

(Mount Clipping in Space Below)

Legal Move Centers On Ray's Money

By KAY PITTMAN BLACK
Press-Scimitar Staff Writer

Attorneys for James Earl Ray today filed motions in Federal Court seeking an accounting of what happened to \$10,000 of Ray's money.

The attorneys state the money was in the control of Houston lawyer Percy Foreman.

The motions, filed by one of Ray's three attorneys, James Hiram Lesar of Washington, D.C., ask Federal Judge Robert M. McRae to issue an order requiring Memphis' Union Planters National Bank to allow Ray's attorneys to inspect records pertaining to the opening, maintenance and closing of a bank account which allegedly held Ray's money.

Lesar said they want to see all records pertaining to the account because on Feb. 7, 1969 — one month after Ray pleaded guilty to the murder of Dr. Martin Luther King Jr. — at a hearing before the late Shelby County Criminal Court Judge Preston W. Battle, "the State of Tennessee alluded to a \$5,000 payment which William Bradford Huie (Alabama author of the Ray book "He Slew the Dreamer") had made to Percy Foreman."

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

PAGE 25

MEMPHIS PRESS
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Editor: SCHNEIDER

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At that time, Lesar petitions, Foreman said the \$5,000 was on deposit in "a trust fund." Lesar states in his brief "a week later, the state again brought up the matter of the \$5,000 payment to Foreman, and Foreman interrupted to assert that it had not been paid to him: 'To my control, your Honor, but not to me, to Mr. Ray. I wouldn't accept it.'"

Ray's attorneys say "Notwithstanding Foreman's declarations, at least two checks, each in the amount of \$5,000, were deposited in an account in the Union Planters Bank of Memphis. One of the checks was endorsed by James Earl Ray after Foreman promised to use the money to retain John J. Hooker as co-counsel. Ray denies, however, that he endorsed the second \$5,000 check, or that he ever gave Foreman a power of attorney."

Ray's attorneys say in their motions that the attorneys for the bank have told them this account was maintained in the name of Foreman.

Ray's attorneys contend the bank records will shed light on Ray's contention that his attorneys were more interested in financial gain than in representing him.

The evidentiary hearing, now set by Judge McRae for Sept. 30 but expected to be postponed until late October, will explore whether or not Ray was coerced by his attorneys into pleading guilty and whether the financial aspects of the contracts the attorneys, Foreman and Arthur Hanes of Birmingham, had with Huie represented a conflict of interest.

Ray also filed a motion asking Judge McRae to grant him relief from solitary confinement so he could prepare for the evidentiary hearing, at which he will testify.

(Mount Clipping in Space Below)

Ray Asks Court Authority To Examine Bank Records

James Earl Ray yesterday asked for federal court authority to gain access to bank records of Houston, Texas, attorney Percy Foreman in an effort to show that the criminal lawyer's financial interests influenced his judgment as Ray's attorney in 1968-69.

Attorney James H. Lesar of Washington filed the request yesterday to examine Foreman's now-closed account at Union Planters National Bank in Memphis. The account was established in Foreman's name as "a trust fund" for Ray's defense, according to Foreman.

However, according to Lesar's petition, at a hearing Feb. 7, 1969, the state alluded to a \$5,000 payment from Alabama author William Bradford Huie to Foreman which Foreman said was put in the trust fund. But a week later, the Houston attorney said the money was paid to Ray, not to himself.

Lesar alleged that two \$5,000 checks were deposited in the account but that only one was endorsed by Ray. The trust fund records will enable Ray to prove allegations that Foreman's financial interests affected his actions as Ray's defense lawyer, Lesar said.

On June 10, 1971, the bank told Ray in a letter that he would need Foreman's permission to inspect account records.

The petition also requested that Ray be released from solitary confinement and that he be allowed to mingle with the general inmate population at the Tennessee State Prison at Nashville. Lesar said Ray now gets little exercise, is on a restricted diet and has "virtually no contact with fellow human beings."

Ray's health, memory and mental alertness continue to deteriorate under present confinement conditions and will lessen his ability to testify in the evidentiary hearing, Lesar said.

The evidentiary hearing has been scheduled for Sept. 30 but Ray's attorney's have asked that it be postponed

until Oct. 21-25. During the hearing Ray will be on the witness stand and will be housed at the Shelby County Jail. Attorneys requested yesterday that Ray's living conditions in the jail be improved over those in which he was confined from July, 1968, to March, 1969.

Yesterday they asked that his cell at the jail have no surveillance cameras or microphones, a window for sunlight and fresh air and no lights on during normal sleeping hours.

Lesar also requested a court order to obtain all contracts, statements and correspondence concerning the financial relationship of Huie, Ray's former attorneys Foreman and Arthur Hanes Sr., publishers.

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

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— COMMERCIAL APPEAL

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alt

(Mount Clipping in Space Below)

Debate in Ray Hearing May Center on Existence of Mystery Man 'Raoul'

By KAY PITTMAN BLACK
Press-Scimitar Staff Writer

The actual existence of a man known only as Raoul is expected to be one of the major topics of debate at the approaching evidentiary hearing requested by attorneys for James Earl Ray, the convicted assassin of Dr. Martin Luther King Jr.

Birmingham attorney Arthur Hanes Sr., who first represented Ray, said that his client was insistent that the mysterious Raoul actually fired the shot that killed King.

Houston attorney Percy Foreman, who was Ray's attorney when he pleaded guilty to King's slaying, contends that Ray told him that he had invented the character Raoul for Hanes and Alabama author William Bradford Huie.

Robert I. Livingston, a Memphis attorney who is currently representing Ray along with two Washington, D.C., lawyers takes issue with Foreman.

Regarding the existence of Raoul, Livingston said that Ray has always maintained that there was such a person. He said Ray has "described the man to us many times. He has never denied the man."

In a deposition taken from Foreman in

Houston on April 3, but just released to The Press-Scimitar by Ray's current attorneys, Foreman said he believed Ray acted alone in the slaying of King.

The 72-year-old Houston attorney said that while he was representing Ray, he showed his client a picture of some men being led away from Dealey Plaza in Dallas, Tex., after the shooting of President John F. Kennedy.

"I know that the purpose of showing this (the picture) was to try to pick out Raoul and that is when Ray told me he invented Raoul for Huie and Hanes," Foreman said in the statement. "He said there wasn't any Raoul."

Hanes stated in a 1969 article he wrote for a national magazine, which is now part of the federal court record in Memphis on the Ray case, that Ray became "tense and devious" when questioned about Raoul.

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

PAGE 15

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~~"I believe his story to this extent."~~
Hanes wrote. "I think he met somebody like Raoul in Montreal in August, 1967, and I think Raoul may be Ray's name for one, two or three persons who directed or assisted him between August, 1967, and his escape through Canada after King's 1967 slaying."

Hanes concluded the article by saying, "I simply cannot agree that James Earl Ray was not helped in murdering Dr. King."

Ray fired Haney the day before he was to go to trial and replaced him with Foreman on Nov. 10, 1969. It was Foreman who negotiated the guilty plea that put Ray in the state penitentiary in Nashville.

Although Foreman stated in the deposition that he would now advise Ray not to enter a guilty plea, he said he believes that Ray was a racist who killed King thinking the act would make him the hero of white Americans.

When Ray's confession resulted in a 99-year prison sentence, Ray claimed he had been coerced into pleading guilty by attorneys interested primarily in royalty rights to a book on the slaying by Huie.

U.S. Dist. Judge Robert M. McRae Jr. will probe Ray's accusations at the Oct. 22 evidentiary hearing and decide whether Ray is entitled to withdraw his confession and stand trial in Criminal Court for murder.

Livingston said, "Mr. Foreman came in here to pull off a cop-out (change of plea) and did it and went back to Texas." Livingston said. "Why would he do that? I don't

know. We have some theories that time will develop."

Foreman revealed in the deposition that he got the late Public Defender Hugh Stanton Sr. in December or January to start negotiating a guilty plea. He said he did not let Ray know this because he didn't want Ray to lose confidence in him.

He also stated in the deposition that Phil Canale, who was attorney general at the time, discussed such a change of plea with King's widow, Mrs. Coretta King, and other members of the King family to see if they would agree to such a step.

Livingston, along with Bernard Fensterwald and James Lesar of Washington, D. C., plan to argue at the hearing that Foreman did not properly investigate the case against Ray with a view of proving Ray innocent. In his deposition, Foreman denied this.

Foreman said that he could not find any eyewitnesses that could identify Ray as being at the scene of the crime at the time of the murder, but said "there was overwhelming evidence, fingerprints alone, sufficient to convict."

~~He told Ray's attorneys in the deposition that he knew ballistics tests could not con-~~

firm that the bullet fragment taken from Dr. King's body came from the rifle found near the murder scene and this is expected to be a big point at the hearing.

"I did not consider that there was ballistics evidence, but I was convinced that there was overwhelming evidence to prove that James Earl Ray and nobody else killed Dr. Martin Luther King and that any jury that I ever worked with before, on the evidence that was available to the prosecution, would convict him," Foreman said.

"I was also convinced that because of the nature of the case there would be the death penalty and that was my considered judgment and the best judgment I had, and that was why I recommended that we negotiate for a waiver of the death penalty," he added.

Foreman is not required to be present at the evidentiary hearing, but Asst. State Atty. Gen. Henry Haile said, "I don't think wild horses could keep him away."

The Houston attorney said in his deposition that he would be happy to come for the hearing if his "very, very, very heavy" schedule permits.

(Mount Clipping in Space Below)

Little Light Is Shed On Ray's Case By Private Papers Of Late Judge

The late Criminal Court Judge Preston Battle's private papers relating to the James Earl Ray murder case were filed in federal court yesterday, but shed no new light on the case.

The papers, taken from Battle's office after his death, had been sought by Ray's attorneys in hopes they might refer to circumstances surrounding the negotiation of Ray's guilty plea to the slaying of Dr. Martin Luther King Jr. Battle ac-

cepted Ray's confession March 10, 1969.

Among the items filed yesterday were a desk calendar, copies of two letters mailed to Battle from Ray's Shelby County Jail cell, an original letter from Ray to Battle and two pages of handwritten notes taken by Battle during Ray's guilty plea hearing on March 10, 1969.

Ray's attorneys had asked to examine the papers in preparation for an Oct. 22

evidentiary hearing which will decide whether Ray is entitled to withdraw his guilty plea and stand trial for the King slaying.

Battle made no notes on his desk calendar in reference to the case, and his other notes made no reference to plea negotiations.

In one of Ray's letters to the judge, the prisoner asked that Battle authorize jailers to supply him with a safety razor. Ray said he was allowed to use only an electric razor.

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

PAGE 3

COMMERCIAL APPEAL

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Hester *qll*

(Mount Clipping in Space Below)

Ray Leaves His Cell For Prison Work

By ROY B. HAMILTON
Press-Scimitar Staff Writer

James Earl Ray has decided to "come out of his cell" and go back to work at his old prison job in Nashville, State Corrections Commissioner Mark Luttrell said today.

Luttrell said Ray is now working seven or eight hours a day in the cellblock area, where his duties include house-keeping chores and helping serve meals to other prisoners in the cellblock.

Ray is still not permitted to mingle with the general

prison population but does have contact with six or seven prisoners assigned the same tasks, the commissioner said.

"He seems a lot happier than he was when he refused to come out of his cell," Luttrell added. "The activity has kind of perked him up."

Ray had a similar job until about a year ago when he quit, saying he needed to spend more time on preparing his case for a new trial. Ray is serving a 99-year sentence for the 1968 slaying of Dr. Martin Luther King. He is scheduled to be in Federal Court in Memphis Oct. 22 for an evidentiary hearing on his contention that he was coerced by his former attorneys into pleading guilty to the charge.

After quitting his prison job, Ray later filed petitions alleging that he was being held in isolation and demanding the court order the state to let him associate and exercise with other prisoners.

Luttrell said Ray was kept apart from the general prison population because of concern for his safety and his record of escapes and escape attempts.

"The judge ruled that we were within the law in keeping him isolated," Luttrell said. "We have always said he could have his job back anytime he wanted it, but he refused to accept it until recently."

There are 165 cells in the cellblock where Ray is now confined.

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

PAGE 9

MEMPHIS PRESS
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Hester

(Mount Clipping in Space Below)

Huie Denies Part in Plea

Author William Bradford Huie has denied to state attorneys that he participated in any conspiracy to get James Earl Ray to change his plea to guilty, claiming he only learned of the guilty plea "a few days before it happened."

Ray's attorneys are expected to argue at an evidentiary hearing next month that Huie conspired with Ray's prior lawyers to get the convicted killer of Dr. Martin Luther King to plead guilty, thereby enhancing the sale of the Huie book, "He Slew the Dreamer."

Asst. State Atty. Gen. Henry Haile said in a sworn testimony deposition taken from Huie Friday in Nashville, the author denied such charges and "said he thought he learned of the plea change about March 1, or thereabouts," Ray changed his plea on March 9, 1969.

Ray's attorneys boycotted the deposition and did not participate in its taking. James Lesar of Washington, D.C., one of the Ray attorneys, said: "If Mr. Huie could go to Nashville he can come to Memphis for the hearing, and we're going to object to the state entering the deposition into evidence."

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

PAGE 3

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(Mount Clipping in Space Below)

Contempt Case May Originate From Ray Files

U.S. Dist. Judge Robert M. McRae has refused to hold Shelby County Public Defender Edward Thompson in contempt of court, but indicated he might do so in the future if Thompson did not turn over his office's files on the James Earl Ray case to Ray's attorneys.

Judge McRae's ruling yesterday followed a motion by James H. Lesar of Washington, D.C., one of Ray's attorneys, asking that Thompson be held in contempt if he continued to refuse to turn over records relating to the 1969 defense of the convicted assassin of Dr. Martin Luther King Jr.

On Aug. 23, Judge McRae granted broad discovery rights to Ray's attorneys, allowing them to see documents concerning the case that are in the possession of various people across the country.

Lesar said that despite the ruling, Thompson refused to allow him to see files on the case when he asked for them during a visit to Memphis Sept. 23.

Thompson told Lesar in a letter that he would not release the material because the state had appealed Judge McRae's ruling. Judge McRae pointed out, however, that the U.S. Sixth Circuit Court of Appeals had refused the state's request that the ruling not be enforced until the appeal had been decided.

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

PAGE 13

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(Mount Clipping in Space Below)

McRae Stresses 'End to Moves' In Ray Case

By KAY PITTMAN BLACK
Press-Scimitar Staff Writer

U.S. Dist. Judge Robert M. McRae Jr. today told attorneys involved in the James Earl Ray case he could not "run court by telephone" and that the attorneys were going to have to "quit moving and counter moving" and "get ready for trial."

The comment came when State Asst. Attys. Gen. Henry Haile and Joe Haynes walked into court this morning, suitcases in hand and just off the plane from Nashville, and told Judge McRae they wanted court permission to take deposition of Ray in his Nashville prison cell at 9 a.m. Oct. 15. Haile and Haynes said they also had other motions to file. They said they want to get a list of expert witnesses from Ray's attorneys. Haile said, "We notified Mr. Ray's attorneys Friday that we would be in court today."

At that point Judge McRae said: "Well, I've already had a call from Mr. Lesar (James Lesar, one of Ray's Washington, D.C., attorneys) this morning and he is sending a telegram. . . . You gentlemen are going to have to stop all of this."

"Mr. Lesar said he would send a telegram to my office," said McRae, "and he also indicated he had some motions to file. I may just have to read them and rule on them . . . or may have to set a hearing . . . but I can't run court by telephone."

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

PAGE 24

MEMPHIS PRESS
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Oct 10 1974

~~Referring to all of the~~ security arrangements being readied by the government for the Oct. 22 Ray hearing, Judge McRae reminded Haile, "This is not just an ordinary case."

Haile told Judge McRae that the state wanted to "turn the tables" on Ray's lawyers and do some in-depth probing on their own of Ray. Haile said they want to see all of Ray's records, diaries, letters and newspaper clippings relating to the case dating back to June 8, 1968. They also want to see all copies of letters Ray has concerning principals in the case.

Judge McRae told Haile to return to court this afternoon, adding that by then he might have heard more from Ray's lawyers. Ray's lawyers are expected to object to the state's move.

An evidentiary hearing on Oct. 22, to determine if Ray was coerced into pleading guilty to the 1968 murder of Dr. Martin Luther King, Jr., could lead to a new trial.

Yesterday Judge McRae ruled that Ray will be brought to Memphis from his Nashville cell by U.S. marshals and will be housed in the Shelby County jail. Ray is serving a 99-year sentence on his guilty plea.

In security orders filed yesterday, Judge McRae said Ray, while in Memphis, may not be interviewed by anyone other than his attorneys except by court's permission. He instructed federal deputy marshals who will escort Ray to and from the jail always to use stairways instead of elevators. The marshals must inspect the courtroom each morning "for ~~concealed~~ weapons, explosives devices, etc."

(Mount Clipping in Space Below)

Ray's Attorneys Win Leeway

The U. S. Sixth Circuit Court of Appeals yesterday upheld the right of James Earl Ray's attorneys to examine previously closed files in an attempt to clear their client.

The ruling, handed down in Cincinnati, upheld an earlier ruling by U. S. Dist. Judge Robert M. McRae Jr. of Memphis.

Also yesterday, McRae issued an order detailing strict security measures for Ray's protection. The measures will apply at an evidentiary hearing scheduled to begin Oct. 22 at which Ray's attorneys will try to show why he should be granted a new trial in the slaying of Dr. Martin Luther King Jr.

While Ray is in Memphis for the hearing he will be housed in the Shelby County Jail, where he was held between April, 1968, and March, 1969, when he confessed to slaying King. The prisoner, now confined at the state penitentiary at Nashville, has served 6 years of a 99-year sentence imposed after he made his confession.

He and his current attorneys claim the confession was coerced, that Ray was pressured into pleading guilty by his former attorneys.

Yesterday's ruling by the appellate court in Cincinnati upheld earlier rulings by McRae which allowed Ray's attorneys to examine previously closed investigative files related to the guilty plea and to literary contracts arranged before the confession was given.

Asst. State Atty. Gen. Henry Haile had claimed most of the documents in question are "irrelevant, immaterial and unnecessary" to the evidentiary hearing, but the appellate court said a broad investigation is necessary for a "full and fair hearing" for Ray.

Haile said he will appeal the appellate court's ruling to the U. S. Supreme Court and ask the Sixth Circuit to issue a stay order delaying enforcement of its ruling pending the outcome of the new appeal.

Ray's Memphis attorney, Robert I. Livingston, said he was "not in the least surprised" by the Sixth Circuit ruling. "I think Henry and the state should prepare for a similar ruling by the Supreme Court," he said.

In the security orders filed yesterday, McRae said that while in Memphis Ray may not be interviewed by anyone except his attorneys without

the court's permission. He instructed federal deputy marshals who will escort Ray to and from the jail always to use stairways instead of elevators.

The marshals must inspect the courtroom each morning "for concealed weapons, explosive devices, etc.," the judge said, and, "No one will be admitted to the 11th-floor courtroom before being screened or searched." In an earlier ruling, McRae authorized deputies to examine each spectator with a hand-held metal detector known as a "beaver tail" before issuing a pass allowing the spectator to enter the courtroom.

The judge said women may carry handbags or purses into the courtroom after they are searched, but ruled out "heavy coats, umbrellas, valises, brief cases and all unnecessary objects or containers."

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

PAGE 13

COMMERCIAL APPEAL

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44-1987-Sub C 591

(Mount Clipping in Space Below)

Lawyers' Motions in Ray Case Will Be Aired in Court Oct. 17

Federal Judge Robert M. McRae Jr. has set a hearing for 9:30 a.m. Thursday, Oct. 17, to go over lawyers' motions in the James Earl Ray case, including one by Ray's attorneys seeking to have Shelby County Attorney General Hugh Stanton held in contempt of court.

Judge McRae said the Oct. 17 hearing will be preliminary to the Oct. 22 evidentiary hearing for Ray. He set the date of the new hearing after talking with Asst. State Atty. Gen. Henry Haile and James H. Lesar, one of Ray's Washington, D.C., lawyers, this morning.

Lesar, in a motion, has stated that when he visited Stanton's office last week Stanton failed to turn over all of the records it had in the Ray case, as ordered to

do by Judge McRae on Aug. 23.

McRae indicated today, he hopes most of the dispute over such records will be resolved before next week's hearing, but if not then the contempt motion will have to be gone into.

In an affidavit filed with the court by Harold Weisberg, a Frederick, Md., writer who is working with Lesar as Ray's investigator on the case, Weisberg said he had proof that all correspondence to and from Ray prior to his March 10, 1969, guilty plea to the murder of Dr. Martin Luther King Jr. was turned over by Shelby County jail officials to the county prosecutor's office. Weisberg said this includes letters from Ray's defense

attorneys. Weisberg said such action was a violation of Ray's "constitutional rights."

Weisberg also told Judge McRae that as late as 1972—three years after Ray left the specially designed cell—audio and visual surveillance was still in operation in the cell.

Weisberg said in 1973 he interviewed two prisoners at Brushy Mountain who recently had been "confined in the James Earl Ray cell in the Shelby County jail. Each told me that he and other prisoners had been severely punished after they made adverse comments about their guards, even though no one could have heard them except by electronic surveillance."

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

PAGE 30

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Oct 10 1974

(Mount Clipping in Space Below)

Judge McRae Says Ray Hearing Should Begin on Schedule

U.S. Dist. Judge Robert M. McRae Jr. today said an evidentiary hearing for James Earl Ray will begin Oct. 22 as scheduled.

He termed as unfounded speculation that various motions filed by Ray's attorneys and the state, as well as an appeal on pre-trial discovery orders by the state, might delay the trial.

Judge McRae will conduct the evidentiary hearing for the convicted slayer of Dr. Martin Luther King Jr.

He said yesterday that it appears both sides are well along in their preparation of the case for trial, and added, "I can see no reason for any delay."

Attorneys for Ray and for the state will meet with Judge McRae on Oct. 17 to iron out last-minute disputes and then will meet again on Oct. 21, in an all-day session, to review the list of witnesses and exhibits prior to the opening of the public hearing.

The hearing could lead to a new trial for Ray, who confessed to the 1968 killing of Dr. King on March 9, 1969, and is now serving a 99-year sentence at the Nashville state penitentiary.

Judge McRae also has been meeting frequently with Deputy U.S. Marshal Willie Durham, going over security arrangements for the proceedings.

One such session was held yesterday afternoon. A topic of discussion was what arrangements to make for the press to cover the hearing.

Few requests thus far have come to the marshal's office from news media representatives to cover the proceedings. Most are expected to come in at the last minute, which the marshal's office says is slowing down the arrangements.

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

PAGE 6

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Judge Seeks Early Untangling Of Ray Motions

U.S. Dist. Judge Robert M. McRae Jr. yesterday scheduled a preliminary hearing next Thursday to resolve all pending motions in the James Earl Ray case prior to Ray's Oct. 22 evidentiary hearing.

The judge said attorneys for the state and for Ray have told him they want no delays in the Oct. 22 hearing and are trying to resolve any disputes as early as possible.

McRae had warned the attorneys Tuesday he is tired of their constant contact with him in the form of prehearing motions and counter-motions, and urged them to "get ready for trial."

Asst. State Atty. Gen. Henry Haile yesterday withdrew a request that he be al-

lowed to interview Ray at the state penitentiary at Nashville before the Oct. 22 hearing. But other pending requests were reserved for the preliminary hearing Thursday.

Among the motions is a request filed yesterday by James H. Lesar, one of Ray's Washington attorneys, asking that Shelby County Atty. Gen. Hugh Stanton Jr.

be held in contempt of court for withholding documents related to the Ray case.

McRae has granted Ray's attorneys the right to exam-

ine any relevant documents in Stanton's possession, but Lesar said Stanton has refused to turn over all of the relevant records.

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

PAGE 79

COMMERCIAL APPEAL

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Oct 11 1974

(Mount Clipping in Space Below)

Ray To Move To Shelby Jail During Week

U.S. Deputy Marshal Willie Durham, in charge of security precautions in the James Earl Ray case, says Ray will be transferred from Nashville to Memphis "sometime this week."

U.S. Dist. Judge Robert M. McRae Jr. has scheduled a preliminary hearing in the Ray case for 9:30 a. m. today to resolve pending motions prior to Ray's evidentiary hearing here next Tuesday.

Ray's Memphis attorney, Robert I. Livingston, said "Frankly, I would have thought Mr. Ray would already have been brought here. But if he's not here by Thursday we'll bring the matter up before Judge McRae."

Livingston said his co-counsel, Bernard Fensterwald and James H. Lesar, both of Washington, were flying to Memphis "for the duration, and we'll need to confer with Ray as much as possible before next Tuesday."

Ray is serving a 99-year sentence at the state penitentiary at Nashville for the 1968 slaying of Dr. Martin Luther King Jr.

Asst. State Atty. Gen. Henry Haile said he has no objections to Ray's transfer "whenever Mr. Durham is ready for him."

Ray will be housed as a federal prisoner in the Shelby County Jail during his stay in Memphis.

Durham would not say precisely when the prisoner will be transferred "for security reasons."

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

— PAGE 49

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

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Editor: GORDON HANNA

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OCT 18 1974

MEMPHIS PRESS
SCHEIDER

MEMPHIS, TENN.
OCT 18 1974

BY CHARLES H. SCHNEIDER
Staff Writer

Asst. State Atty. Gen. Henry Hume has disclosed that Alabama author William Bradford Huie and Houston attorney Percy Foreman will not appear for the James Earl Ray coterritorial hearing in Memphis next week.

Hume made the announcement yesterday during a preliminary hearing before U.S. Dist. Judge Robert M. McRae Jr.

Yesterday's hearing was held to clear up loose ends before the coterritorial hearing begins at 9:30 a.m. Tuesday. Ray will be in court that day.

The hearing, expected to last up to two weeks, will be on Ray's claim that he was pressured into pleading guilty to the April 4, 1968, slaying of Dr. Martin Luther King Jr.

Ray claims his first attorney, Arthur Hanes Sr. of Birmingham, Ala., and Foreman, who was Ray's attorney at the time the guilty plea was entered, coerced him into pleading guilty to enhance sales of Huie's book, "He Saw the Dreamer," based on the King assassination.

If Judge McRae upholds Ray's contention that he was coerced, he could order the state to allow Ray to withdraw his guilty plea and order the resulting 99-year sentence vacated. Ray would then be allowed to stand trial for the slaying.

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

PAGE 14

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Halle said that sworn depositions from Hule and Foreman will be read into the record during the hearing. Hanes will appear to testify, he said.

Ray will also testify, and is expected to be on the stand for two or three days. In addition, his brother, Jerry Ray, will also testify in his behalf.

James Lesar of Washington, D.C., one of Ray's attorneys, said that Herbert McDonald, a New York criminologist, will testify in an attempt to dispute the validity of much of the state's evidence.

In addition, Harold Weinberg, a Maryland writer who has investigated the case for Ray, will testify on the adequacy of the investigation conducted by Ray's earlier attorneys. Ray claims that little investigation was made and that this makes it appear Foreman never intended to go to trial on the case.

In Foreman's deposition, he says he turned over all his notes and records on his investigation of the case to the late Nashville lawyer John Jay Hooker. Hooker's firm has informed the court they have not been able to find any such records.

Shelby County Atty. Gen. Hugh Stanton yesterday turned over a large number of additional Ray case records, including some which he said were obtained from the home of Phil Canale, his predecessor. Lesar had asked that Stanton be held in contempt for failing to turn over records of the case as ordered by the court.

(Mount Clipping in Space Below)

Stanton Surrenders Material For Ray's Evidentiary Hearing

A preliminary hearing in the James Earl Ray case yesterday paved the way for Ray's evidentiary hearing to begin as scheduled at 9:30 a.m. Tuesday.

At yesterday's hearing, Shelby County Atty. Gen. Hugh Stanton Jr. gave Ray's attorneys all files which had been sought from his office in pretrial discovery motions.

The files, including letters, photographs and "various physical evidence" related to the Ray case, was supplemented by documents retrieved from the home of former Atty. Gen. Phil M. Canale Jr.

Canale said later that as attorney general he kept "a miscellaneous file of unofficial letters" in the Ray case, and took them home as "souvenirs" when he retired last year.

Ray's attorneys had asked for all relevant documents in the case, and told U.S. Dist. Judge Robert M. McRae Jr. last Wednesday that Stanton was withholding certain files or letters.

They asked that he be held in contempt of court, but Stanton told McRae yesterday, "I was not at all familiar with the tremendous volume of files we had on James Earl Ray." He said his chief investigator, John Carlisle, had found "five more files with hundreds of letters and various physical evidence" which had been overlooked in an earlier search.

Also yesterday, McRae ordered Ray's attorneys to make available to the state any "documents or letters in

which James Earl Ray discussed his guilty plea" to the 1968 slaying of Dr. Martin Luther King Jr.

Asst. State Atty. Gen. Henry Haile had asked for those documents "to see whether Ray indicated in his letters any willingness to plead guilty to the slaying."

Ray claims he was coerced into pleading guilty by his former attorneys and Alabama author William Bradford Huie. The evidentiary hearing, which will consider that claim, will decide whether Ray is entitled to withdraw the guilty plea and stand trial for the slaying.

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

PAGE 25
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Ray Portrayed As Trap Victim Of Ex-Lawyers

By MICHAEL LOLLAR

James Earl Ray's attorneys yesterday portrayed him as a man trapped into an unwanted murder confession as they laid a framework for conflict-of-interest claims against his former attorneys.

As Ray's evidentiary hearing opened before U. S. Dist. Judge Robert M. McRae Jr., Bernard Fensterwald said the evidence will show a "blatant conflict of interest" on the part of Percy Foreman and Arthur Hanes, because of their dealings with Alabama author William Bradford Huie.

Foreman was the primary focus of yesterday's assault. Fensterwald, his Washington co-counsel James H. Lesar and Ray's Memphis attorney, Robert I. Livingston, said they will show that Foreman began negotiations for a guilty plea before undertaking any investigation of the April 4, 1968, slaying of Dr. Martin Luther King Jr.

In his opening statement, Fensterwald said that Foreman, a Houston attorney, "refused to try to stop prejudicial pretrial publicity" in the case and finally "coerced Ray into the guilty plea."

"The evidence will show that . . . Foreman put every available pressure upon Ray to plead guilty. He said that Ray would barbecue if he went to trial."

The 46-year-old Ray, serving a 99-year sentence for the slaying, showed little emotion, but smiled occasionally during testimony by insp. Billy J. Smith, the sheriff's deputy assigned as head of the 14-man security force for Ray in 1968 and 1969.

Livingston asked Smith if he recalled Ray and his attorneys turning the shower in his cell on and off to keep their conversations from being overheard by hidden microphones in Ray's maximum-security cell.

Smith replied, "I read the same book you read, and that's not true." The deputy said the claim was originated by New York author Gerold Frank in his book, "An American Death."

Ray laughed with the crowd of about 40 spectators at Smith's vigorous denial of the claim. Otherwise, the prisoner sat quietly, occasionally passing notes to his attorneys.

Testimony about Foreman's representation of Ray was introduced through Memphis attorney Russell X

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Thompson, who had been retained by Hanes "probably in August, 1968."

Thompson said Hanes asked him to serve as local counsel for Ray and that he enlisted the aid of private investigator Renfro Hays to help compile statements from possible witnesses.

Thompson said he discussed the case with Hanes only briefly, primarily by telephone, but soon learned "through the newspapers" that Ray had fired Hanes, hiring Foreman to take his place.

Questioned by Lesar, Thompson said that Foreman never asked to see the investigative files which he compiled with the help of Hays. Thompson brought the files with him, including a statement taken from Charles Quitman Stephens. Stephens was a resident of the boarding house at 422 1/2 South Main, from which the fatal shot supposedly was fired.

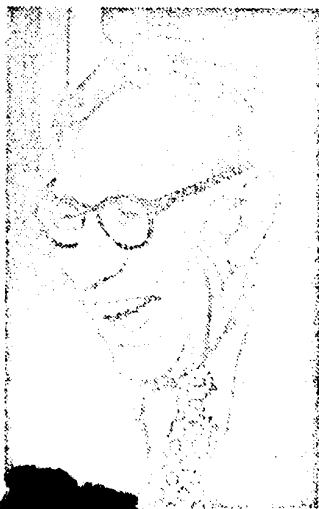
In a signed affidavit, Stephens said he saw a man resembling Ray run from the boarding house with a bundle under his arm after the shot was fired.

Lesar asked Thompson, "Would you consider that affidavit evidence that was essential in preparing a case for trial, a murder case?"

Thompson replied, "Well, I would in defense of a criminal case. I would think just about anything would be important. Anything I could get my hands on I would look for."

Another document in Thompson's files was an affidavit from an FBI firearms expert who examined the rifle supposedly used to murder King and

(Continued on Page 6)



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

PAGE 176

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Conflict Of Interest Claims Are Prepared In Ray Hearing

(Continued from Page 1)

the 20.05 bullet removed from King during an autopsy.

In the affidavit, the agent said, "I could draw no conclusion whether the submitted bullet was fired from the submitted rifle."

Questioning Foreman's failure to ask for the affidavit when he was fired, Leser asked Thompson if the document might have been important to Ray's defense.

"I suppose it would be relevant," Thompson said.

Thompson also testified that Frank, the New York author, asked to look at the investigative files, but Thompson said he turned him down for fear the book might interfere with Ray's right to a fair trial. The attorney said Frank then contacted Foreman, who "wrote to me on Nov. 15, 1973, authorizing my turning over the materials to Gerald Frank."

Thompson said he still refused to allow Frank access to his files, and, "I ended up just giving the whole thing to Hugh Stanton Jr.," former assistant public defender. The Shelby County Public Defender's Office was appointed to assist Foreman in Ray's defense. Thompson said that when Ray agreed to plead guilty Stanton returned the files to him.

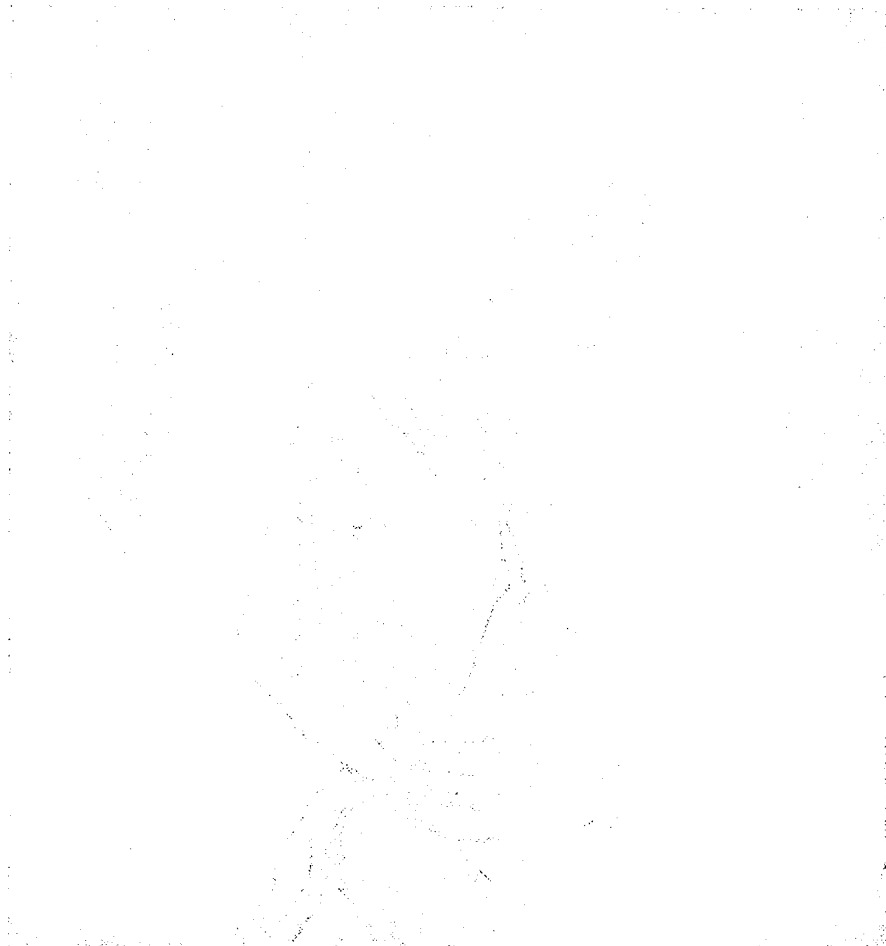
Ray's current attorneys claim Foreman made no effort to examine Thompson's files or to conduct his own investigation of the case because he was primarily interested in "badgering" Ray to plead guilty.

When he agreed to represent Ray, Foreman assumed 60 per cent of the royalty rights to Huie's book, "He Slew the Dreamer," an account of the King slaying. Ray claims Foreman wanted him to plead guilty "to preserve the economic value of the book."

In Smith's testimony early yesterday the sheriff's deputy testified he was in charge of all security for Ray between July 19, 1969, and March 12, 1969, when Ray was transferred to the state penitentiary at Nashville.

Smith said all of Ray's incoming mail was scrutinized by deputies before it was given to Ray, "and all outgoing mail except to his attorneys."

All mail read-by the deputies was copied and delivered to Lloyd 'Dusty' Rhodes, who was administrative assist-



James Earl Ray Is Escorted From Court With Mass Of Papers

—AP Photo



Blackwell



Rhodes

ant to former Dist. Atty. Gen. Phil M. Canale, Smith said.

In his opening statement, Fenster-

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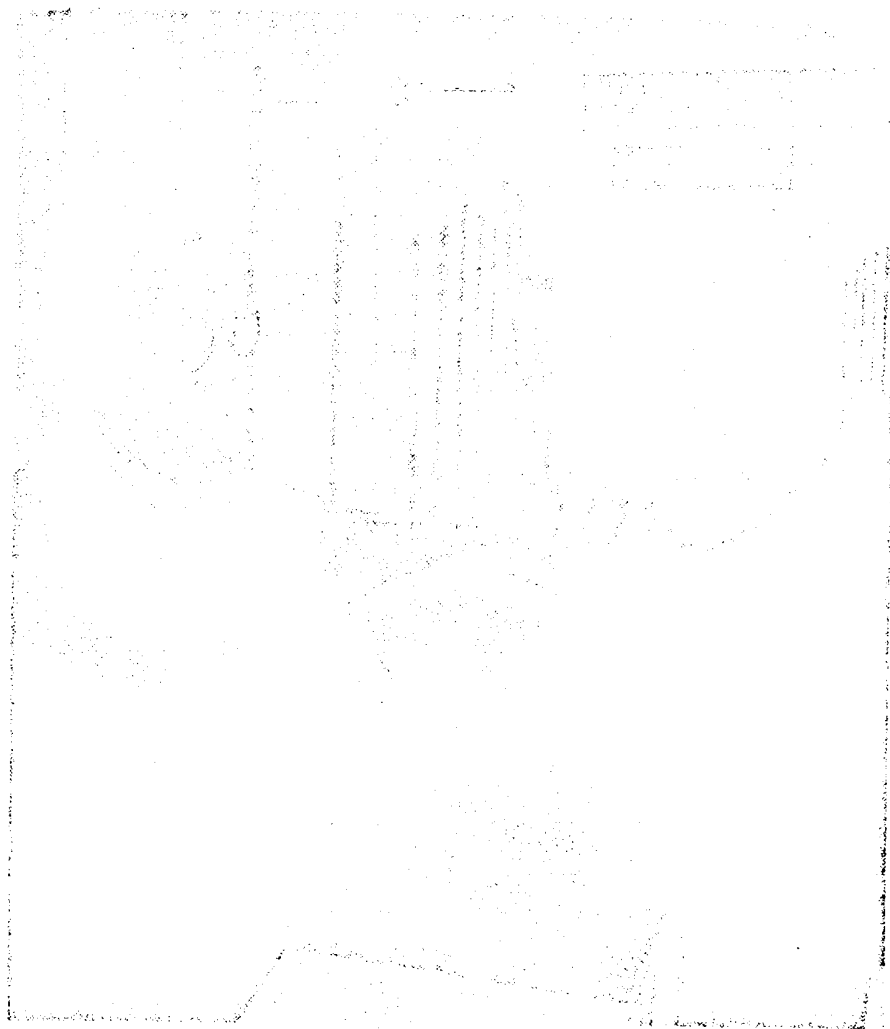
Fensterwald said the jail's use of television cameras and microphones to monitor activity in Ray's cell amounted to "systematic interference with Ray's Sixth Amendment right to counsel, especially his right to confer with counsel without interference by the state."

Smith testified two cameras were trained on Ray's cell at all times and a microphone was connected to one of the cameras. He said the microphone "was turned off whenever Ray's attorneys were in the cell."

Deputy Sheriff William N. Morris Jr., who authorized the security setup, said that the security measures were discussed beforehand with Canale. "I might deeply say that we didn't feel we were doing anything that would violate Mr. Ray's constitutional rights."

Rhodes, Canale's former administrative assistant, testified he was not a party in the prosecution of the Ray case. Questioned by Lesar, he said he knew "no evidence that was made available to anybody" outside the attorney general's office. Lesar claims prosecution received confidential information from Rhodes, among others, without making the same information available to Ray's own attorneys.

The hearing will resume at 9:30 this morning with testimony by Dr. McCarthy DeMere, Memphis plastic surgeon who served as jail physician to Ray.



Defense Attorney Bernard Fensterwald's Briefcase Is Checked

—Staff Photo

(Mount Clipping in Space Below)

Ray Portrayed As Trap Victim Of Ex-Lawyers

By MICHAEL LOLLAR

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— PAGE 1

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FBI — MEMPHIS
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The 46-year-old Ray, serving a 99-year sentence for the slaying, showed "the emotion, but smiled occasionally" during testimony by Insp. Billy J. Smith, the sheriff's deputy assigned as head of the 14-man security force for Ray in 1968 and 1969.

Livingston asked Smith if he recalled Ray and his attorneys turning the shower in his cell on and off to keep their conversations from being overheard by hidden microphones in Ray's maximum-security cell.

Smith replied, "I read the same book you read, and that's not true." The deputy said the claim was originated by New York author Gerold Frank in his book, "An American Death."

Ray laughed with the crowd of about 40 spectators at Smith's vigorous denial of the claim. Otherwise, the prisoner sat quietly, occasionally passing notes to his attorneys.

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the 30.06 bullet removed from King during an autopsy.

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Judge Robert M. McRae Jr.



Blackwell

Rhodes



Defense Attorney Bernard Fensterwald's Briefcase Is Checked

—Staff Photo



James Earl Ray Is Escorted From Court With Mass Of Papers

—AP Photo

(Mount Clipping in Space Below)

Doctor Says Ray Became Healthier

(Continued from Page 1)

"worked closely" with him otherwise. "Mr. Foreman had dictated certain notes that he wanted our investigators to investigate ... that was done. He was in the public defender's office many times, and we discussed this lawsuit. We had a very good working relationship, and we had his authority to do whatever we wanted to do."

Based on the investigation, Stanton said he concluded Ray would have been found guilty if he had gone to trial. "We were checking out everything in the case, and frankly we concluded we didn't have much defense. There were too many things I found too hard to explain."

He told Asst. State Atty. Gen. William 'Joe' Haynes that Ray's confession in exchange for a 99-year prison sentence was a good bargain. "I think that it was. I think there was an extremely high probability that a jury would have given him the death penalty if he had gone to trial."

Earlier yesterday, the state was allowed to call one of its witnesses, Memphis plastic surgeon McCarthy DeMere. Ray's attorneys have several more witnesses to call, but U. S. Dist. Judge Robert M. McTae Jr. ruled DeMere could testify out of turn since he must leave the city today.

DeMere, who served as jail physician to Ray between July 19, 1968, and March 12, 1969, said conditions in the Shelby County Jail improved Ray's health.

Ray's current attorneys claim his solitary confinement in the maximum-se-

curity cell caused his physical and mental condition to deteriorate, making him unable to resist pressures to plead guilty.

DeMere said the specially-built cell block for Ray compared favorably to "a good motel room, except for the bed," and that Ray gained weight during his stay there. He said he administered aspirin to Ray for minor headaches and treated him for nosebleed, but noticed no signs of depression or nervousness in the prisoner. "In my opinion he was in better health when he left than when he arrived."

Questioned by Asst. State Atty. Gen. John R. 'Dick' Lodge, the doctor said he became well-acquainted with Ray during their association and asked Ray after he pleaded guilty "if he really did it."

DeMere said Ray told him, "Well, let's put it this way. I wasn't by myself."

The hearing will resume at 9:30 this morning. Ray's attorneys plan to call New York criminologist Herbert McDonald as their first witness, to be followed by former Dist. Atty. Gen. Phil M. Canale Jr. Ray is expected to be called late in the afternoon.

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

PAGE 17

COMMERCIAL APPEAL

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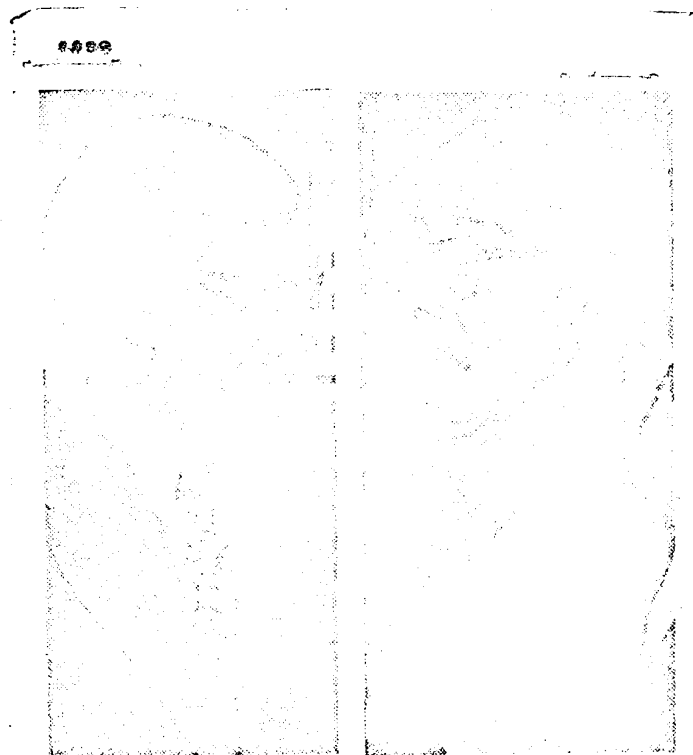
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FBI - MEMPHIS	



Atty. Gen. Hugh Stanton Charles Quitman Stephens
—Staff Photos

(Mount Clipping in Space Below)

Ray's Lawyers Attack Pretrial Investigations, State's Major Witness

(name of
and state.)

By MICHAEL LOLLAR

A Memphis taxi driver testified yesterday that the state's key witness in the James Earl Ray murder case was lying drunk on a rooming house bed only 15 minutes before Dr. Martin Luther King Jr. was killed.

James McGraw, a Yellow Cab driver, said he had gone to the rooming house at 422½ South Main to pick up Charles Quitman Stephens. It was 5:45 p.m. on April 4, 1968.

"I found him drunk," McGraw said. "He was lying on the bed and couldn't get up." McGraw said Stephens, one of his regular customers, was in no condition to walk.

Stephens later told police he heard a gunshot about 6 p.m. and looked out to see James Earl Ray racing down the hallway with a package in his arms.

The taxi driver's testimony in Ray's evidentiary hearing followed that of Dist. Atty. Gen. Hugh Stanton Jr., former assistant public defender who was appointed on Dec. 18, 1968, to help Houston attorney Percy Foreman defend Ray in the murder case.

Stanton told Bernard Fensterwald, a Washington attorney representing Ray in the evidentiary hearing, that Stephens would have been one of the state's most important witnesses. "I think he was one of the most positive of the state's witnesses that I knew anything about."

But Stanton said the defense was prepared to discredit Stephens through findings from investigative work which would have shown his drunken state at the time of the shooting.

Stanton, whose testimony took most of the day, defended the pretrial investigative work against claims by Fensterwald that it was "incomplete, inadequate and ultimately."

— PAGE 1

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his effort to negate Ray's confession to the King slaying. Fensterwald claims that Foreman, Ray's chief counsel in 1969, began negotiations to plead Ray guilty before taking part in any investigation of the case. Foreman had replaced Birmingham attorney Arthur J. Hanes, whom Ray fired in November, 1968.

Stanton said that when he was appointed to assist Foreman, the Houston attorney gave him no copies of findings from previous investigative work. "But I think we probably discussed what he had done. He had a pretty fair knowledge of the proof that was likely to be presented."

Stanton said his own investigation began with a review of investigative findings compiled by private investigator Renfro Hays, who had been hired by Hanes, and with review of a list of 360 potential state witnesses.

The former public defender said he and three members of the public defender's staff were hampered from the beginning, because when they started cross-checking the work that Hays had done they found serious errors. "By about January or February the facts

began to contradict statements supplied by Hays."

Soon, he said, he began to doubt "the truth and veracity" of all of Hays' efforts, because, "He would take a little fact and make it appear to fit into the puzzle, when, in fact, it didn't fit at all."

"Stanton testified he and his staff had interviewed only 31 of the state's 360 potential witnesses by the time Ray's originally scheduled trial date — March 3, 1969 — arrived. The trial was continued, and Stanton said

he and his staff resumed their investigation until March 7, when he learned "by accident" that Ray had agreed to plead guilty.

The attorney said he had telephoned former Sheriff William N. Morris Jr. about another matter and was "amazed, surprised and astounded" when Morris told him Ray planned to plead guilty.

Stanton said Foreman had not told him of the planned confession, but had

(Continued on Page 17)

(Mount Clipping in Space Below)

Ray, Attorneys Confer On Eve Of Court Date

By MICHAEL LOLLAR

In Memphis for the first time since 1969, James Earl Ray spent yesterday conferring with attorneys and waiting for the evidentiary hearing that will begin at 9:30 this morning.

"He looked pale and wan, and I was surprised by the amount of weight he's lost," said Bernard Fensterwald, one of Ray's Washington attorneys.

Fensterwald, co-counsel James H. Lesar of Washington and Robert I. Livingston of Memphis interviewed Ray in a federal holding cell inside the U. S. Marshal's Office on the 19th floor of the Federal Office Building.

One floor above, deputy marshals were preparing "the tightest security precautions" ever undertaken for a prisoner in Memphis. Outside the courtroom of U. S. Dist. Judge Robert M. McRae Jr., marshals installed a metal-detecting device through which every spectator, attorney and newsman must pass after leaving the elevators on the 11th floor of the building.

Eleven deputy marshals, five of them in Memphis on special detail, were assigned to oversee security for Ray, who is seeking to withdraw his confession to the 1968 slaying of Dr. Martin Luther King Jr.

"These are the tightest security precautions ever" in Memphis, said deputy marshal Willie Durham, assigned to coordinate all movement into and out of the courtroom and all measures taken to insure Ray's protection.

Ray's attorneys spent most of the day conferring with Asst. State Attys. Gen. Henry Haile and William 'Joe' Haynes of Nashville. The attorneys exchanged copies of exhibits, lists of witnesses and ironed out last-minute legal technicalities preliminary to the hearing.

At 4:30 p.m., Lesar asked McRae to bar from evidence depositions of Houston attorney Percy Foreman and Hartselle, Ala., author William Bradford Huie. Lesar asked the judge to order both witnesses to appear in person, since their written testimony would give the judge no insight into their demeanor."

Original and 1 cc fwd. Bureau by RS, 11/11/74. (JAP)

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— PAGE 1

— COMMERCIAL APPEAL

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McRae said the depositions must be allowed as evidence and refused to order Foreman and Huie to Memphis since federal law places a 100-mile territorial limit on the court's subpoena power in civil cases.

Fensterwald said he expects to call Ray as his fourth witness late today. The first three witnesses will be Criminal Court Clerk J. A. 'Babba' Blackwell, former Shelby County Asst. Atty. Gen. Lloyd 'Dusty' Rhodes and John Carlisle, an investigator with the attorney general's office.

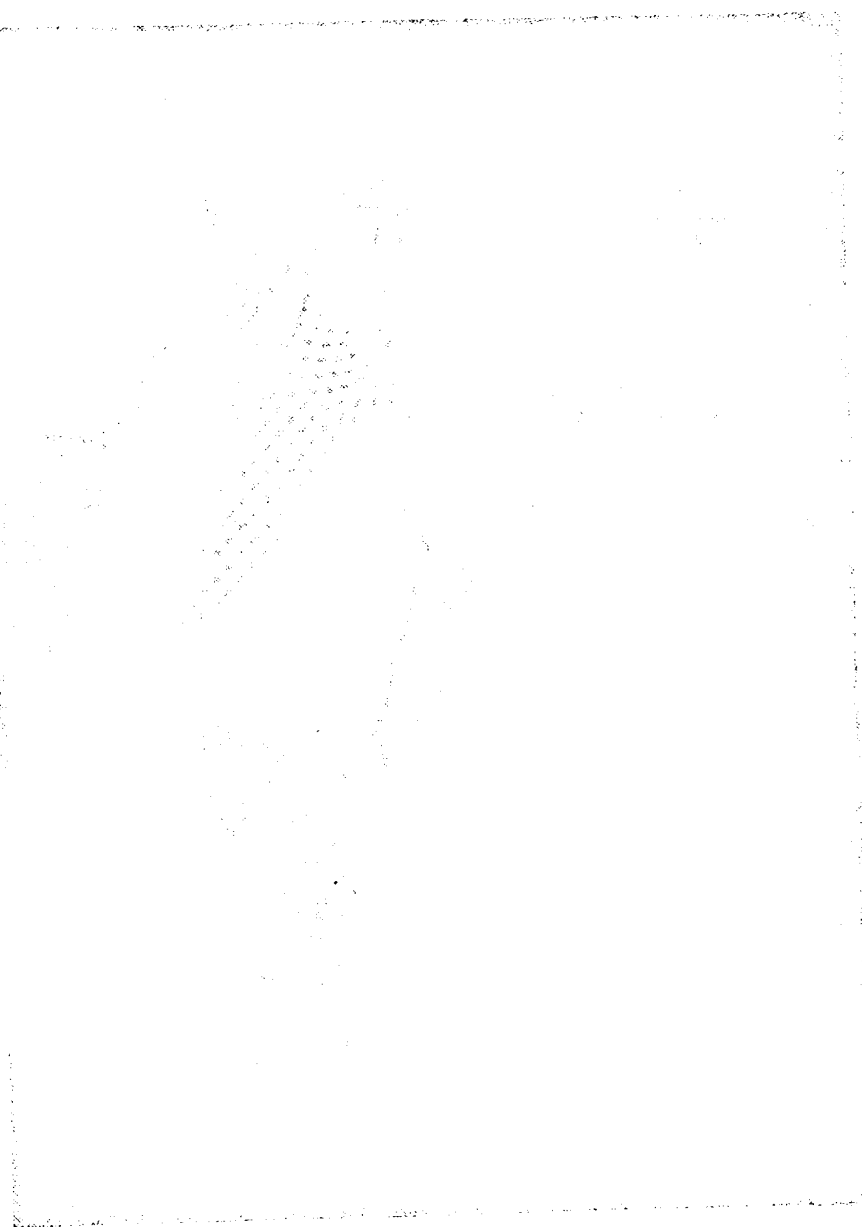
In the hearing, Ray's attorneys will attempt to show that Ray was coerced into pleading guilty to the King slaying by Birmingham attorney Arthur Hanes, Foreman and Huie. Both attorneys had negotiated literary contracts with Huie for royalty rights to Huie's book, "He Slew the Dreamer."

Ray claims the contracts created a conflict of interest, causing his former attorneys to pressure him into pleading guilty in order to preserve the economic value of the book.

The prisoner also claims the conditions of his confinement in the Shelby County Jail prior to his guilty plea affected his state of mind. He claims he was unable to confer with his attorneys in private because of constant audio and visual monitoring of the jail cell, and that after eight months in the cell he was unable to resist the supposed pressures to plead guilty.

Ray is in that same maximum-security cell during his stay in Memphis, but without any form of electronic monitoring devices, jailers say.

As Ray left the cell for the Federal Office Building shortly before 10 a.m. yesterday, he was carrying an armload of personal files which the state had asked to examine during the hearing. McRae ordered Ray to bring the files, which included correspondence between him and his former attorneys prior to his guilty plea on March 10, 1969.



James Earl Ray (Right) Is Escorted Back To Shelby County Jail
With Ray Is Deputy U.S. Marshal Charles Meadows

—Staff Photo by Richard Gortner

(Mount Clipping in Space Below)

James Earl Ray, Attorneys Confer at Federal Building

By KAY PITTMAN BLACK
Press-Scimitar Staff Writer

James Earl Ray, convicted killer of Dr. Martin Luther King Jr., was taken from his Shelby County jail cell — where he arrived last night — to the Federal Office Building at 10 a.m. today by U.S. Marshals.

It was Ray's first visit to the Marshal's holding cell on the 10th floor, prior to the start of the evidentiary hearing before U.S. District Judge Robert M. McRae Jr. tomorrow.

The hearing is to determine if Ray was coerced by his attorneys into pleading guilty on March 10, 1969. If that is found to be so, Judge McRae could order the state to give Ray a new trial for the April 4, 1968, slaying. Ray is serving a 99-year sen-

JAMES EARL RAY
tence in the Nashville State Penitentiary.

When brought from the Shelby County jail and loaded into a U.S. Marshal's car, the 40-year-old Ray looked tired and much older than when seen by the public in 1969.

Ray, sources said, was taken to the Federal Office Building to confer with his attorneys, Robert I. Livingston of Memphis, Bernard Fensterwald and James Lesar of Washington, D.C.

The attorneys were meeting this morning in a ninth floor conference room with Asst. State Atty. Gen. Henry Hutto going over exhibits that will be used at the hearing and witnesses who will be called.

Fensterwald, chief counsel for Ray, said they have sub-

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

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poenaed about 20 witnesses.

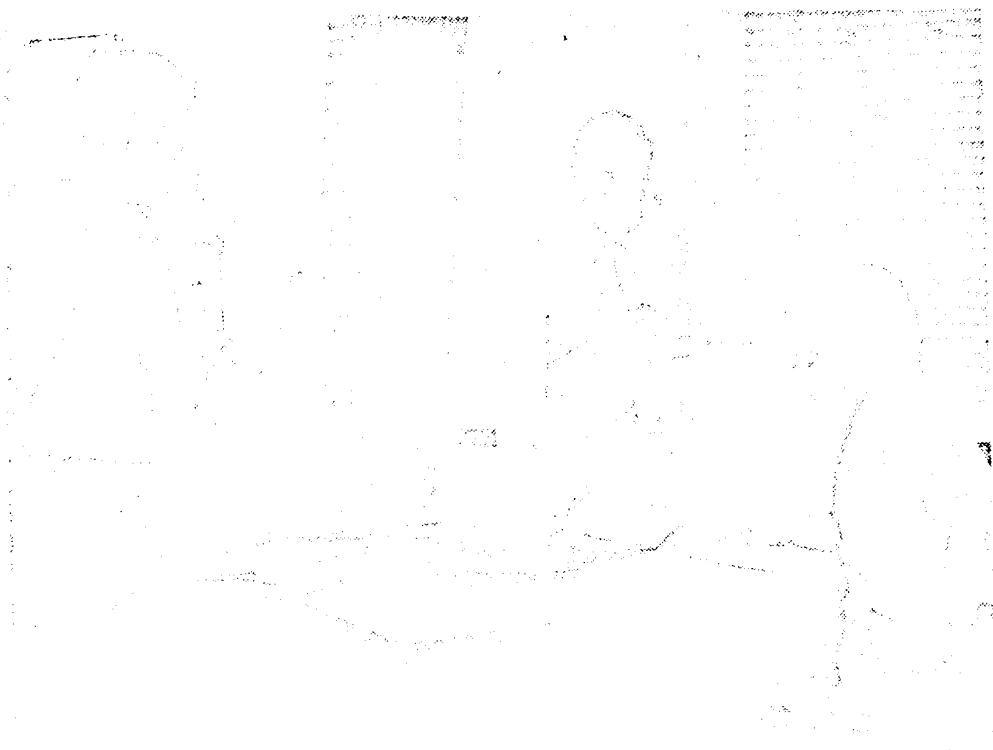
Among those, he said, are former Shelby County attorney general Phil Canale, former chief prosecutor Robert Dwyer, and former county prosecutor James Beasley (Beasley and Dwyer are now judges). Investigator John Carlisle, and Shelby County Medical Examiner, Dr. Jerry Francisco, the man in charge of the King autopsy.

Also subpoenaed are Loyd Jowers, of 418 S. Main, said to be the operator of Jim's Grill near the rooming house slaying scene; James McCraw, Yellow Cab driver, who is expected to testify that one of the state's eye witnesses, Charles Stephens, was too drunk at the time of the King killing to identify anyone; and Guy W. Canipe, who owned the business on South Main in front of which the gun alleged to have been used to shoot King was dropped.

"From the list of witnesses it appears we are going to be trying the Martin Luther King murder case," said Haile. "It will be an interesting session."

The state has not revealed its list of witnesses and Ray's attorneys have not submitted all of theirs.

Fensterwald said it would be decided today whether Ray would be called to the stand as the first witness. However, sources indicate that he will probably be called later in the hearing.



TWO SIDES MEET ON EVE OF HEARING

James Earl Ray's attorneys, from left, James L. Ladd, Robert L. Livingston and Bernard Fensterwald, confer today with the prosecution--Henry Haile, assistant attorney general, right.

—Press-Scimitar Staff Photo by John P. George

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(Mount Clipping in Space Below)

NOT BY MYSELF? RAY IS QUOTED

Doctor Tells Of Dialogue 6 Years Ago

By KAY PITTMAN BLACK
And TOM JONES
Press-Scimitar Staff Writer

The Memphis physician who examined James Earl Ray during his stay in the Shelby County jail testified today in Federal Court that Ray told him he "wasn't by myself" in the assassination of Dr. Martin Luther King Jr.

Dr. McCarthy DeMere, a plastic surgeon who was a reserve deputy sheriff at the time of the April 4, 1968, slaying, said then Sheriff William N. Morris appointed him to take care of Ray medically when Ray arrived at the jail on July 19, 1968.

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

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DeMere said he examined Ray during his entire stay in the jail and gave him a complete physical before Ray was transferred to the Nashville State Penitentiary following his March 10, 1969, guilty plea. The slaying of the civil rights leader.

DeMere said, under instructions from the late Criminal Court Judge Preston Battle, he never discussed the case with Ray until after the guilty plea.

When checking him after the plea, Dr. DeMere said he asked Ray if "he was really involved" in the killing.

DeMere said, "He told me, 'Well, let's put it this way. I wasn't by myself.' He said he wasn't going to stay long in Nashville and when he got out he wanted me to hide him out. My wife said if he ever showed up we were leaving home."

DeMere was a state witness, called out of turn because he had to be out of town.

Asst. State Atty. Gen. Dick Lodge, through questioning of DeMere, tried to refute Ray's contention that the conditions in the jail cell led to Ray, 46, being coerced into pleading guilty by his attorneys.

The evidentiary hearing now in progress is to determine if Ray is entitled to a new trial on the charges.

In other testimony today, Shelby County Atty. Gen. Hugh Stanton Jr., formerly a public defender assigned to the Ray case, said he was "surprised" in March, 1969, to learn that Ray would plead guilty.

Stanton, called as Ray's sixth witness before U.S. District Judge Robert M. McRae Jr., said former Sheriff Morris told him of the guilty plea a few days before Ray entered it.

"It never occurred to me that it (the case) would be disposed of without a trial," he said.

DeMere characterized Ray's cell in the Shelby

County jail as "being like a first class motel room, except for the bed."

He admitted that Ray complained of the constant lights in his cell, but said that Ray was in "good, excellent health" during the eight months he treated him. DeMere said he found Ray to be in "good spirits."

DeMere said he asked Ray one time if he disliked blacks, and he said Ray said: "Absolutely not. He said he liked them. He had been in prison with them before."

DeMere said, "If anything, Ray was in better physical shape after his stay in the Shelby County Jail" than he was when he arrived in Memphis after his arrest in England.

DeMere said Ray exhibited no tension, adding that his speech and mind were clear. "At no time did I ever see him depressed," said DeMere.

DeMere said Ray did not complain about a lack of sleep, but talked some about his lack of privacy.

"We envied the (physical) condition he was in. Two or three occasions I saw him walk across the length of the floor of his cell—about 20 feet—on his hands. This is something most people can't do," DeMere said.

DeMere said he was on friendly terms with Ray and said that Ray also got along

with his guards. "They called him Jimmy."

DeMere also said Ray autographed his FBI wanted poster and signed it: "To my Memphis doctor."

DeMere said Ray had occasional nose bleeds and "rare" headaches. However, one of Ray's attorneys asked DeMere why, then, the sheriff's department logs showed that Ray was given aspirin almost every day.

DeMere said he had no personal records of his treatment of Ray to check this by, because Sheriff Morris had ordered him not to keep any records "because the case was so unusual."

Stanton was called to the stand after DeMere finished his testimony.

Stanton and his late father, Shelby County Public Defender Hugh Stanton Sr., were appointed to assist Ray's 1969 lawyer, Percy Foreman of Houston. Stanton said he was "piqued" to learn of the plans to plead Ray guilty since he had been assigned as co-counsel in the case by Battle.

Stanton said he was surprised, although his father had made the suggestion of a guilty plea during their first meeting with Foreman in December, 1968.

He testified, "There was some talk between Mr. Foreman and my father about whether the man was guilty."

"Foreman said, 'Yes, he was (guilty) in his opinion.' That day, Hugh, Sr., went to

General (Phil) Canale and said something about the possibility of the guilty plea."

However, Stanton said Foreman ruled out the guilty plea, since the attorney general's office would want to prosecute the case because of world wide publicity on the slaying.

Questioned by Ray's Washington, D.C., attorney, Edward Fensterwald, about the public defender's relationship with Ray, Stanton said the investigation was "hampored" because the defendant "would not talk with my father. He said he didn't want to talk to him. He wanted to talk to Foreman."

Stanton said he received a letter from Ray dated Jan. 20, 1969, which said that only Foreman was his attorney. The letter also said that Ray had fired his first attorney, Arthur Hanes Sr., after discovering the Alabama lawyer had entered into a contract for a book with author, William Bradford Huie.

Despite earlier testimony by sheriff's officers that no mail between Ray and his attorneys was read, the envelope of the letter to Stanton had been initialed and opened, said Fensterwald.

"Would it come as a shock to you to learn that the mail from Mr. Ray to you had been opened?" asked Fensterwald.

"Yes, sir," answered Stan-

ton. "I would not have appreciated that."

Stanton testified that he spoke with Ray on two occasions, both times in Criminal Court. "I said, 'How are you' and he said, 'I'm fine.' That's the total and only contact I had with James Earl Ray."

Stanton testified that he was unsure if Foreman asked that the public defender be appointed to help prepare Ray's defense, but added: "I don't think he had any objections on our being appointed. I think he welcomed the help we would give him. He was not displeased with us, as far as I knew."

Stanton said he never ordered any ballistics tests conducted on the rifle bearing Ray's fingerprints, which was recovered near the King slaying.

"I knew the ballistics report from the FBI was very favorable to James Earl Ray," he explained. "There was no point to gliding the Billy." The FBI report could not definitely state that the shot that killed King was fired from the rifle.

Ray wore the same suit today that he wore yesterday, a dark brown pin-striped. But he wore a different shirt — blue chambray instead of yesterday's white. Although Ray was tieless yesterday, he appeared

today wearing a green, brown and white striped tie.

Fensterwald said yesterday that Ray probably would not testify until Thursday because attorneys have been unable to have lengthy discussions with him since his transfer from prison. Fensterwald added that he probably would complete his case by the end of the week.

Ray's attorneys presented five witnesses yesterday to support their claim that Ray was not properly represented by his attorneys.

Shelby County Sheriff's Department Insp. Billy J. Smith, the man assigned as head of the 14-man security for Ray in 1968 and 1969, testified that all of Ray's incoming and outgoing mail was opened, censored and photostated. He said the photostats were turned over to the prosecution. Smith said the only exception to this was Ray's outgoing mail to his attorneys.

Memphis attorney Russell X Thompson, who aided

Ray's first attorney in investigating the Ray case, said that Houston attorney Percy Foreman, who later took over the case, never asked to see his files.

Thompson said the only communication about the files he had from Foreman occurred when Foreman wrote him a letter on Nov. 14, 1968, and asked him to turn over the investigative files on the Ray case to Boston author Gerold Frank. Thompson said instead he turned the files over to the public defenders office, which had been appointed to aid Foreman.

Also testifying yesterday were Criminal Court Clerk J. A. Blackwell, former Shelby County Atty. Gen. Administrative Asst. Lloyd Rhodes, and former sheriff Morris.

Speaking to the question of the mail opening and security arrangements, Morris said: "I might simply say that we didn't feel we were doing anything that would violate Mr. Ray's constitutional rights."

(Mount Clipping in Space Below)

Ballistics Expert Claims Ray's Rifle Wasn't Fired From Bathroom Window

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

PAGE 1

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State Version Is Disputed

By KAY PITTMAN BLACK and TOM JONES

Press-Scimitar Staff Writers

A New York ballistics expert and criminologist testified in Federal Court today that there is "no way" the rifle said to have been used in the slaying of Dr. Martin Luther King Jr. could have been fired from the rooming house bathroom window, as the state claimed.

Herbert Lynn MacDonell, Elmira College, N.Y., criminologist, was called to the witness stand to testify in the third day of the evidentiary hearing which could lead to a new trial for James Earl Ray, the man serving 99 years in state prison for the April 4, 1968, slaying of King in Memphis.

Bernard Fensterwald, one of Ray's Washington, D.C., attorneys, told U.S. Dist. Judge Robert M. McKee Jr. he called MacDonell to illustrate the "incompetence of the investigation" conducted by Ray's former attorneys, Arthur Hanes Sr. of Birmingham, Ala., and Percy Foreman of Houston, Tex.

Fensterwald, speaking of the work done by the other attorneys, said, "It's inconceivable to me . . . they did not examine the room with the gun . . . and attempt to fire it . . ."

Drawing diagrams on a courtroom blackboard, MacDonell illustrated the position of a dent in the rear bathroom window sill of the rooming house at 422½ S. Main. He said the state claimed the dent was caused when the 30.06 rifle was propped against the sill and fired at 6:01 p.m. at Dr. King as he stood on the balcony of the nearby Lorraine Motel.

MacDonell, doing geometric calculations based on the angle of the sill nick, said that because of the nearness of the window to the wall there was "no way" the 42-inch-long rifle could have been positioned in such a way as to fire a shot. Had such a rifle positioning been tried, he said, the rifle "would have stuck some 10 inches into the wall."

MacDonell also took issue with a Federal Bureau of Investigation ballistics report presented by the state at Ray's March 19, 1969, guilty plea.

MacDonell said he went to the Shelby County Criminal Court Clerk's office, where the Ray evidence is maintained, and microscopically examined the window sill taken from the rooming house, the dent in it, and fragments of the bullet taken from Dr. King's body.

MacDonell took issue with the report, prepared by FBI expert Robert Frazier, which stated that because of the "distorted" condition of the bullet fragments there was no way to draw a conclusion "that the submitted bullet was fired from the submitted rifle."

MacDonell said the mushroom-type bullet fragment was not so torn up that it could not be classified. He said the fragments showed six grooves and the grooves would be consistent with bullets that come from two types of rifles.

Fensterwald quoted Frazier's statement as saying microscopical evidence led him to believe the fresh sill dent was caused by the firing of the rifle.

MacDonell said he also made a microscopic examination but found no evidence to indicate what caused the dent.

Further, MacDonell said, the back side of the rifle, when fired, would not cause such a dent. "A dent could only be caused by a muzzle or a sight."

Asst. State Atty. Gen. Henry Haile asked MacDonell if he had personally examined the gun or visited the scene.

MacDonell said, "It's a rifle, not a gun." He said he had not examined the weapon and had not visited the scene but based his calculations on his knowledge of the type of rifle and on photos of the bathroom. He said he had examined the window sill and the dent.

Haile said MacDonell based his calculations on only the section of the window sill which had been removed and not the few inches on each side of the sill that were left.

MacDonell then recalculated the problem and said still there was no way a gun of that length could have been fired from the window sill, in view of the angle of the dent and the distance between the wall and the sill.

MacDonell said to have made that mark in the sill the gun would have had to have been pointing upward and to the left and when fired the shot "would have gone into the wall," rather than downward, toward the Lorraine Motel.

The testimony of MacDonell was a further attempt to erode the prosecution's case against Ray and to bolster the defense theory that the shot that killed King could have come from behind the building, as some witnesses at the scene claimed.

The state's key eyewitness who placed Ray at the scene of the slaying could have been "discredited" since the witness was drunk at the time of the shooting, witnesses indicated yesterday.

Attorneys for Ray concentrated their questioning on the reliability of Charles Q. Stephens, who lived at the rooming house where officers said the fatal shot was fired.

Shelby County Attorney General Hugh Stanton Jr., formerly an assistant public defender assigned to Ray's defense, testified that investigations had shown that Stephens was the only person who could identify Ray as a boarder in the rooming house.

Stephens said he saw Ray flee past his door from the bathroom, where the shot allegedly was fired. King was struck in the jaw by a rifle bullet while standing on the balcony of the motel at 406 Mulberry, police have said.

Questioned by Fensterwald, Stanton said Stephens would have been "one of the state's key witnesses — the most positive of the eyewitnesses. We had a lot of evidence that would discredit Stephens."

Stanton said his investigators had also taken a statement from Pvt. Charles Stone of the fire department, who said Stephens came to Fire Station No. 2, just south of the rooming house, "every night at 6 p.m. intoxicated."

A driver for Yellow Cab Company, James McGraw, testified that Stephens was drunk 15 minutes before King was shot.

McGraw said he received a call to the boarding house, but when he arrived at 3:45 p.m. he discovered that his passenger, Stephens, "was lying on the bed and couldn't get up. He was pretty drunk."

The former operator of Jim's Grill, Lloyd Jowers, testified that Stephens was drunk the afternoon of the slaying.

The attorneys for Ray have argued that the prosecutors held Stephens in jail as a material witness while the man's wife, who contradicted his description, was spirited to a mental hospital.

Fensterwald also reviewed witnesses' statements taken by the public defender's investigators which contradicted the police theory of the killing.

Statements by the following rooming house dwellers were examined:

• Harold (Cornbread) Carter, who said he was drinking in a nearby parking lot when "he heard the shot, loud in his ear, looked around and saw a man run away."

• Mrs. Bessie Brewer, landlady of the rooming house, who could not identify the man who rented a room at 3 p.m. Officials contended the man was Ray.

• Bertie Reeves, 50, who said Ray was not the man who rented the room. He said the "shot came from the bushes" behind the building.

• Harvey (Ace) Locke, who said three were in the room about two hours before the shooting. He did not identify Ray.

• Willie Auschultz, who said he thought the shot "came from the bushes."

Stanton also revealed that the defense had been investigating reports that law enforcement agencies "were paying Charlie Stephens' bills" at Jim's Grill. However, he added the investigation stopped abruptly when he learned that Ray intended to plead guilty.

Dr. J. T. Francisco, Shelby County medical examiner, was questioned by Ray's attorneys about the origin of the fatal shot. He said it was "not possible" to definitely identify the location where the bullet was fired, but said the bathroom window was "consistent" with the path of the bullet.

Ray's attorneys closely questioned witnesses about the investigation conducted by the defense. Ray's trial was scheduled for April 7, 1969, and when he pleaded guilty on March 10, Stanton said only 31 of the state's 360 witnesses had been interviewed by defense.

Other testimony today revealed that almost immediately after Stanton and his father, Public Defender Hugh Stanton Sr., were appointed in December, 1968, to assist Foreman, negotiations began on a guilty plea for Ray.

Former Shelby County

Atty. Gen. Phil Canale, under examination by Ray's other Washington, D.C., attorney, James Lesar, said he was first approached about a recommendation on a guilty plea in early December by the late Stanton Sr.

Canale said that "within a couple of weeks," a time period he said would have probably been a couple of weeks before Christmas, he contacted the U.S. Department of Justice in Washington, the attorney for Mrs. Martin Luther King, and then Gov. Buford Ellington.

Canale said negotiations on the stipulations of the actual plea did not start until Feb. 21, 1969.

Stanton testified that many of the reports contained in the defense files were gathered by Rentro Hays, a private detective. He characterized the work as unreliable.

Ray's attorneys have argued that the investigation by the defense was poor and that Ray was never told of the results. Fensterwald said the significance of the Stanton file revealed that the investigation "really did not get started" until a month before a March 3, 1969, trial date. The trial was then continued to the April 7 date.

Hays was hired by Ray's first lawyer, Hanes, said Stanton.

"How would you evaluate the reports by Mr. Hays?" asked Haynes.

"Less than reliable," answered Stanton. "We spent a great deal of time checking out material. He distorted some facts."

Stanton testified that Hays believed the fatal shot was fired from the backyard of the rooming house. "He took a little fact and distorted it to make it fit a puzzle he was investigating," said Stanton.

Haynes then asked Stanton if Hays had shot some goats with a 30.06 rifle similar to the murder weapon. Stanton replied, "I heard about it. He had the theory that the bone structure of goats was the same as (that of) people."

Stanton said after shooting the animals, Hays "froze the goats." He said that Hays, who had received psychiatric treatment, was later arrested during a dispute with Russell X. Thompson, a Memphis attorney hired by Hanes to aid in the case.

Stanton also testified that he never ordered any ballistics tests on the rifle bearing Ray's fingerprints and recovered near the slaying scene.

"I knew the ballistics report from the FBI was very favorable to James Earl Ray," he explained. "There was no point to gilding the lily." The FBI report could not definitely state that the shot which killed King was fired from the rifle.

Stanton said the palm print found on the rooming house bathroom was "not good enough to have identified Ray."

Despite the quality of the evidence, Stanton said, "I concluded we didn't have much defense. We were finding no facts to support any defense."

"How did you conclude you didn't have much defense?" asked Fensterwald.

"I found it a little bit hard to explain how that fingerprint (of Ray's) got on the rifle," said Stanton.

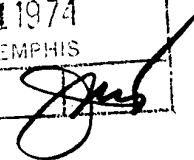
"It was his gun," answered Fensterwald. "He bought it."

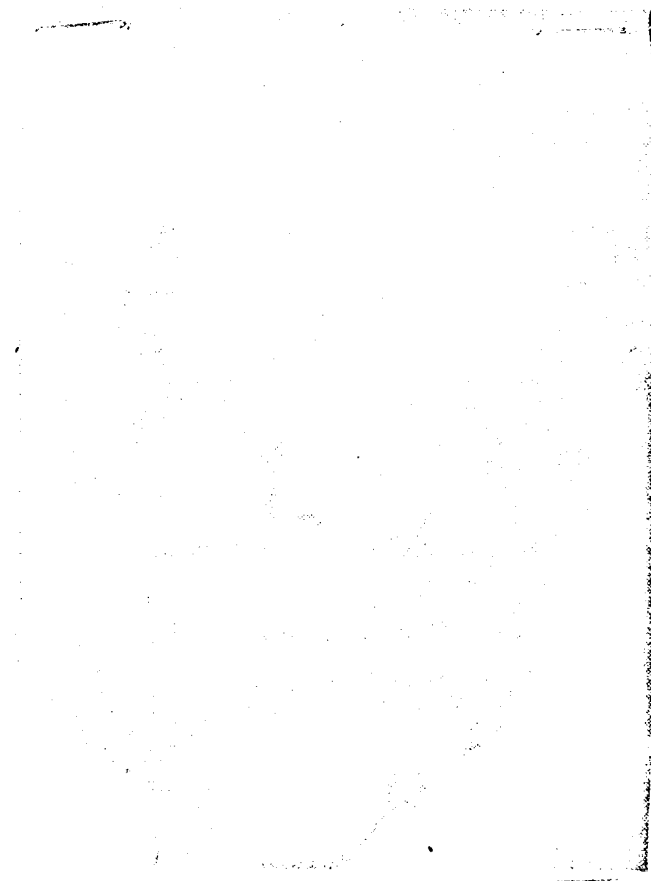
"Yeah," said Stanton. "I found it hard to explain his presence in Memphis at the time, too."

Cross-examined by Haynes, Stanton was asked, "Based on your experience in Shelby County with juries and the (case's) entire record and your expert judgment, was the recommendation of the guilty plea and 99 years a reasonable recommendation?"

Stanton answered, "I think it was. I think there was a high probability a jury would have given him the death penalty."

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JAMES EARL RAY
Concentrating en route to court today.

(Mount Clipping in Space Below)

Ray Testifies He Told— Attorney Of Innocence

By MICHAEL LOLLAR
and JAMES COLE

James Earl Ray testified yesterday his attorney should have known he "wasn't guilty" when he confessed to the murder of Dr. Martin Luther King Jr.

Ray said he had told his first attorney, Arthur Hanes, that he did not murder King and that he "assumed" Houston attorney Percy Foreman knew he was innocent when Foreman negotiated a guilty plea in the case.

During direct examination by one of Ray's current attorneys, James H. Lesar, the following exchange took place:

Q — Did Arthur Hanes ever ask you if you were guilty of the murder of Dr. Martin Luther King Jr. on April 4, 1968?

A — I just told him no.

Q — Did Percy Foreman ever ask you if you were guilty?

A — He never asked me directly, but sometime in the early part of February (1969) he asked me to write out everything that had happened. I did, from the time I escaped from the Missouri State Penitentiary until I was arrested in London. . . . I just assumed he read from that that I wasn't in that particular area at the time (of the slaying), and that I wasn't guilty."

In his evidentiary hearing before U. S. Dist. Judge Robert M. McRae Jr., Ray is asking that he be allowed to withdraw his guilty plea and stand trial for the slaying. He claims that Foreman pressured him into pleading guilty in order to preserve the value of literary contracts stemming from the case.

The issues surrounding Ray's involvement in the King murder were clouded by a ruling issued by McRae late yesterday. Under the ruling, attorneys for the state are not being allowed to question Ray about anything which he had not discussed with Hanes and Foreman.

McRae's ruling followed objections registered by Ray's attorneys when Asst. State Atty. Gen. Henry Hails

asked: "What didn't you tell them (Hanes and Foreman)?"

Early in his testimony, Ray was asked about a letter which he said he wrote to Sen. James O. Eastland (D-Miss.) shortly after his confession and transfer to the state penitentiary at Nashville.

Ray said he had read in the newspapers about a possible Senate investigation of the King slaying, and told Eastland he "would be happy" to take part in any Senate hearings. In the letter, Ray said: "I personally did not shoot Dr. King, but I believe I am partly responsible for his death."

The prisoner said his letter was not a further admission of guilt. "I assume you could be involved in a crime and not have any direct knowledge of it. . . . I didn't have no direct knowledge."

When the letter was written, Ray already had recanted his guilty plea, claiming he had been coerced by Foreman into pleading guilty. Foreman replaced Hanes (whom Ray fired) on Nov. 18, 1968.

Eastland, chairman of the Senate Judiciary Committee, said last night, "He (Ray) wrote me a letter. I don't remember what was in it, but I gave it to the FBI." The Judiciary Committee

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

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— COMMERCIAL APPEAL
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Ray Says He Bought 30.06 Rifle In Atlanta With 'Another Party's Money'

has no influence over anything like that.

"He told me that he did not kill Martin Luther King, but that he knew who did. That's the way I remember it, but it's been a long time."

Ray said he was unaware that both attorneys signed a contract with Look magazine on March 17, 1969, each agreeing to write 1,000-word articles about the case.

A copy of the contract showed the magazine deal was conditioned on Ray's pleading guilty "during the week of March 10."

In his questioning, Lesar contended the contract stipulation shows that the contract "obviously" was drawn up be-

fore Ray pleaded guilty on March 9. The claim would support Ray's contention that Foreman held a personal stake in the guilty plea.

Ray said he had argued with Foreman from about Feb. 13, 1969, until the day of the guilty plea. "He was telling me why I should plead guilty and I was telling him why I shouldn't."

Ray said the arguments began shortly after Foreman brought him a letter describing the attorney's outlook on the case.

In the letter, Foreman said he had "spent several weeks reviewing the nature of the case" and jury sentiment in Shelby County.

The letter said: "In my opinion there is a little more than a 99 per cent chance of your receiving a death penalty verdict if your case goes to trial. Furthermore, there is a 100 per cent chance of a guilty verdict."

Asked to "elaborate" on the letter, Ray testified. "I had kind of mixed feelings about it. I think it was kind of a blitz on his (Foreman's) part."

A few days later, Ray said, he compiled a list of reasons why he felt he shouldn't plead guilty. He could recall only two of those reasons yesterday.

"I told him I thought the press could not influence everybody. I don't believe everybody believes what he reads or sees on the tube." And, he said he "thought we could prove that I'm not an accurate shooter."

Ray said that when those and other protests failed he finally agreed to

plead guilty against his will. "I didn't want to drag the case out any longer, because my health was deteriorating to a certain extent."

"And I thought if I fired Mr. Foreman (to avoid pleading guilty) . . . it would take another six to eight months."

Even then, he claimed, "It was my understanding that they were going to enter a technical plea of guilty and get me out of town." He said he thought he and Foreman "would go our own separate ways" after the plea, and, "I could get another counsel and open the case back up on exculpatory evidence (evidence indicating innocence)."

Under cross-examination by Haile, Ray said he told his defense attorneys about several key elements in the state's case against him.

Among the elements:

- That he bought a 30.06 rifle in Atlanta shortly before the King slaying, but with "another party's money."

- That he was in the Seima, Ala., area the same time as King, but "may have got off on the wrong road" on his way from New Orleans to Atlanta.

- That a city map found in an Atlanta apartment he rented did have markings on it, but that the contention by the prosecution is "fictitious" that King's house and church were circled.

- That on the day of the assassination he rented the room at 422½ South

Main where the state claims the fatal shots were fired.

- That his fingerprints may have been on the 30.06 rifle the state identified as the murder weapon, but that there "is some question how they were still on there" when the rifle was recovered.

The identity of the "other party" Ray claims he dealt with in the purchase of the rifle, was not disclosed in yesterday's hearing.

In a related development in the Ray case, the U. S. Supreme Court yesterday rejected Tennessee's efforts to block the production of evidence that McRae has ordered into court for the evidentiary hearing.

(Mount Clipping in Space Below)

Ray Claims Conspiracy in King Slaying

By KAY FIFEMAN BLACK
and TOM JONES

Press-Scimitar Staff Writers

James Earl Ray said on the witness stand today there were "other conspirators" in the Martin Luther King killing but he said "I was never associated with more than one person."

The matter came up when Asst. State Atty. Gen. Henry Haile continued his cross examination of Ray.

Haile asked Ray: "Did you tell Percy Foreman (Ray's last lawyer who pleaded him guilty) all of the details of the case?"

"I told him all the details about my actions but didn't tell him details about other people's actions," Ray answered.

Ray said when Foreman first came on the case on Nov. 12, 1968, "I would have given him all of the names and addresses (of others) if he would have asked."

Ray said, however, that by the time Foreman got around to asking him for names of others who might be involved in the April 4, 1968, slaying, "he was more directly involved with Huie (William Bradford Huie, the

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Alabama author of "He Slew the Dreamer") than Hanes was."

Ray was referring to his first lawyer, Arthur Hanes Sr. of Birmingham, who first instituted the book contract with Huie and whom Ray fired in favor of Foreman.

Haile asked Ray: "Did you give him (Foreman) any names and addresses?"

"Not all," said Ray, later adding: "I didn't have any addresses but gave him telephone numbers."

"How many?" asked Haile.

"Not all," said Ray, "I

think I gave him one."

Under Haile's questioning, Ray said that for two or three months, Huie kept "pressuring" him "for names of co-conspirators."

"Did you have such names of the co-conspirators?" asked Haile.

"The conspirators?" asked Ray, smiling. "I don't believe I ever used that word 'conspirators' or 'conspiracy.'"

Then Ray said, "I had a couple of phone numbers."

When pressed by Haile, Ray said, "I was never associated with more than one person."

Haile then asked Ray why he advised his brother, Jerry Ray, not to take any money from Huie. Jerry Ray testified last week that Huie offered him \$12,000. Jerry Ray said that Huie wanted him to get James Earl Ray not to take the witness stand. Huie said if James took the stand it would ruin the sales of the forthcoming book on the slaying, Jerry Ray said.

"I thought it would be ill-advised . . . bad taste," said Ray of the offer of money to his brother.

"What? To profit from Dr. King's murder?" asked Haile.

"Yes," said Ray, "Not to be self-righteous, but as long as I was on those charges, I thought it would be bad taste to get any money."

Then Ray said he did not think Foreman had such "scruples," adding: "Foreman's philosophy was to get all you can get."

U.S. District Judge Robert M. McRae ruled then that attorneys could not jeopardize Ray's Fifth Amendment rights — which provide

that a person does not have to give evidence against himself — and therefore they could not ask Ray about anything which he had not told his attorneys before his guilty plea on March 10, 1969.

"This case has been famous because everybody who has ever heard of it is an expert on whether or not there was a conspiracy. That's not the issue in this case," said Judge McRae.

"Even though I believe he (Ray) has testified that he did not shoot Dr. King," Judge McRae said, "this is not a murder trial, but a habeas corpus proceeding. It is not a retrial or an appeal from state court jurisdiction, but rather a proceeding to determine whether or not Mr. Ray's federal constitutional rights were violated."

Judge McRae told the spectators: "We have two central issues here to determine if Mr. Ray's Sixth Amendment rights to attorney were violated and whether or not his Fifth Amendment rights to due process . . . not being coerced or prompted into involuntarily pleading guilty, were violated."

Ray's attorneys then rested their case. The state was to start putting on its proof later today. Haile said he had subpoenaed 15 witnesses and that because of the length of the state's case, he did not believe the hearing would be concluded before early next week.

During his case, Ray has portrayed himself as an errand boy for a mysterious person who maneuvered him into the area where Dr. King was killed.

Ray testified yesterday that he had eyewitnesses who could pinpoint his whereabouts shortly before the assassination.

Ray admitted that he did not tell Hanes about the witnesses. "What Mr. Hanes wanted to find out was where I was at 10 or 6 (p.m.)," said Ray.

"I was concerned if the FBI found out about the witnesses helpful to me, they (the witnesses) would be subject to harassment. I left this part out."

Ray said he was hesitant to discuss some details of his case with Hanes because the attorney was a close friend of Huie, and Ray said he suspected Huie of passing information to the FBI and the prosecution.

Questioned about his movements the day of the slaying, Ray hinted at the conspiracy theory for the first time. Ray testified that he was following the orders of "another person" but did not identify him.

Haile led Ray through a series of questions concerning the information furnished to Hanes, former mayor of Birmingham, and inconsistencies in Ray's testimony.

When asked if he told Hanes "the whole truth," Ray answered, "I told Hanes the truth on everything except what I left out."

Ray said he told Hanes that he had bought the gun later identified as the murder weapon, had undergone plastic surgery on his nose, and owned the car later found in Atlanta.

During the questioning, Ray retraced his travels, which led from Chicago to Montreal, Birmingham, Mexico, Los Angeles, New Orleans and then to Memphis.

"Did you tell him (Hanes) you were in the drug smuggling business?" asked Haile.

"I told him I may have been," said Ray. "I wasn't certain myself."

"You told him you were smuggling something across the border — you weren't importing wheat, were you?" asked Haile.

"I didn't think so," said Ray, smiling.

Ray testified that he had the nose operation to apply for the Merchant Marine. He said he was afraid the FBI might identify him as an escapee from a Missouri prison if he did not "alter my appearance."

Ray said he drove from Los Angeles to New Orleans in March, 1968, to meet "a party." However, he said he learned the person had gone to Birmingham.

Driving to Birmingham, Ray said he became lost in Selma, Ala. "That just happens to be the same day Dr. King was there?" asked Haile.

"I didn't know anything about that," answered Ray.

After meeting the "other party," Ray said they drove to Atlanta where they rented a room. He denied that officers discovered a map with the locations of King's house and church circled.

Ray admitted he later bought the rifle in Birmingham, but added, "I told him (Hanes) I purchased the gun but it wasn't my money. I

never did examine the weapon."

"Did Mr. Hanes ever ask you how your fingerprints got on the rifle?" asked Haile.

"There was not too much question why they were on there," answered Ray. "I purchased it. There was some question why they were still on it."

"How come it was found down there (near the slaying

scene)?" asked Haile.

"I don't know," said Ray.

Ray said he rented a room at 422½ S. Main for discussions with the "other party." He added that he bought a pair of binoculars on orders of the other person in Memphis.

Haile asked, "Did Mr. Hanes ask you how the binoculars came to be found in front of 422½ S. Main and

its strap found in your room?"

"He asked me generally if I had any idea and that's when we started going over the hypotheses," said Ray.

"Did you tell him the truth — an hypothesis is not necessarily the truth?" said Haile.

"I suppose if I told him I didn't drop it (the gun) down there, he would try to figure out who did," said Ray.

Moore testified that he advised Foreman concerning some Tennessee laws, and judged the Houston lawyer "very competent. Moore also presented a letter from Foreman to five law students who volunteered to investigate the slaying.

In the letter, Foreman said he "would welcome all the help I can get," but added that no fee or contract had been agreed to by Ray.