delayed, if the court wished, until a jury was chosen to try Ray on a charge of murdering Dr. Martin Luther King Jr.

A spokesman for the sheriff's office said the judge had specified, if photos are taken with Ray's permission, they must be reviewed by the judge first, then released equally to all media.

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

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COMMERCIAL APPEAL

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## Battle To Hear Motion For Delay

### Report To Seek Continuance For Ray Trial

Criminal Court Judge W. Preston Battle this morning will hear from attorneys for James Earl Ray a report which will determine whether another continuance is granted in Ray's trial.

Judge Battle has said he wants the trial started on March 3, as scheduled, if "humanly possible." He has not ruled out the possibility of another continuance if the defense can convince him it is required to prepare the case properly.

Judge Battle has indicated any additional continuance would be for not more than two or three weeks.

Atty. Gen. Phil M. Canale said the state has been ready since Nov. 12, the date originally set for trying the man accused of slaying Dr. Martin Luther King Jr.

Mr. Canale is sponsoring a bill to be introduced in the legislature, when it reconvenes Feb. 28, to authorize the selection of up to four alternate jurors, rather than just one as presently stipulated. He cited a long trial, such as that expected in the Ray case, as showing the need of more alternates.

A law to this effect could hardly be enacted by March 3. But the attorney general's office said this in no way affects its wish to get the Ray trial underway as scheduled.

Besides confirming the trial date Judge Battle is expected to rule on three defense motions held over from a hearing Friday.

One would require the prosecution to let the defense know what persons from a list of 308 potential witnesses are being subpoenaed. Another motion would permit the defense to take depositions from witnesses in distant cities to save the expense of bringing them to Memphis.

A third would authorize the defense to take a shorthand record of the trial and sell it to the news media. Defense counsel Percy Foreman said the arrangement is needed to raise money to meet Ray's trial expenses, excluding attorney fees.

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

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COMMERCIAL APPEAL

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## Trial Delayed to April 7

# 'Peephole' Charge In Ray Motion

By BROWN ALAN FLYNN and CLARK PORTEOUS  
Press-Scimitar Staff Writers

A delay till April 7 was granted today in the trial of James Earl Ray. This came after Percy Foreman, who will defend Ray on the charge he murdered Dr. Martin Luther King Jr., said he has information that "10 or more" policemen and firemen "were looking through peepholes at Dr. King when he was shot."

Foreman made the statement before Judge Preston Battle in seeking a delay beyond the March 3 trial date set. The lawyer said he needed to find and interview the witnesses who were looking through peepholes. He did not elaborate.

Foreman said it would take him about 90 days to get the case ready to go to trial.

### ALLEGATIONS

He said his investigation of the case is being hampered by orders to police and firemen, apparently from Director Frank Holloman, not to talk to Foreman or his investigators.

"I had been given to understand that while policemen would not talk to us, firemen would," Foreman said in court.

"Now I find that firemen have been ordered not to talk either."

### NEW INFORMATION

Foreman said he received the information about policemen and firemen being witnesses to the shooting about 10 days ago.

He said he had the names

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

PAGE 1

MEMPHIS PRESS-  
SCIMITAR

MEMPHIS, TENN.

Date:

2-17-69

Edition:

Author:

CHAS. H.

Editor:

SCIMITAR

Title:

Character:

or

Classification:

Submitting Office:

MEMPHIS

☐ Being Investigated

384



of 10 or more who supposedly saw King killed.

He said his men had been attempting to talk to them since getting the names, but added:

"We are being impeded in our investigation. I don't attribute this to the prosecution, but someone is doing it. It's not that the people themselves don't want to talk to us, they have got orders from above."

Battle said he had no power to make the witnesses talk until they were put on the stand during the trial.

Foreman also said he is having difficulty in getting a transcript of the extradition for Ray in London following his arrest here last year.

#### OBJECTIONS

Prosecutors opposed the motion for a continuance, saying they felt the case should go to trial March 3 as

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now set.

Robert K. Dwyer, executive assistant attorney general, acted as spokesman for the state although Attorney General Phil Canale was in the courtroom.

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(Mount Clipping in Space Below)

## No Indictments Returned After Huie Testimony

The Shelby County Grand Jury apparently has not been much impressed with the testimony of William Bradford Huie, the Alabama author who claims to have information that a conspiracy was involved in the slaying of Dr. Martin Luther King Jr.

The jurors met for the second time today since Huie's appearance and didn't return any new indictments in the James Earl Ray case.

Huie testified before the Grand Jury Friday. No indictments were issued then either.

Percy Foreman, attorney for Ray, said he wants no "free" pictures taken of his client, accused of the murder of Dr. Martin Luther King.

### NO PICTURES

The Texas attorney yesterday turned down an offer by Sheriff William N. Morris to have an official photographer take pictures of his client in Shelby County jail for distribution to news media.

Judge W. Preston Battle denied permission for photographs of Ray for sale to a magazine for from \$3,000 to \$5,000. Foreman made a motion in court for such permission.

Foreman said, "I'll tell my client of the sheriff's offer but I'll oppose it as long as my client will." Foreman charged, however, that the sheriff about 10 days ago "tried to take pictures of my client for an hour. Ray yelled and he ran and he screamed and the photogra-

pher just clicked steel bars." Sheriff Morris denied this. "There will be no pictures taken unless the judge authorizes it."

Although Judge Battle denied Foreman's motion he authorized photographs by the sheriff for distribution to news media to correct what Foreman last Friday called an unfavorable image created by a photo of Ray being returned to Memphis from London last July.

This is the photograph of Sheriff Morris escorting Ray into the jail when Ray was flown here from London July 19.

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

PAGE 19

MEMPHIS PRESS-  
SCIMITAR

MEMPHIS, TENN.

Date: 2-18-69

Edition:

Author:

Editor:

Title:

CHAS. H.  
SCHNEIDER

Character:

or

Classification:

Submitting Office: MEMPHIS

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Bureau 2-3-69

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## 2 Reporters Take Appeal To Top Court

Contempt of court convictions of two newspaper reporters for writing stories about the James Earl Ray case have been appealed to the United States Supreme Court.

Attorneys for Roy Hamilton of The Memphis Press-Scimitar and Charles Edmundson of The Commercial Appeal filed the brief with the Supreme Court yesterday. The reporters say their rights of free speech and free press have been denied by the contempt conviction.

The brief states that the reporters were not enjoined against writing about the Ray case by Criminal Court Judge W. Preston Battle. Battle issued orders against pre-trial publicity about the case in which Ray is charged with the slaying of Dr. Martin Luther King Jr. on April 4.

### BRIEF

The defendants were not enjoined "either specifically, by class or relationship to named or specified parties, in any of the orders of the court," the brief states. "It would seem to be a basic proposition of law that an individual cannot be prosecuted for violating an order of injunction which fails to indicate it is applicable to him."

"On their face, the trial court's orders purported to restrict conduct of members of its official family."

Battle specifically enjoined in the orders all lawyers, prosecutors, law enforcement officers, witnesses and courthouse personnel from making extrajudicial statements about the case.

### QUOTES

The brief quotes Battle's orders: "The Court further recognizes that there are many individuals who are beyond the jurisdiction of this court . . . As to such persons, the Court urges self-imposed compliance."

Judge Battle held Hamilton and Edmundson in contempt Sept. 30 but did not pass sentence. The brief further states that the withholding of sentence has made it impossible for the petitioners to appeal the case as a matter of normal procedure to the Tennessee Appellate Courts.

### 'INTOLERABLE'

Furthermore, the brief states, that if the convictions are "allowed to stand . . . anyone in the country at large who reads and then publishes, either by newspaper article or by word of mouth, any prohibited statement of any party specified in the orders of injunction thereby violates said orders. Such a result is intolerable and violative of the basic tenets of our form of government."

The reporters also claim that "by refusing to impose sentence upon them, the trial court has kept the club of threatened punishment and the carrot of possible forgiveness over their heads. Responsible news reporters cannot conceivably function effectively when harassed by such instruments of censorship."

### POSITION

By delaying sentence, the reporters' brief added that "Edmundson and Hamilton are now in the insufferable position of being forced to withhold information from the public out of fear that they might transgress the amorphous boundaries of a judicial order, the mettle of which they have been unable to test in any appellate court."

The brief concluded with a plea that the U.S. Supreme Court intervene because "this is a matter of broad nationwide concern to all news media and their reporters. If this proves an effective means by which a trial judge can impose an illegal censorship without appellate review, it must be anticipated that other courts will employ the same stratagem."

The Tennessee Court of Criminal Appeals refused to hear the case on the grounds that no sentence had been passed. "The court's failure to pass sentence has been a denial of the petitioners' right to a speedy trial granted to them under the Sixth Amendment to the Constitution," said Armistead F. Clay of Memphis, attorney for the reporters along with Ezra K. Bryan of Cleveland, Ohio.

The Tennessee Supreme Court also denied a petition to hear the case but gave no grounds for the denial.

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

PAGE 13

MEMPHIS PRESS-  
SCIMITAR

MEMPHIS, TENN.

Date:

2-28-69

Edition:

Author:

CHAS. H.

Editor:

SCHNEIDER

Title:

Character:

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Classification:

MEMPHIS

Submitting Office:

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44-1987-Sub-C-225

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Orig. sent to Bureau 3-5-69

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## Contempt Cases Lead To Petition

### High Court Asked To Void Charges Newsmen Face For Ray Stories

Attorneys for two Memphis reporters convicted of contempt of court for writing stories of the James Earl Ray case petitioned the United States Supreme Court yesterday to overturn the convictions.

"If the convictions are allowed to stand," the 46-page brief sets out, "the secure foundation of the First Amendment to the Constitution will be left trembling."

The brief states that Charles Edmundson of The Commercial Appeal and Roy Hamilton of the Memphis Press-Scimitar were not in fact enjoined not to write of the Ray case by Criminal Court Judge W. Preston Battle. Ray is charged with the April 4 murder of Dr. Martin Luther King Jr.

Neither defendant was enjoined, the brief maintains, "either specifically, by class or relationship to named or specified parties, in any of the orders of the court. . . It would seem to be a basic proposition of law that an individual cannot be prosecuted for violating an order of injunction which fails to indicate it is applicable to him."

"On their face, the trial court's orders purported to restrict conduct of members of its official family."

Judge Battle's order, which the defendants are charged with violating, is quoted:

"The Court further recognizes that there are many individuals who are beyond the jurisdiction of this Court . . . As to such persons, the Court urges self-imposed compliance . . . In accordance therewith the Court orders a certified copy of this order to be sent by the Clerk to . . . all newspapers of general circulation . . ."

Judge Battle held Mr. Hamilton and Mr. Edmundson in contempt Sept. 30. The case was carried to the federal Supreme Court after the Tennessee Court of Criminal Appeals and the Tennessee Supreme Court refused to grant relief.

The appeal was filed by attorneys headed by Armistead F. Clay of Memphis and Ezra K. Bryan of Cleveland, Ohio.

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

PAGE 25

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 2-28-69  
Edition:  
Author: JORDON HANNA  
Editor:  
Title:

Character:  
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Classification: MEMPHIS  
Submitting Office:

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MAR 5 1969  
FBI — MEMPHIS

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## Ray Case Takes All Court's Time

Judge W. Preston Battle's court today virtually closed down to all other business except the James Earl Ray case.

James A. Blackwell, Criminal Court Clerk, said the judge needs this time to prepare for the Ray trial, now scheduled to start April 7.

Between now and that date the court will be open only to handle a few minor matters set previously on the docket, according to Blackwell.

"All guilty pleas, arraignments and cases set for trial will be transferred to the other divisions," he said.

"There was nothing else we could do," said Blackwell. "The judge must have this relief to get on with his pre-trial work."

Ray's trial in the murder of Dr. Martin Luther King was originally scheduled to begin today.

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

PAGE 1

MEMPHIS PRESS-  
SCIMITAR

MEMPHIS, TENN.

Date: 3-3-69  
Edition:  
Author: CHAS. H.  
Editor: SCHWIDDER  
Title:

Character:  
or  
Classification: MEMPHIS  
Submitting Office:  
☐ Being Investigated

44-1987-Sub-C-327  
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SERIALIZED.....FILED.....  
MAR 5 1969  
FBI - MEMPHIS

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# Ray May Change To Plea Of Guilty In Court Monday

## Special Hearing

Foreman, Canale Report-  
edly Agree On 99-Year  
Term In King Death

By CARL CRAWFORD

James Earl Ray, accused as the assassin of Dr. Martin Luther King Jr., has asked for and been granted a special Criminal Court hearing at 9:30 Monday morning, possibly to change his plea to guilty.

If he does and witnesses are ready, the long-delayed case could conceivably be opened Monday or Tuesday and disposed of before the week is out, a court spokesman said.

Recurring reports said Ray and his attorney, Percy Foreman, have reached "a meeting of the minds" with Atty. Gen. Phil Canale in which the state will recommend a sentence of 99 years in exchange for the guilty plea.

Neither the state nor defense would say whether a negotiated punishment has been agreed to — or even talked about.

Mr. Foreman, who has spent most of his time in Memphis since Feb. 14 preparing the case, said, "It's none of your business." Exec. Asst. Atty. Gen. Robert K. Dwyer would say only, "I cannot answer that question."

Meanwhile, strong security was reimposed on the Criminal Courts Building late yesterday afternoon. Adams in front of the jail where Ray is held in a 16-bunk suite on the third floor was again ordered closed to all movement from Second to Third. Deputy sheriffs were assigned to guard posts around the building.

A jury must weigh the recommended sentence, in first degree murder cases, although it is often simply a formal confirmation of sentence in Tennessee courts.

It often works like this, a court official explained:

A jury is impaneled, but individual jurors are not questioned as they are when the guilt or innocence of an accused is at stake. The first 12 jurors drawn are seated. Then a much-abbreviated selection of the proof is presented to the jury as the state and the defense call a few key witnesses. In summation, the state recommends a specific sentence — possibly even with a reduced charge — and the defense usually urges the jury to retire and "confirm" the sentence.

The trial could become explosive although brief.

Ray could become one of the key witnesses called, the court spokesman explained, in an effort to convince the jury that a sentence recommended by the state is reasonable by telling his version of how it happened. Many, including author William Bradford Huie, have maintained Ray was a pawn in a conspiracy involving other persons.

A 99-year sentence would put the 40-year-old Ray in prison until he is at least 73 and possibly longer.

The state parole office in Memphis said a 99-year sentence can be served completely in 50 years and 7 months. A convicted man is eligible for parole after 48 years and 6 months — and with maximum good and honor time the term can be reduced to 33 years.

In Hartselle, Ala., Mr. Huie, who has another article scheduled in Look for April 15, and has a book titled "He Slew The Dreamer" coming out May 10, said "There are still some unanswered questions about this case. I'll say all I have to say in the magazine article and the book."

Dr. King was killed last April 4 after he had come to Memphis to lead a Main Street march of 1,200 striking city sanitation workers, mostly Negro. He was standing on the Lorraine Motel balcony discussing with his chauffeur whether he should wear a heavier coat to dinner. It was 55 degrees at the time, 6:01 p.m.

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

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 3-8-69

Edition:

Author:

Editor:

Title: GORDON HANNA

Character:

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Classification:

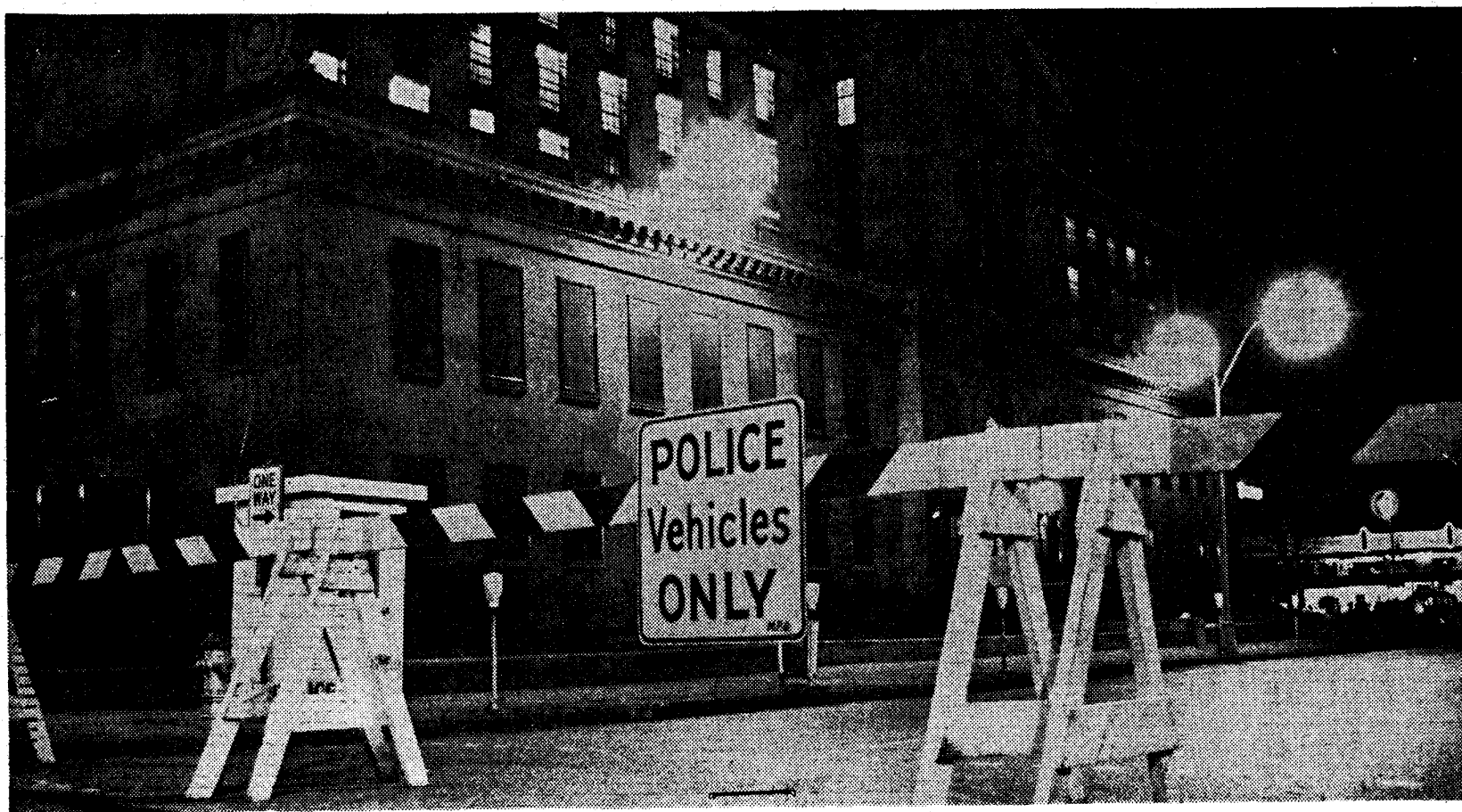
Submitting Office:

MEMPHIS

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44-1987

44-1987-Sub-C-325



Police Barricades Go Up As James Earl Ray Prepares For Another Day in Court

—Staff Photo

(Mount Clipping in Space Below)

# Battle And Others Hold Night Session; Security Tightened

## Change Possible

Suspect in King Slaying  
May Plead Guilty, Get  
99-Year Sentence

By THOMAS BEVIER

Lights burned late in the Criminal Courts Building last night as the principal parties in the James Earl Ray case made last-minute preparations for today's special hearing.

Criminal Court Judge W. Preston Battle arrived at the building early in the evening after Ray had met more than an hour with his attorney, Percy Foreman. Atty. General Phil Canale was also in the building, but none of the parties involved would confirm or deny that they had met together.

Today's hearing, scheduled for 10:00 a.m. in Judge Battle's courtroom, was arranged at Mr. Foreman's request, who asked that Ray be present. It is generally believed that the attorney general's office has agreed to let Ray plead guilty of the April 4 murder of Dr. Martin Luther King Jr. and to accept a 99-year sentence for the slaying of the civil rights leader.

As newsmen from across the country began arriving yesterday there was increased speculation that Ray had changed his mind about pleading guilty. There was no official confirmation of this, but Ray does the unexpected.

lation that Ray had changed his mind about pleading guilty.

The intense security that has prevailed at previous Ray hearings will grow even more intense today. More than 100 police and sheriff's deputies will be on hand to the court area. Last night police bodyguards were assigned to the homes of Judge Battle and Mr. Canale. Last November, he fired Birmingham attorney Arthur Hanes, Sr., who had represented him since he was arrested in London and hired Mr. Foreman.

There have been reports that Mr. Foreman also has had trouble with Ray.

Ray has a reputation for firing attorneys. It started in 1959 in St. Louis when he was being tried for armed robbery. Just before closing arguments in the trial, Ray asked the judge to fire his court-appointed attorneys. The judge refused the demand, but after the trial, which resulted in a 20-year sentence, Ray handled his own appeal and lost it.

Ray was serving that term when he escaped from the Missouri State Penitentiary in 1967.

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

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date:

3-10-69

Edition:

Author:

Editor:

Title:

GORDON MANNA

Character:

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Classification:

Submitting Office:

MEMPHIS

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Included among spectators at today's hearing probably will be Ray's brothers, Gerald Ray and John Ray, both of St. Louis. They were reported to be in Memphis last night.

In Atlanta, Dr. Ralph Abernathy, who succeeded Dr. King as head of the Southern Christian Leadership Conference, has sent telegrams throughout the country calling a Tuesday night meeting "to determine a fitting commemoration for April 4." Dr. King was killed on that day.

Dr. Abernathy has previously said the SCLC would not stage a national demonstration in Memphis on the date. Dr. King's widow has expressed no interest in attending the trial.

If Ray should plead guilty, his incarceration could pose as many problems for state prison officials as it has for Shelby County authorities.

In Nashville, it was learned, prison officials have been studying Ray's security arrangements here with an eye toward a modified duplication.

Such arrangements over a period of years would prove extremely costly, but prison officials fear that a "celebrated" prisoner such as Ray would be a target for jealous inmates.

Half of Judge Preston Battle's courtroom will be open to the public on a first-come-first-served and seated basis when James Earl Ray, accused assassin of Dr. Martin Luther King Jr., makes his appearance at 9:30 a.m. today. Charles Holmes, Sheriff Department information officer, said the line will form at 8 a.m. on the northwest corner of Washington and Third. Those seeking entrance into the courtroom must submit to a search and provide identification.

# Racism Motive Is Cited As Ray Pleads Guilty, Gets 99-Year Sentence

By ANGUS McEACHRAN

James Earl Ray's motive for killing Dr. Martin Luther King Jr. was essentially a question of racism, Atty. Gen. Phil Canale said yesterday.

The comments came shortly after Ray, as expected, pleaded guilty to the murder of Dr. King in Memphis on April 4 and was sentenced to 99 years in the state penitentiary in Nashville.

The hearing, which took about three hours, was almost anti-climactic after the sensational slaying that touched off national rioting, the international search and capture of Ray and the world wide question: Was there any conspiracy in Dr. King's death?

Conspiracy was still very much a part of yesterday's proceedings if only because of what was left unanswered.

It took only five minutes before Judge W. Preston Battle for Ray to change his plea to guilty and a jury to be sworn in, hear proof of his guilt, as required by state law in murder cases.

The jury, including two Negroes, agreed in advance to set the punishment at 99 years, making Ray eligible to appear before the parole board in 30 years. Mr Canale said the normal parole time for 99-year sentences of this type is 49½ years.

For Ray, who was celebrating his 41st birthday, the outlook that he would ever be freed appeared bleak.

In Nashville, Warden Lake Russell said Ray would be housed in one of 42 cells in the squat, one-floor maximum security building.

"We have designated no particular cell for Ray," the warden said. "We don't have any pantheons. The cells are equipped all the same. They have a bunk, a lavatory and a commode."

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

PAGE /

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 3-11-69  
Edition:  
Author:  
Editor: GORDON HANNA  
Title:

Character:

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Classification:

Submitting Office: MEMPHIS

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Harry S. Avery, state corrections commissioner, said no date had been set for transferring Ray to Nashville.

"I've given some thought to how we would bring him, but I don't want to comment," Commissioner Avery said.

Yesterday's proceedings opened with statements from Mr. Canale and Percy Foreman, Ray's attorney that there was no evidence Ray was involved in a conspiracy.

"There are a great many rumors going around that James Earl Ray was a dupe in a conspiracy, or was involved in a conspiracy. I want to say right now that we have no proof other than James Earl Ray acting alone, killed Martin Luther King," Mr. Canale said.

Mr. Foreman said it took him many hours of investigation and interviews with his client before he came to the same decision.

"I don't want to get into personalities, but from his background and some other things we believe race was the motive in this crime," Mr. Canale said.

He said Ray could have financed the murder himself "because he is believed involved in at least four bank robberies and we believe he was smuggling contraband from Canada and Mexico."

The contraband, he said, was jewelry from Mexico and drugs from Canada.

The attorney general assured the jury "that I stand ready at any time to act on any evidence" of conspiracy.

At that point, Ray got to his feet. Your honor," he said, "I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only other thing... that I can't agree with Mr. Clark."

The reference appeared to be to Ramsey Clark, United States attorney general at the time of the assassination, who has always maintained there was no conspiracy.

"Mr. Who?" the judge asked.

A - Mr. J. Edgar Hoover. I agree with all these stipulations and I'm not trying to change anything.

Q- You don't agree with

those theories?

A- Mr. Canale's, Mr. Clark's and Mr. J. Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past.

Q- Your answers to these questions that I asked you, would be still the same? Is that correct. I think the main question I want to ask you is this: are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree under the law as explained to you by your lawyer?

A-Yes sir, making me guilty.

Q- All right, sir, that is all. You may swear the jury.

Ray waived all rights for appeal, for a new trial, or any other maneuvers (although he could at some date change his mind and file a writ in federal court) and said he had been promised nothing but the 99-year sentence.

Judge Battle also touched on the question of conspiracy at the end of the proceedings.

"It has been established that the prosecution at this time is not in possession of enough evidence to indict as a co-conspirator in this case. Of course, this is not conclusive proof that there was no conspiracy; it merely means that as of this time there is not sufficient evidence available sufficient evidence available to make out a case of probable cause.

"If this defendant was a member of a conspiracy to kill the decedent, no member of such conspiracy can ever live in peace or security or lie down to pleasant dreams, because in this state there is no statute of limitations in capital cases such as this..."

The Justice Department in Washington released a statement within hours of the hearing saying "the investigation into the original allegations of a conspiracy is still open." The original federal warrant filed by the FBI charged Ray with conspiring with a man alleged to be his brother in the assassination.

The judge concluded by saying he thought Memphis had "wrongfully and irrationally" been blamed for the death of Dr. King since "neither the decedent nor his killer lived here, their obits merely intersected here."

Looking down his half-rimmed glasses, Judge Battle also made judicious note of a quote in Time magazine, saying "...We have not done badly for a decadent river town."

## 'Bosom Of Court' To Turn To 6 Contempt Proceedings

Contempt of court proceedings against six persons cited for violating court orders on pretrial publicity in the James Earl Ray trial will be disposed of April 11, Judge W. Preston Battle announced yesterday.

At a press conference following Ray's trial, Judge Battle was asked to comment on the contempt proceedings specifically and the press in general.

"The contempt proceedings are still in the bosom of the court," the judge said. "We are over the big hump now. We've now got a little hump to get over. I think I will save any statement I may have on the conduct of the press until I dispose of these proceedings."

April 11 is a Friday. The judge said he would continue the proceedings through the next day if necessary to "wrap these matters up."

On Sept. 30, Judge Battle ruled that two reporters—Charles Edmundson of The Commercial Appeal and Roy Hamilton of the Memphis Press-Scimitar—and two other men were in contempt of court. Others cited were Arthur Hanes Sr., then attorney for Ray, and Renfro Hays, a private investigator who worked for Mr. Hanes. No punishment was set pending "future action" of the four.

Since then, Judge Battle has cited author William Bradford Huie and FBI fingerprint expert George Bonebrake to show cause why they should not be held in contempt.

Mr. Huie was cited for his two articles in Look magazine and Mr. Bonebrake for statements he made to a law enforcement clinic about Ray's fingerprints.

It was apparent to newsmen who had previously covered Ray in court that yesterday's session was to be unusual, but few were prepared for the suddenness with which it started and ended. It was all over in less than three hours.

Two bed sheets provided the tipoff that the evidence would be presented at the same session as the change of plea was heard.

The sheets covered what turned out to be two detailed scale models of the area around the Lorraine Motel and the rooming house at 422½ South Main from which Ray admits shooting Dr. Martin Luther King Jr.

Percy Foreman took one look at the sheets and said "It looks like the Last Supper."

When the sheets were removed, it was obvious Mr. Foreman was impressed with the detail of the work. Rightly so. It was but one indication of the exacting detail the attorney's general office was prepared to offer if the case had gone to trial.

"Damn things must have cost us \$20,000," Mr. Foreman muttered to public defender Hugh Stanton Sr.

John and Jerry Ray, the defendant's brothers, were the first persons allowed in the courtroom after the press had gone through the security check.

Looking almost identical in their dark blue suits and well receding hairlines, they registered no emotion throughout the trial.

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

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COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 3-11-69

Edition:

Author:

Editor:

GORDON HANNA

Title:

Character:

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Classification:

Submitting Office: MEMPHI

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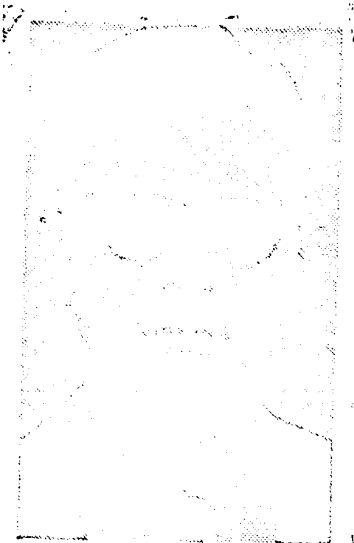
FBI — MEMPHIS



—Staff Photos by Barney Sellers

Percy Foreman: The Case Is Closed

(Mount Clipping in Space Below)



James Earl Ray

## Top Security To Guard Ray

NASHVILLE, Tenn. — (UPI) — James Earl Ray will be housed in an isolated cell in the maximum security building — location of the death chamber — when he is brought to the state prison here, officials said Monday.

State Corrections Commissioner Harry S. Avery said he and Warden Lake Russell have been planning for some time the "exceptional" safeguards required for Ray's incarceration.

Following Ray's arrival here he will be placed in the maximum security building until he is classified, a process that normally takes about six weeks, Avery said.

"At the end of the duration, we will determine whether there will be any special arrangements to be made other than the maximum security building," Avery said.

"We will not put him in a cell with others. He will be processed as others are processed except that he will be in the maximum security building."

The maximum security building houses the prison's toughest convicts as well as the death room and electric chair.

When inmates first arrive at the prison, they normally go to the classification building, which is equipped with six-man cells. They are then interviewed, their records studied and a decision is made on what type of employment they will be assigned, if any.

Avery said two guards normally watch the cells in the maximum security building around the clock and he did not think any additional guards would be required. He also said there were no plans to watch the cell via closed circuit television, a tactic employed at the Shelby County jail in Memphis.

The commissioner said Ray's food would be served to him in his cell and there was an exercise area where Ray would exercise alone.

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

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COMMERCIAL APPEAL

MEMPHIS, TENN.

Date:

Edition:

Author:

Editor:

Title:

GORDON HANNA

Character:

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Classification:

Submitting Office: MEMPHIS

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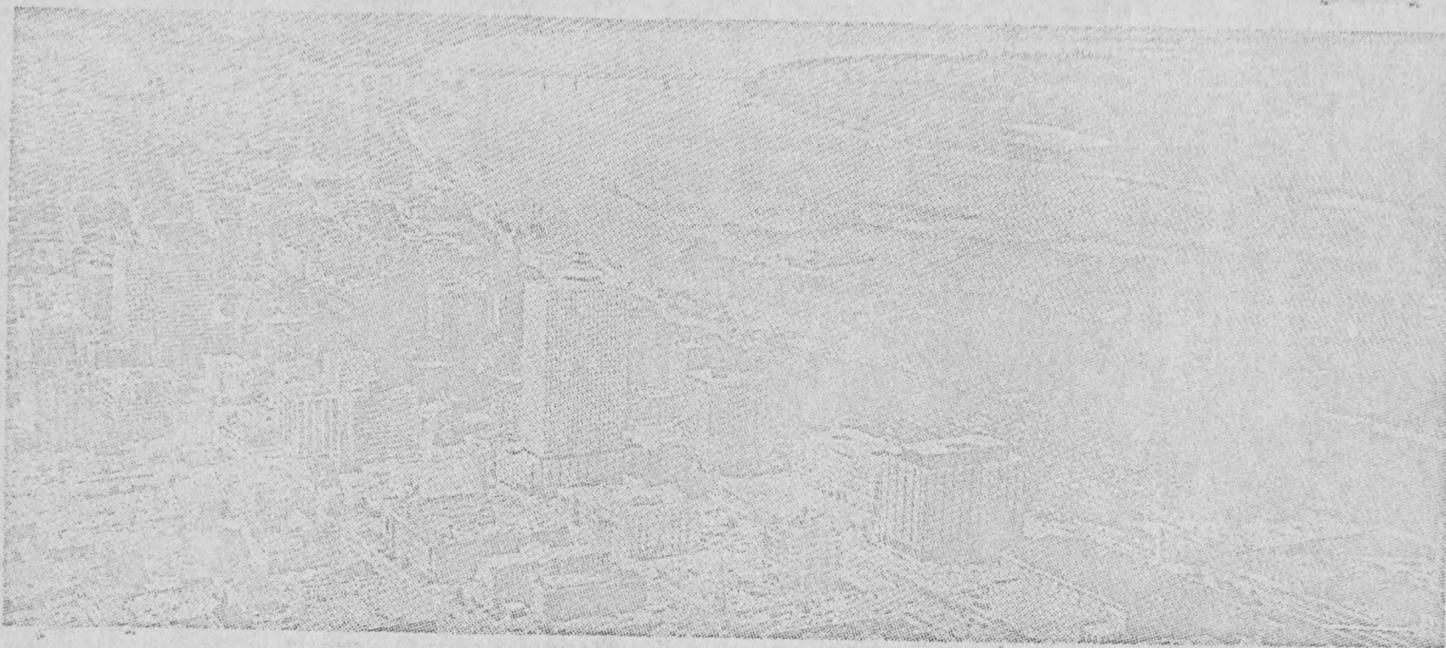
44-1987-Sub-C-332





Maximum Security Cell Where Ray Will Be Confined

—UPI Telephoto





(Mount Clipping in Space Below)

## List Off Agreed On Facts 5 Witnesses Prove Case

By JAMES KILLPATRICK

Five witnesses, and a long stipulation of agreed-on facts, were used by the attorney general's office yesterday to prove its first-degree murder case against James Earl Ray.

This is a summary of testimony:

The Rev. S. B. Kyles Jr., pastor of Montrose Baptist Church, and a friend of Dr. Martin Luther King Jr., for 16 years said he had gone to the Lorraine Motel to back up Dr. King and take him to his home for "soul food." He said he spent about 45 minutes in Room 306 with Dr. King and about 6 p.m. they decided to leave.

"Dr. King went out on the balcony, then came back in, I believe to get his coat. We came out together and stood on the balcony together for about three or four minutes. I turned to my left and said I was going to get my coat. I got five or six steps away and heard what I know to be a shot. I turned back and saw Dr. King on the floor with a tremendous wound in his right side."

The Rev. S. B. Kyles said the rifle in his case away the lower right side of Dr. King's face and the back of his neck. "I remember this especially, because he didn't find it there and he thought somebody had played a trick on him and had hidden it."

Chauncey Eskridge of Chicago, an attorney for Dr. King, testified he had left Room 306 and was standing in the parking lot. "Dr. King came out and said, 'Tell Jesse we are ready to go.' He went back in, then came out again putting his coat and said, 'OK, start the car.' I heard a 'zing' by my left ear and I turned to the rear and looked. When I looked back, he was down."

Both the Rev. Mr. Kyles and Mr. Eskridge said they looked in the direction of the shot and saw no one. Exec. Asst. Atty. Gen. Robert K. Dwyer said later this was intended to answer the story of Solomon Jones, Dr. King's chauffeur, that he saw someone run from bushes at the rear of the rooming house "with something white on his face."

Dr. Jerry Francisco, county medical examiner, said he performed an autopsy on Dr. King's body about 8:47 the night of the killing. He said his examination showed Dr. King died shortly after being struck.

"There was a large sound on the right side of the face. The bullet had gone through the neck, severed the spinal column and lodged near the surge of the skin near the left shoulder."

Dr. Francisco said the bullet traveled a downward path. He said he visited both the bathroom of the rooming house and the area at the rear of the building. He said the bathroom location "was more consistent with the angle of the wound."

N. E. Zachary, then inspector of the police homicide squad, told of finding a bundle wrapped in a bedspread in front of the Canipe Amuse-

ment co. at 424 South Main shortly after the shooting. He said he posted a guard over the bundle, which included a .30-caliber Remington pump rifle in a Browning Arms box and a blue zipper suitcase.

Inspector Zachary identified items taken from the zipper bag as a pair of binoculars, a binocular case, the box the glasses came in, two cans of Schlitz beer, a shaving kit, a tee shirt, a pair of undershorts, a hair brush, a transistor radio, a pair of pliers, a hammer, a paper bag, and a copy of the April 4 issue of The Commercial Appeal. Some cartridges were in the box with the rifle.

Robert G. Jensen, special agent in charge of the Memphis division of the FBI, said he received the items found by police at about 10 p.m. on the night of April 4 and sent them to the laboratory in Washington.

Mr. Jensen said the next day agents found a registration card at the Rebel Motel on Lamar for the night of April 3. He said the card was in the name of Eric S. Galt and showed Galt was driving a white Mustang.

The FBI agent said the rifle was traced first to the manufacturer, then to Aeromarine Supply Co. in Birmingham, where it had been sold. The Mustang was found abandoned in Atlanta on April 11 and tourist stickers on the window led investigators to Mexico, Mr. Jensen said. The pliers and hammer were traced to a hardware store in Los Angeles and the laundry marks on the underwear were tracked first to the West Coast, then to Los Angeles.

Mr. Jensen said the FBI's investigation extended into Canada and England.

"Did it lead to the arrest of James Earl Ray?", Mr. Dwyer asked.

"It did."

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

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COMMERCIAL APPEAL

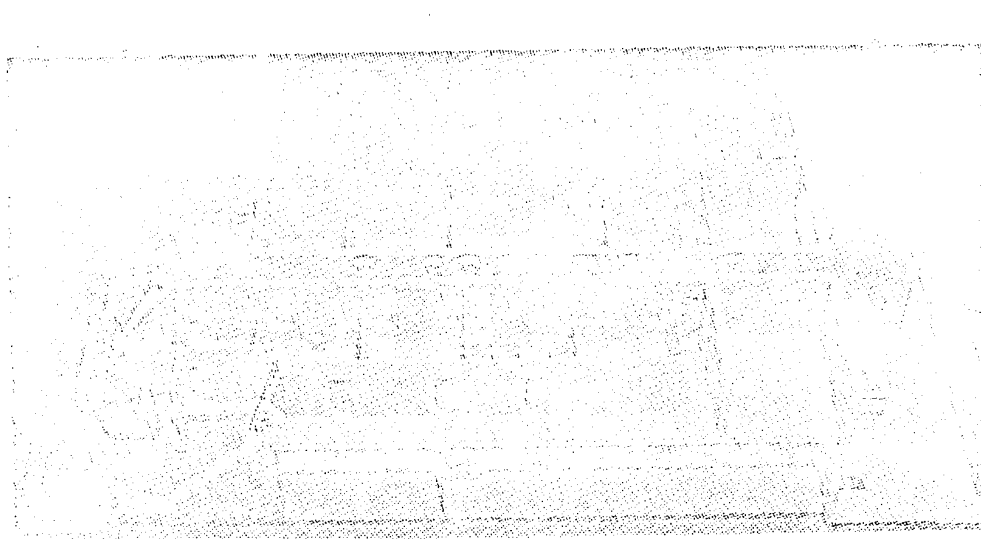
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Courtroom Model Of Rooming House Where Shot Was Fired

Sheriff's Office Photo

(Mount Clipping in Space Below)

## Visage Gives Conspiracy Theory Credence

By ROBERT SAMSON

He shuffles across the courtroom like a myopic, small bear, looking down at the floor and wearing what Mrs. Bessie Brewer was probably talking about when she described that "silly little grin."

Then testimony starts and he sits there as if he's watching a movie as the guilty plea is entered.

Hunched over, one foot crossing a knee, he takes it all in — or maybe it all passes over — as the men in front of him stand up and agree he pulled the trigger and killed Dr. Martin Luther King Jr. last April 4, at the same time murdering one of the black man's major symbols of hope and at least wounding the whole concept of nonviolence.

This is James Earl Ray, his hair never combed right, his tie hanging half as long as it should, his pants bagging and his coat slung like it was made for a man with one shoulder missing.

This is the man Phil Canale says ran contraband across two United States borders, who jumped the pen in Missouri to head for a life of infamy.

This guy who looks like a prime target for a circus Barker went all over the country, Mr. Canale says, followed Dr. King closely for almost a month and coolly took a room in Mrs. Bessie Brewer's unconditioned rooming house at 422½ South Main and sat in a bathroom waiting for his target to get in the right spot of

his telescopic sight.

It is hard to put this information in the courtroom flapping his foot on his knee.

Prosaic start as a "poverty-stricken child" leading on through a reputation as a troublemaker, reputation lasting through a career in the Army, general discharge in 1948 citing his "ineptness and lack of adaptability to military," career of small-time crime, usually unsuccessful.

Crime career spectacular, in a way, fits the man who sat in the defendant's chair yesterday, but seemingly not the man who killed Dr. King. In several holdups, caught; in another, forgot to close his car door and fell out as he swerved the car around a corner.

In prison for 20 years on robbery charges, earned a nickname for himself. "The Mole," however, never made it out the other end of his tunnel until 1967. It was No. 3 that was magic. He was out, somewhere, everywhere, it seemed.

Headquartered in Birmingham in a rundown rooming house. There, Eric Starvo Galt was born, the man who was graduated from a bartenders' school on the West Coast, took dancing lessons in New Orleans. There are other trails that Galt ran. A few have become cold. Most have been mapped. Mr. Canale talks about "thousands of miles" his assistants have logged. In his white Mustang, with the red and white Alabama license plates, Eric Starvo Galt — Harvey Lowmeyer — Harvey Lowmyer — John Willard — Ramon Sneyd — Raymond Sneyd — Who Knows — James Earl Ray was many things.

He was the guy who bought a hammer and pliers at a hardware store in Los Angeles, a pair of shorts and a T-shirt at another store there, the man who had "Turista" stickers on his car down in Mexico, the fellow who drove around and probably heard about Ar-

mation together with the picture of James Earl Ray sitting in the courtroom flapping his foot on his knee.

Mr. Canale says "I think race had a lot to do with it." To Mr. Canale, "It" has meant the James Earl Ray case for just a little less than a year now.

"Proof," he says, "would show James Earl Ray had been in close proximity to cities where Martin Luther King was speaking. Selma, Los Angeles, Memphis.

An Atlanta map Ray had showed the one church and headquarters for Dr. KING circled.

"It may have been accidental or coincidental," Mr. Canale says. . . "In my opinion he was staying pretty close to Dr. King." Records, he said, show the guy with the wrong-way hair buying the first rifle on March 29 in Birmingham — bringing the rifle back because it was "inoperative" and exchanging it for the one used — checking into Memphis at the Rebel Motel, then Bessie Brewer's and firing that fatal shot April 4.

But Mr Canale stands up in court and tells everyone that there's no proof of conspiracy, despite the fact a lot of holes remain unfilled.

No conspiracy. That's what he says.

This gets James Earl Ray hot.

Ray wants the conspiracy lane open.

And as long as he looks straight ahead with that sort of scratch-my-head look while a friend of Dr. King's is identifying a morgue picture showing the right jaw torn open by the shock of the shot, it's got to keep making sense that this man who shuffles out of the courtroom with one shoulder higher than the other and his head down had to have help.

Unless James Earl Ray all of a sudden last April 4 got lucky.

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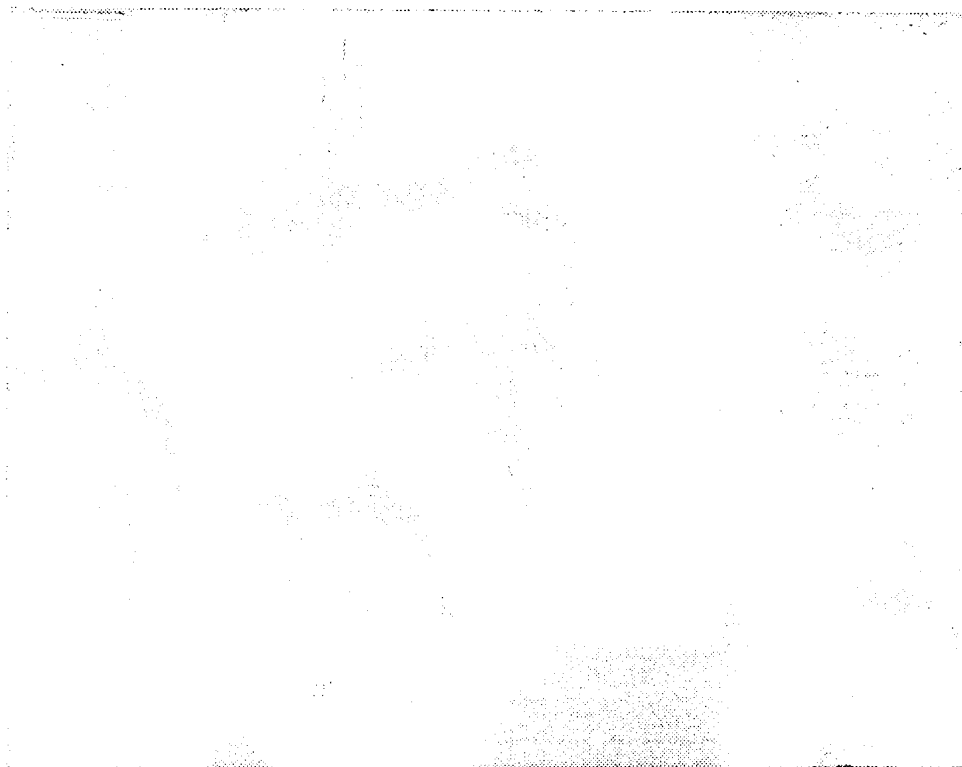
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Jury Files In To Hear Plea

—Staff Photos by Barney Sellers

(Mount Clipping in Space Below)

## Holloman Calls Chase A Hoax

By THOMAS BEVIER

Police know who transmitted a radio report of a chase between a white Mustang and a blue Pontiac shortly after the April 4 assassination of Dr. Martin Luther King Jr.

Police Director Frank C. Holloman yesterday said there is no doubt the broadcast was a hoax and that the chase never happened. He made the explanation after the James Earl Ray case was disposed of in Criminal Court earlier in the day.

But he declined to identify the broadcaster other than to say he was a white teenage boy who used a citizens band radio.

"It was strictly a prank," he said. "We know who did it but we don't have enough evidence to prosecute."

Although the reported chase has been discounted before, police had not said definitely that it was a hoax.

Mr. Holloman gave only sketchy details about the report and refused to discuss any other aspects of the case.

Dr. King was shot at 6:01 p.m. About half an hour later, Police L.T. R.W. Bradshaw was stopped by a person with a citizen's band radio in his car near Jackson and Hollywood and listened to transmission. Lt. Bradshaw relayed the information on his police car radio.

The broadcaster reported to be in a blue Pontiac chasing a white Mustang up Jackson and Austin Peay Highway. He said the person in the Mustang was shooting at him.

"At the time we conducted a complete investigation Holloman said, "and were completely satisfied that there was nothing to it."

He said the report did not result in other police being diverted from the assassination investigation.

He said several citizen's band operators heard the transmission. There is no doubt that the broadcast was made "from a stationary position," he said.

The police director declined to say whether police had talked to the boy they found did it or his parents.

"The logical conclusion is that he heard the report of Dr. King's death and made the broadcast," Mr. Holloman said.

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

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THE PRINCIPALS--Answering questions after yesterday's trial were (from left) Sheriff William N. Morris, Judge W. Preston Hallie, Atty. Gen. Phil Canale at table, Asst. Atty. Gen. Jim Heasley (partially hidden) and Exec.

Asst. Atty. Gen. Robert K. Dwyer. This picture of Ray (below), made in 1939 by St. Louis police when he was held for armed robbery, looks most like him today, it was generally agreed.

—Staff Photo by Barry Selleg



(Mount Clipping in Space Below)

## Panelists Surprised To Get Duty On Celebrated Case

The jurors who approved the 99-year sentence for James Earl Ray were surprised when they found themselves on the celebrated case. They had been on jury duty for about two weeks and most of them had been through the guilty plea process several times.

Joe Stovall Jr. of 1859 Lanier Lane, a carpet department manager for Sears, said he had thought about the Ray case, but when it was postponed to April 7 he dismissed it from his mind.

"I certainly went along with what the court said. I feel the prosecuting attorney had an ironclad case against Ray and if it had gone to trial he certainly would have been found guilty."

Miller Williamson of 836 Alice, one of two Negroes on the panel, said, "I wasn't surprised at the plea. Since he pleaded guilty I was happy to go along with the recommended sentence."

"I thought the trial would drag on for a while. . . I have no comment on Ray's plea," said James R. Pate of 765 Kipley, a wholesale grocery com-

pany employee. He said he had no reservation about the sentence, but was surprised when Ray spoke out in court about a conspiracy.

James W. Ballard of 1679 Vera Cruz, a hardware supply salesman, said it was "just another jury trial to me." And Johnnie Shaw of 1227 Springdale, a laborer, said he was surprised at the rapid movement of the case. "But he did plead guilty."

Other members of the jury were:

Gus Cariota of 1209 Theodore, an International Harvester employee; James N. Abraham of 2510 Lock Meade, an IH engineer; Amos G. Black Jr. of 1558 Rolling Hills Drive, a commercial printing plant foreman; J. Paul Howard of 1614 Paula Cove, an embalmer; Robert S. St. Pierre of 2728 Henley Drive, a Pace Corp. engineer; John W. Blackwell of 4624 Deluth, an FAA air traffic controller, and Richard Lee Counsellour of 1420 Favell,

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RAY

PLEADS

GUILTY!

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PAGE 1

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"It took me months to prove to myself . . . that it was not a conspiracy," Foreman added.

A jury was selected from a venire chosen two weeks ago. A spokesman for the court said the jurors had no idea what case they would be hearing when they reported this morning.

Five men were called to testify that King was, indeed murdered. Those called to testify included:

—The Rev. Samuel B. Kyles, a Memphis Baptist minister with whom King was to have had supper on the eve of his death.

—Chauncey Eskridge of Chicago, an attorney and close friend of the late civil rights leader.

—Dr. Jerry T. Francisco, the Shelby County coroner, who discussed the single rifle wound which King received.

—Inspector N. E. Zachary, chief of Memphis homicide officers.

—Robert Jensen, special agent in charge of the FBI office in Memphis.

Foreman said he had cross-examined Ray in private for more than 50 hours and reached the same conclusion as FBI Director J. Edgar Hoover that Ray was not part of a conspiracy.

Foreman praised Canale for not trying to "get scalp on his belt" or "build a notorious reputation to run for some higher office" by refusing Ray's plea and seeking a conviction which could carry a greater sentence.

"You are blessed with a judge and prosecuting attorney who are able to look at this case without being caught in the backwash of publicity," he said.

Ray, neatly dressed in a blue suit and matching tie, stood as Judge Battle asked him if he was acting of his

#### ISOLATED CELL AWAITS RAY

NASHVILLE, Tenn. (UPI)

—James Earl Ray will be housed in an isolated cell in the maximum security building — location of the death chamber — when he is brought to the state prison here, officials said today.

own free will and had been informed of his rights.

"Yes, sir," he repeatedly replied.

Asked if he had been promised anything other than the recommended 99-year sentence, Ray said, "No, not that I know of."

After both Canale and Foreman said there was no evidence of a conspiracy, Ray stood and told Judge Battle he did not want to change the stipulations but added, "I don't agree to all these theories."

Asked by the judge with whom he did not agree, Ray mentioned FBI Director Hoover and former U.S. Atty. Gen. Ramsey Clark. Ray spoke so softly his words were almost inaudible and the full meaning of his comment was not clear.

Foreman dismissed the incident, telling Ray his opinions about Clark and Hoover had no bearing on the case. There was no elaboration.

Despite the guilty plea, under Tennessee law, the prosecution still must put on its case to prove to the jury the basic facts surrounding King's death.

Ray stood up. "Your honor, I'd like to say something. I agree with all these stipulations, but I don't agree with these theories on the conspiracy."

Judge Battle asked Ray if he was trying to change his guilty plea. Ray said "No sir," and spoke no more about the conspiracy.

Ray waived all rights for appeal, for a new trial or for any other legal maneuvers.

# Sentenced To 99 Years

James Earl Ray pleaded guilty today to murder in the death of Dr. Martin Luther King Jr.

Ray took the stand shortly after 9 a.m.

Criminal Court Judge W. Preston Battle asked the defendant if he understood what he was doing in pleading guilty, if the decision was of his own free will and if he understood that he waived all rights to appeal.

Ray said he understood.

Percy Foreman, Ray's defense lawyer, told the court, "I've never had hopes of anything except . . . to save this man's life."

Ray was the only person in court to suggest others may have taken part in the April 4, 1968 sniper slaying of the Nobel Peace Prize winner.

Ray pleaded guilty in a deal with the prosecution that he will be sentenced to 99 years in the Tennessee State Prison at Nashville, instead of taking the chance that a jury might sentence him to death in the electric chair.

A jury of 12 men, two of them Negroes, was selected from the first 12 names on the jury list. Each juror agreed to the deal, and all 12 were sworn in at 10:05 a. m. CST, only 20 minutes after the trial began.

Ray's guilty plea put an end to reports that he had balked at the deal, evidently arranged by his attorney.

The guilty plea was the first confirmation of the deal, rumored since Foreman asked for a hearing late last week.

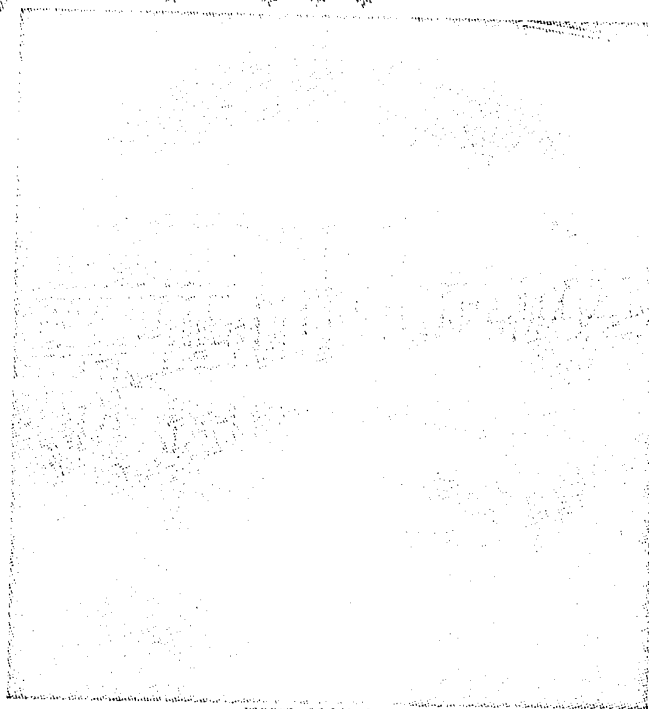
The guilty plea came on Ray's 41st birthday. Judge Battle twice asked Ray if he was pleading guilty because he did shoot Dr. King last April 4th at the Lorraine Motel and believed that a jury trial would show that to be the case.

"Yes, sir," Ray replied softly.

Atty. Gen. Phil Canale told the jurors that his office had found no evidence that anyone other than Ray was involved in the crime.

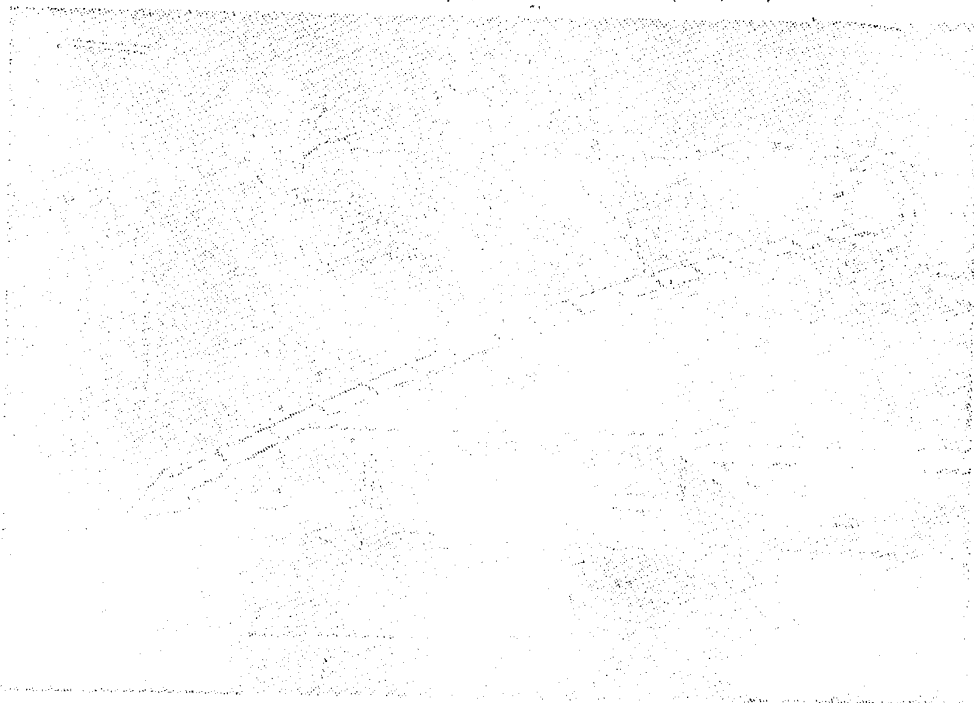
Canale said there had been widespread rumors that Ray was a "dupe" or "fall guy or member of a conspiracy."

Canale said his office had examined over 5,000 pages of investigative documents, examined hundreds of physical bits of evidence and sent representatives on trips totaling thousands of miles without finding any evidence whatsoever of a conspiracy. But he promised the jurors prompt and vigorous investigation that might later indicate someone other than Ray was involved.



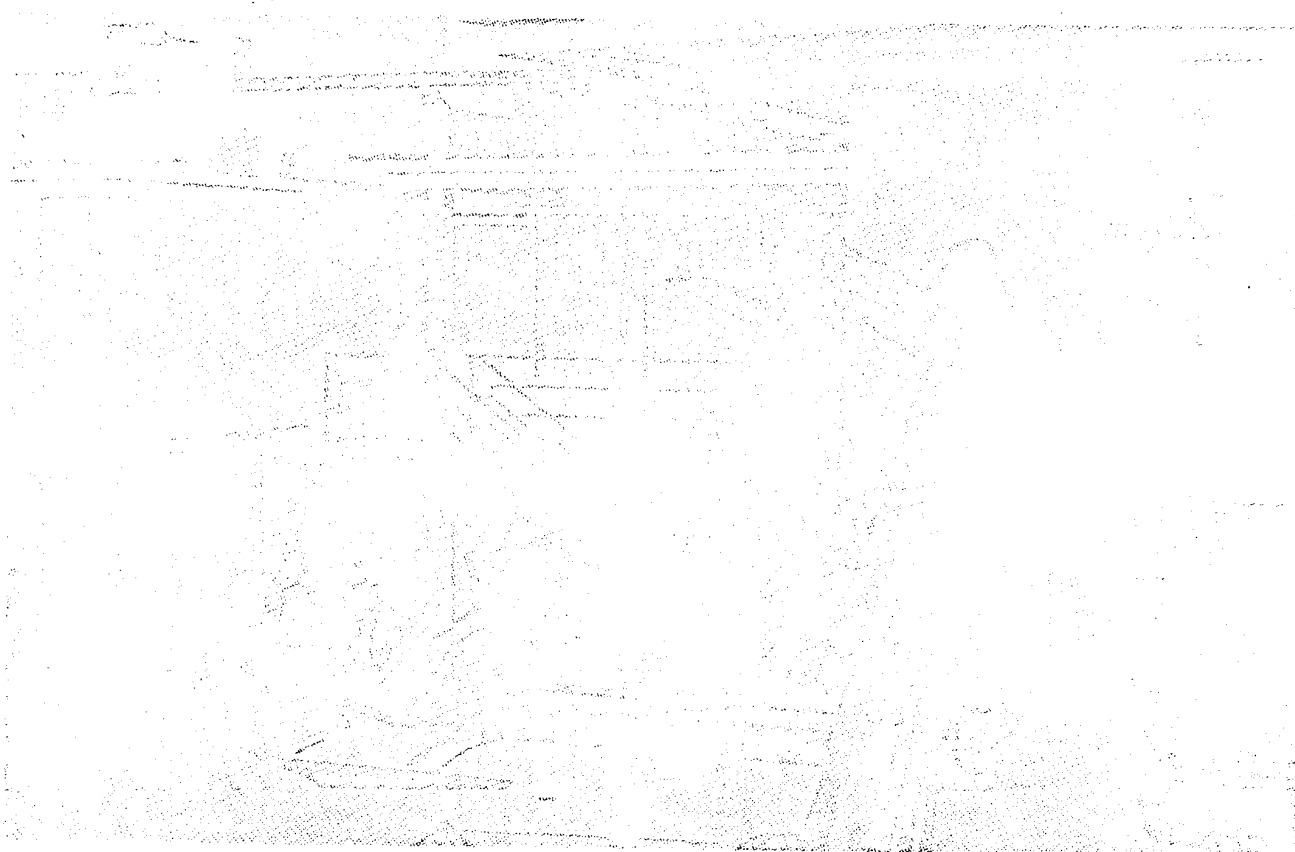
#### THE TARGET

View through a simulated telescopic gunsight made from the Hophouse bathroom window sill shows the scene the sniper saw as he squeezed off the shot that killed Dr. Martin Luther King Jr. last April 4.



#### PATH OF THE BULLET

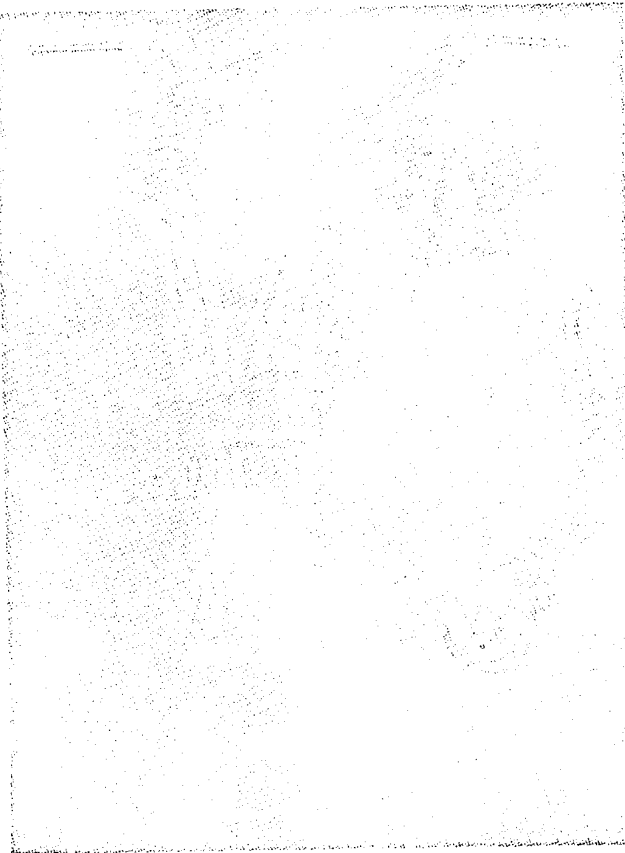
Dr. King's room looked toward the building from which a sniper's shot came, killing the civil rights leader. Window circled is that of common bathroom believed to be the room from which the bullet came.



#### KING LIES ON BALCONY AS AIDES POINT

Dr. King's aides stand over the mortally wounded Dr. King and signal to police below the direction from which the assassin's bullet came. (Photo by Joseph

Low of the public broadcast Laboratory by courtesy of Life Magazine. Copyright Time, Inc., 1968)



**JAMES EARL RAY JAILED**

Sheriff William N. Morris is shown with Ray after he arrived in Memphis under tight security after he was arrested in London June 8. Ray is handcuffed and wearing a bullet proof apron.

## Judge Praises Memphis

"I submit that, up to now, we have not done too badly for a 'decadent river town.' If I may be permitted to add a light touch to a solemn occasion, I would like to paraphrase the great and eloquent Winston Churchill who, in defiant reply to the Axis threat to wring England's neck like a chicken, said, 'Some chicken--some neck.'"

I would like to reply to Memphis' critic:

'Some river--some town.' "

—Judge W. Preston Battle



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