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# WASHINGTON POST 12 NOV 1968 Lawyer Switch By Ray Seen as Tactic to Delay

By Henry P. Leifermann

MEMPHIS, Tenn., Nov. 11 (UPI)—James Earl Ray planned for as long as a month to make a last-minute switch in lawyers to delay his trial for the murder of Dr. Martin Luther King Jr., it was learned today.

It appeared the move would succeed. Prominent trial lawyer Percy Foreman, brought into the case Sunday, spent the day drawing up his request for a continuance of the trial, set to begin Tuesday.

Judge W. Preston Battle was expected to grant the delay, probably at least until after Jan. 1.

Sources close to Ray said the defendant maneuvered the lawyer change to delay the trial in the vague hope that something might change the picture and the case against him might be dropped.

### Won't Give Up Files

Foreman will ask for a continuance of the trial because he needs time to prepare the case—particularly since Arthur Hanes, fired as Ray's lawyer—is refusing to turn over his files and records on the case until he is paid \$15,000 he claims Ray owes him.

Judge Battle, who met with Hanes and Prosecutor Phil Canale Sunday night after the change in lawyers was announced, said no jury venire would be called for the 9:30 a.m. opening of the long-awaited trial.

Ray hired Hanes when he was arrested last summer in London. It was learned that Ray's brothers, John and Jerry, had urged him from the outset to hire Foreman. Hanes on the other hand, re-

portedly tried without success to reach Ray's brothers since June.

Hanes told Foreman by telephone Sunday night that until he is paid, "don't call me, I'll call you." Hanes had suspected for some time that he might be fired. The suspicion apparently was strengthened last Wednesday, his final meeting with Ray.

### Wants to Testify

It was reported that Ray and Hanes argued whether Ray would testify. Ray wanted to take the stand in his own behalf; Hanes advised against it.

Attorney Richard D. Schrieber of St. Louis, who defended Ray in a 1959 armed robbery trial, said Ray tends to try to dominate the defense strategy. In that trial, Schrieber said, Ray testified against his advice and "told things on the witness stand that he never even told me." He was convicted.

Ray's brothers also reportedly were disgruntled with the financial agreement Hanes made with author William Bradford Huie, who is writing a series of articles in Look magazine.

Washington Post Staff Writer Paul Valentine reported from Memphis:

### Building Guarded

The Shelby County courthouse, where Ray is imprisoned one floor above the courtroom in which he will be tried, was sealed off today to all persons except specified State and local officials. City and county sheriffs' deputies maintained an armed guard at key points around the building.

Foreman met with Ray today in his cell and huddled periodically with State officials. The attorney is keeping close to his client, staying in a downtown hotel, less than two blocks from the county jail.

### Postponement Expected

Foreman's request for a postponement is routine under the circumstances, and Judge Battle is expected to grant it. Continuances are normally made for 30 days. However, the trial is expected to last four or five weeks beyond that time, and it is known that Battle does not wish to keep the jury tied up during the Christmas holidays.

In Memphis to observe the proceedings is Michael Eugene, 30, the British attorney appointed to represent Ray in extradition proceedings when Ray was arrested in London last summer.



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