

# Ray's Former Attorney Calls Assassination of King 'Political'

## Hanes Tells Of Arguing Extradition

By KAY PITTMAN BLACK  
and TOM JONES  
Press-Scimitar Staff Writers

One of James Earl Ray's original attorneys said on the Federal Court witness stand today that he thought the slaying of Dr. Martin Luther King Jr. in Memphis was a "political killing" and that Ray could have avoided extradition from England on murder charges.

(Page, name of  
city and state.)

PAGE /

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 10-20-71  
Edition:  
Author: CHARLES H.  
Editor: SCHNEIDER  
Title:

Character:  
or  
Classification:  
Submitting Office: MEMPHIS  
 Being Investigated

Arthur Hanes Sr., former mayor of Birmingham, Ala., made the statement under cross-examination by one of Ray's attorneys, Bernard Fensterwald, of Washington, D.C.

Hanes and his son, Arthur Hanes Jr., represented Ray shortly after Ray's arrest in England and until Nov. 12, 1968, when Ray fired them and replaced them with Percy Foreman, of Houston, Tex.

Under English treaty arrangements with the U.S., any person charged with committing a political killing cannot be extradited, said Hanes, who then testified that he believed if Ray had had the "finances to bring the witnesses over to England," he could have successfully fought extradition—and thereby never returned to the United States to face charges in the King slaying.

Hanes said he advised Ray that if he had a lawyer in England "they would not have extradited him."

"In my judgment, it was a political killing, and not an extraditable offense under that (existing extradition) treaty," said the 58-year-old lawyer. "I argued with him (Ray), but he wanted to come back home."

Hanes said he did not persist because Ray told him "he was tired of being there (England) and wanted to come home to America."

Hanes did not explain what he meant by "political" killing.

Ray's attorneys are arguing that Hanes did not advise Ray to fight extradition because Hanes was more interested in obtaining money from a book contract with Alabama author William Bradford Huie than in looking out for Ray's interests.

Hanes' testimony today clashed with that given earlier by Ray, who said he wanted to fight extradition but that Hanes told him to "just come on back and stand trial."

Hanes said he conferred with Ray on the extradition issue after he was called to England at Ray's request.

Hanes identified a contract that he and Ray had signed with Huie which provided for payments, in increments for a total of \$35,000 to start going to Hanes and Ray upon Ray's return to the United States and the Shelby County Jail.

Like Ray, Hanes denied knowledge of some of the Huie contracts, particularly those involving rights for the book, "He Slew the Dreamer."

Hanes said he was "amazed" when shown the Huie-Dell Publishing Co. contract which specified that none of the proceeds from the work could be used to benefit Ray directly or indirectly. Hanes said he believed all of the Ray defense money to be coming from Look magazine articles written by Huie.

Hanes also suggested that the prosecution may have "had a hand" in having Foreman retained as Ray's lawyer in order to insure a conviction.

He testified that he suspected that former U.S. Attorney General Ramsey Clark was involved in Foreman being placed on the case.

"You can imagine all kinds of things. There was a lot of heat in Memphis at that time," Hanes said. "I think the power structure was shaken up and felt like they had to have a conviction. They felt the state had a weak case and something had to be done. I thought maybe Ramsey Clark might have had a hand in it."

Hanes added: "An awful lot apparently went on behind my back."

Hanes said he was "shocked" to learn of Ray's guilty plea on March 10, 1969. He also refuted Ray's attorneys' contention that Ray was coerced by Foreman into pleading guilty.

"In my opinion, James Earl Ray was an intelligent person, strong-willed," said Hanes. "I'm just at a loss to explain it. It was hard for me to believe he would do anything he didn't want to do."

Hanes said a major weakness in the state's case was caused by the FBI ballistics test, which could not positively link the bullet which killed Dr. Martin Luther King Jr. to the rifle Ray purchased.

"The state was in trouble," said Hanes. "The FBI man would have to tell me that six million other 30.06s (rifle) could have fired the bullet which killed Dr. King."

Hanes was then asked about his visit to the law offices of Russel X Thompson, who earlier testified that Hanes wanted to hire him as Ray's local attorney.

However, Hanes testified: "I went to see him for the purpose of psyching up the public. I knew Mr. Thompson had represented black organizations. I knew I wanted to lay out my theory of a conspiracy. I wanted Mr. Thompson to put out the information and sure enough he did."

Hanes said he visited Thompson once, but never discussed hiring him on the case. He added that he discussed the possibility that militant groups killed King.

"I thought perhaps black militant organizations were behind Dr. King's slaying," said Hanes. "If this theory was correct, Dr. King knew it and knew it before he was killed. That meant Coretta King (King's wife) knew it, too. I wanted Thompson to talk with her about it, and we talked about him perhaps setting up a trip to Atlanta to see if she knew anything."

Hanes' testimony today followed on the heels of his disclosure for the first time late yesterday that Ray told him he was standing on the sidewalk outside the rooming house at 422½ S. Main when Dr. King was killed on April 4, 1968.

Hanes, testifying as a court witness before U.S. District Judge Robert M. McRae Jr., said Ray told him he had driven to Mem-

phis upon the orders of "his contact."

Hanes said that Ray told him that on "Tuesday night, April 2, (1968), the gun he bought in Birmingham was taken from him at a motel in Mississippi.

"He never saw the gun again until it was thrown down with his suitcase and binoculars. On Tuesday, when his contact took the gun, he gave (Ray) a note with the address of the rooming house (at 422½ S. Main). He told him (Ray) to be there on Thursday, April 4, at 3 p.m."

After renting a room at the boarding house, Hanes quoted Ray as saying, his contact told him "to park in front of the rooming house." The contact also instructed Ray to buy him a pair of binoculars.

At 5:20 p.m., Hanes said Ray told him "his contact said, 'Jim, go down and get a beer. I'm going to wash up and shave and we'll go eat.'

"Jim said he had a beer or two and was standing on the sidewalk at 6:00 or 6:01 when the shot (which killed Dr. King) was fired. When he saw the gun tied to his suitcase, he knew someone had been hurt and he was in trouble and he fled."

Hanes said Ray identified the contact as "Raoul," who recruited him for an illegal gun-running operation.

Hanes' account of the conversations marked the first time Ray's whereabouts at the time of the King slaying have been revealed in the evidentiary hearing to determine if Ray, sentenced to 99 years in prison after pleading guilty to King's slaying, should be granted a new trial. Ray has contended that he was pressured into pleading guilty by Foreman.

King was fatally shot at 6:01 p.m. while standing on the balcony of the Lorraine Motel at 406 Mulberry, which is located behind the rooming house on South Main.

Hanes emphasized that Ray refused to listen to any suggestions concerning guilty pleas. "James Earl Ray would never authorize me to plea bargain with the attorney general," said Hanes. "He always insisted on trial."

**Questioned by Asst. State Atty. Gen. Henry Haile,** Hanes discounted Ray's attorneys' suggestions that his contracts with Huie, for rights to books concerning the slaying, influenced Ray's defense.

"He had absolutely no influence," said Hanes. "He had no say-so over the trial of the case."

Also testifying yesterday was Arthur Hanes Jr. Both attorneys testified that they are convinced King's slaying was part of a conspiracy.

"We reached the conclusion that it had to be a conspiracy," said Hanes Sr. "We have kept up with it since, and have not run across anything to change our minds."

Hanes Jr. said Huie was contacted "as another aspect of the defense." He said Huie's articles were intended to counteract Ray's portrait by the press as an "inhuman murderer."

"We felt like it was necessary to do something to humanize the man, to get the thinking back toward the middle, to make James Earl

Ray a person again," he said. The book contract was signed by the attorneys, but was intended to boost Ray's defense, said Hanes Jr.

Both attorneys testified that they were prepared to try the case on Nov. 12, 1968, but were unexpectedly fired by Ray two days earlier.

"I think we had a terrific chance to win the case," said Hanes Jr. "We were very disappointed when we were relieved." He added that most of the state's case was circumstantial and "had a lot of holes in it."

Hanes Jr. said one defense concerned the "bush man theory," explaining that several witnesses were prepared to testify that the shot came from the bushes behind the rooming house, and not from an upstairs bathroom window.

He said the state located only two eyewitnesses who could furnish descriptions of the man who allegedly shot King. One witness, Charles Q. Stephens, identified Ray but could be discredited, said Hanes Jr.

Stephen's wife, Grace, the other witness, contradicted her husband's statement and said the man "was diminutive . . . wearing an Army jacket," according to Hanes Jr. He said she was admitted to a psychiatric hospital shortly after the slaying.

Hanes added that the Army jacket found in the trunk of Ray's car was too small for Ray.

Hanes Jr. said the FBI had found "huge footprints behind the rooming house. We were going to use those, too. We were going to try giants and midgets and trolls and everyone else down there other than James Earl Ray."

Both witnesses testified that Foreman spent little time familiarizing himself with their files, which were compiled during a five-month investigation.

(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 Assi. State Atty. Gen. Henry Haile

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.)

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 10-30-74

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

# 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 before 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 Selma, 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 PITTMAN BLACK  
and TGM 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

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

PAGE /

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 10-30-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

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 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, 1963, 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.



(Mount Clipping in Space Below)

# RAY DENIES KING

# ASSASSINATION

Page, name of newspaper, city and state.)

PAGE 1

## Says Lawyer Maneuvered Guilty Plea

By KAY PITTMAN BLACK  
And TOM JONES

Press-Scimitar Staff Writers

James Earl Ray testified today in federal court that he told his attorneys he did not kill Dr. Martin Luther King Jr., but was "maneuvered" into pleading guilty by his attorney, Percy Foreman of Houston, Texas.

Ray, who began his second day of testimony in his evidentiary hearing before U.S. District Judge Robert M. McRae Jr., was asked by James Lesar, one of Ray's attorneys,

"Did Mr. (Arthur) Hanes (Ray's first lawyer) ask you if you were guilty of the murder of Dr. Martin Luther King?"

"I just told him, 'No,'" answered Ray.

"Did Mr. Foreman ever ask you?" asked Lesar.

"He never asked me directly," replied Ray. "Sometime in early February (1969) he asked me to write all the details of what I did from the time I escaped from the penitentiary in Missouri to the time I was arrested."

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 10-29-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

"I wrote everything up until the time I got arrested in England. I just assumed he read that and concluded I wasn't in that particular area, and that I was not guilty."

Ray also testified that he was unaware that Foreman and Hanes had signed a contract with Look Magazine for articles, but that the agreement was contingent upon a guilty plea.

Although the contract was signed March 17, 1969, Lesar contended that it was written before Ray pleaded guilty.

Ray said he was convinced that his guilty pleas was a "technical" move which would enable him to fire Foreman. "It was my distinct impression that the plea would be some kind of technical plea to get me out of town," he added.

Ray said Foreman first mentioned the idea of pleading guilty in a Feb. 13, 1969, letter. In the letter, Foreman wrote:

"I have spent several weeks reviewing the nature of the case the state of Tennessee has against you. I have surveyed jury sentiment in this county and jury verdicts in other recent cases.

"In my opinion, there is little more than a 99 per cent chance of your receiving the death penalty verdict if you go to trial. Furthermore, there is 100 per cent chance of a guilty verdict. Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you."

Ray said in earlier conversations with Foreman, "I told him it (guilty plea) was ridiculous. The state was relying on mostly circumstantial evidence. The most the state could get me on was aiding and abetting."

Ray said Foreman "tried to give me the impression" the jury would be stocked with blacks and "chamber of commerce types." Foreman had earlier told him that he "could prove I wasn't the shooter," said Ray. "I had the feeling this was kind of a blitz on his part."

Ray said on Feb. 18, 1969, he signed a letter drafted by Foreman agreeing to plead guilty. He said there was no indication on the letter that Foreman had written it.

After he was unable to convince Foreman to go to trial, Ray said he agreed to modifying his literary contract with Foreman. He said Foreman agreed to settle for \$165,000 if a guilty plea were entered. An earlier contract entitled Foreman all royalties, from motion pictures and books.

Ray said he hoped that by modifying the contract, he would later have enough money to hire another lawyer. Ray said the new contract contained a provision that Ray would not create any "embarrassing circumstances" in court.

Ray said he felt he could not fire Foreman before the hearing because the late Criminal Court Judge Preston Battle had warned him against another change of attorneys.

Ray testified that two days after pleading guilty on March 10, 1969, he wrote letters repudiating the plea and suggesting that he "could be involved in some type of crime and not be aware of it."

"I suppose the people who manufactured the rifle could to some extent be held responsible although they didn't have direct involvement," he said.

"Did you assume the rifle found on South Main was used to kill King?" asked Lesar.

"I didn't make no strong assumption in that area," said Ray.

Ray said one of the letters he wrote two days after his guilty plea was to Sen. James Eastland, D-Miss. He said he told Eastland: "I personally did not shoot Dr. Martin Luther King, but I believe I am partly responsible for his death."

Ray said, however, recalling the day in court when he pleaded guilty, that he had objected to Foreman's statements to the jury that implied there was no conspiracy in the King killing. Ray said it seemed to him that Foreman was agreeing with then U.S. Atty. Gen. Ramsey Clark and the late FBI director J. Edgar Hoover that he was the "lone nut" who killed King.

Ray earlier testified today that he was having "some trouble" with his eyesight at the time of the slaying of Dr. King, and that this would be used in his defense if he gets a new trial. The state contends that King was shot from a distance of about 270 feet.

Ray said that after his escape from the Missouri State Penitentiary, he had his eyes checked by a doctor in Birmingham, and was given glasses to wear "temporarily."

Speaking of the possibility of a new trial, Ray said there was some discussion between Ray and Hanes that "the condition of my eyes would be relevant."

King was said by the government to have been shot while standing on the balcony of the Lorraine Motel and that the shot was fired from a bathroom window at the back of a rooming house, overlooking the motel.

Ray did not elaborate on his eyesight statement.

Meanwhile, in Washington, the Supreme Court today rejected Tennessee's efforts to block production of evidence in the current evidentiary hearing for Ray.

Ray, who is serving a 99-year sentence, claims the plea was forced on him by Foreman so that Foreman could profit from a book about the killing. Ray said a trial would have publicized more information about the case and reduced

After the 6th U.S. Circuit Court of Appeals ordered the current hearing into Ray's charges, Judge McRae granted motions to bring into court a great deal of evidence, including correspondence of Foreman and William Bradford Huie, author of the book "He Slew the Dreamer."

The state asked the Supreme Court to vacate McRae's orders on the ground that they are "unwarranted invasions of individual and corporate privacy."

Ray was in his second day on the stand today in the second week of the evidentiary hearing before Judge McRae, and he was still being examined by Lesar. Ray started testifying Friday.

As he did Friday, Ray continued his discussion of the events that preceded his guilty plea.

Ray fired Hanes and Foreman took over the case on Nov. 12, 1968. Ray said he only saw Foreman "three or four times" between November and January, but maintained that Foreman as late as February, 1969, was still readying for trial of the case.

Ray said that around Jan. 3, he read an article in a Memphis newspaper indicating that the possibility of a guilty plea was being discussed.

"I asked Mr. Foreman about it, I thought the story probably came from the state, and Mr. Foreman said to forget it, it didn't mean anything," said Ray.

Shelby County Atty. Gen. Hugh Stanton Jr., formerly assistant public defender,

who along with his father, Hugh Stanton, was appointed by Judge Battle to assist Foreman in preparation of the Ray case, testified last week that his father had first discussed the possibility of a guilty plea with former Atty. Gen. Phil Canale in December.

In February, Ray testified, Foreman visited him at Shelby County Jail and showed him "about 10 or 12 pictures" that he wanted Ray to identify.

Ray's attorneys have contended that Ray did not know he was coming to Memphis to participate in a shooting, but instead thought he was here to buy guns and was accompanied by a mysterious man known to them only as "Raoul."

Ray said he "got the impression" that Foreman wanted him to identify the pictures of the individuals — "the majority of the individuals were of Latin origin," said Ray — for the government.

"I got the impression he wanted me to identify one of those individuals as the person who shot Martin Luther King . . . I told him (Foreman), for several reasons, I didn't want to get involved in that type of operation. They would put me as a state's witness . . ." said Ray.



JAMES EARL RAY

(Mount Clipping in Space Below)

# Ray Blames Publishing Contracts For Weak Defense

By MICHAEL LOLLAR  
and JAMES COLE

James Earl Ray took the witness stand in federal court yesterday and described how publishing contracts hamstrung his defense in the death of Dr. Martin Luther King Jr.

Although Ray testified for more than two hours, he was never asked by his attorney about events immediately surrounding the April 4, 1968, assassination of King nor was a conspiracy mentioned.

Ray was particularly critical of Alabama author William Bradford Huie. He claimed Huie was disclosing inside information that undermined his defense.

Before Ray entered a guilty plea in the King death in Criminal Court, Huie negotiated contracts to publish a book giving Ray's exclusive story of the assassination.

Ray said he assumed his part of the money from the sale of Huie's book and magazine articles would be used to pay for his defense.

"It appeared I was being a state's witness against myself for a few dollars," he said.

Ray, who was extradited from England on July 19, 1968, said he wrote a letter to attorney Arthur Hanes of Birmingham, Ala., about handling the case for him. At the time Ray was being held in a London jail.

He said when he first met Hanes, the attorney had him sign a publishing contract. Under the contract, Hanes was to receive 40 per cent of the proceeds. Ray said Huie's name was not mentioned until later.

"Mr. Hanes recommended I drop the

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

— PAGE 1

— COMMERCIAL APPEAL

— MEMPHIS, TENN.

Date: Oct. 26, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

appeal (or the extradition ruling) and return to the United States . . . He just said he thought I ought to come back and face the charges."

Attorney James Lesar showed Ray a letter dated July 8 from Huie to Hanes outlining the terms of the book contract. One provision of the terms required Ray's return to the United States before any advance payments would be made to Hanes and Ray.

Ray's present attorneys are seeking to prove their client was deprived of adequate legal counsel, first from Hanes and later from attorney Percy Foreman of Houston, before Ray pleaded guilty to the King slaying March 10, 1969, in Criminal Court.

Ray said he first became irritated with Huie when he saw the author on television being interviewed outside the meeting room of the Shelby County Grand Jury.

"He was on TV and someone asked how many people were involved in the King murder, and I think he raised three or four fingers."

Ray said he was unaware of a contract, dated Nov. 20, 1969, that Huie signed with Dell Publishing Co., Inc. Under its terms, no sale proceeds could be used for Ray's defense.

"I didn't know that, just a suspicion. I didn't know the contract was in existence," Ray said.

In that contract the proposed title for Huie's book was "They Slew the Dreamer." When Huie published his book in 1970, it was entitled, "He Slew the Dreamer."

Ray said he thought pretrial publicity of his trial harmed his case.

"Well, it was such a massive scale. One example, I think the day before I was going on trial, I believe on Nov. 12 or on Nov. 10, a long article came out in The Commercial Appeal and, of



James Earl Ray

course, they treated the prosecution in glowing terms and described Hanes as a KKK (Ku Klux Klan) lawyer or something. And I thought that type of thing might influence the juries.

Ray claimed that in early November his brother, Jerry Ray, had a discussion with Huie in Alabama about the impending trial, which was originally scheduled for Nov. 12.

He said his brother reported to him that Huie warned that Ray should not take the witness stand at the trial.

"My brother told me that Huie told him if I did take the witness stand in a trial, it would probably destroy his book or something like that. It would all be published in the newspaper before he could publish the book."

Ray said his brother suggested during that conversation that he change

(Continued on Page 3)

(Mount Clipping in Space Below)

# Ray's Brothers Describe Huie, Foreman Efforts

(Continued from Page 1)

lawyers and mentioned Percy Foreman.

"I didn't know if legally I could change attorneys at that date (Nov. 10), so I just told him to forget about it. I will go ahead to trial with Hanes and see what happens."

Ray said he never had any first-hand communication with Foreman before the Houston attorney showed up at the Shelby County jail a day or two before the trial date Nov. 12.

Asked what Foreman said about Hanes' ability to defend the case, Ray replied, "Well, he said I probably would be barbecued. That's his talk of the electric chair, I suppose . . ."

"I think from there I asked how he would finance the case, and I believe he said he would wait until the trial was over and then make some arrangement with the book writer . . ."

"And I asked what his fee would be, and he said \$150,000, and that that would cover the appeals and everything."

Ray said Foreman then inquired about the white Mustang, identified by the prosecution as Ray's getaway car, and the 30.06 rifle identified as the murder weapon, being used as collateral for a retainer fee.

"And I told him the Mustang, that I had some collateral in the Mustang and I could probably claim it, but I didn't know about the rifle. There is a question of ownership on it," Ray said with a faint smile.

Ray said he signed over an interest in the car and rifle to Foreman the next day and wrote a letter edited by Foreman discharging Hanes as his defense attorney.

Throughout Ray's testimony before U. S. Dist. Judge Robert M. McRae, the convicted assassin spoke calmly but firmly.

He was dressed in the same dark, faintly pin-striped suit he had been wearing throughout the four-day-old hearing. But for the first time Ray wore a tie.

The proceedings are scheduled to resume Tuesday morning when Ray will continue his testimony. The court will be closed Monday for Veterans Day.

Ray's testimony followed that of his brothers, John and Jerry. John, a 41-year-old former tavern operator serving an 18-year sentence for bank robbery, and Jerry, a 39-year-old night watchman, both testified that Foreman tried to enlist them in efforts to convince Ray he should plead guilty. Both said they refused.

Jerry, who has served a prison term for armed robbery, said that Huie, too, applied pressure to him, asking him "to keep James off the witness stand."

Jerry Ray said Huie sent him a round-trip airplane ticket to Huntsville, Ala., in October, 1968. "I went down there to see him about Nov. 13, 1968. I remember he had a bottle of Jack Daniels whisky with him."

During their conversation, he said, "Huie told me his book would be public knowledge (before publication) if James had to testify . . . Then he wouldn't have no book."

"He requested that after I leave Huntsville that I go down and see James and tell him I didn't think he should get on the stand."

Jerry Ray said Huie told him the original three-way book contract with Huie, Hanes and Ray provided that

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

PAGE 3

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: Oct. 26, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

 Being Investigated



Jerry Ray

"every time ~~ARTHUR~~ Hanes would get money James would, too. But he said Hanes had had the contracts changed so that he'd get the first \$40,000 or \$50,000 before James got any."

Jerry testified Huie then offered him \$12,000 and restoration of the original contract if he or other members of the Ray family would persuade Ray not to testify.

# Ray Ready to Testify In Bid for New Trial

## Huie's Book Figures In Testimony

By TOM JONES  
and KAY PITTMAN BLACK  
Press-Scimitar Staff Writers

James Earl Ray prepared to take the witness stand in Federal Court today in his bid for a new trial in the slaying of Martin Luther King.

Ray was preceded on the stand by two brothers in the attempt to prove that Houston lawyer Percy Foreman forced him into the guilty plea which brought him a life sentence in the slaying.

Jerry Ray, the second of the two brothers to testify, said Alabama author William Bradford Huie asked him to tell James Earl not to take the stand in his own defense at his 1969 murder trial because such action would hurt the sale of Huie's book, "He Slew a Dreamer."

Jerry Ray, formerly of St. Louis and now living in Illinois, was called as the 17th witness in the Federal Court evidentiary hearing for Ray, who is serving a 99-year prison sentence for the April 4, 1968 slaying of King.

Huie, of Hartselle, Ala., had entered into a three-way contract with himself, Ray's lawyers and Ray sharing the profits from the Huie book.

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

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 10-25-71

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification: 14-927  
Submitting Office: MEMPHIS

Being Investigated



Jerry Ray said Ray's other brother, John, now serving time on bank robbery charges in an Illinois prison, testified, however, that Ray did not get any of the book profits.

Ray's initial trial date was set for Nov. 12, 1968. Arthur Hanes Sr. of Birmingham, Ala., was his attorney at the time.

Jerry Ray testified that Huie told him to tell James Earl Ray not to take the stand because Ray's story would become public knowledge and he "wouldn't have a book."

Jerry Ray said Huie "suggested I get from James names of others involved in the crime so they could have them arrested and have the arrests correlated with the date of the publication of the book."

Recalling his meetings with Foreman after the Texas lawyer took over the case, Jerry Ray said Foreman told him "it would be the easiest case he had ever had to try in his life."

"Mr. Foreman was always bragging about the people he got off. He told me about one woman he represented who shot her husband and left the house. Then she got to thinking that she might not really have killed him, so she went back and shot him three or four more times, in front of witnesses. Mr. Foreman said, 'I got her acquitted, so just think what I can do for your brother.'"

Jerry Ray said of Foreman, "He told me he had tried more murder cases than Clarence Darrow ever did in his life."

"He told me he put everybody (but the defendant) on trial. He said he was going to put King on trial and when he got through trying King they'd (the jury) would want to lynch him."

James Lesar, one of Ray's Washington, D.C., attorneys, asked Jerry Ray, "Did you call him Mr. Foreman?"

"No," said Jerry Ray. "He said everybody in Texas called him the Texas Tiger and that was what I was supposed to call him."

Jerry Ray said Foreman indicated until early March that he was ready to go to trial.

"Then he came to my sister's house in Missouri and met with all of us in the family and tried to get us to talk James into changing his plea to guilty. He showed us a letter James had written him listing 10 reasons why James didn't want to plead guilty.

"The first reason — I don't remember the others — was that he was not guilty," said Jerry Ray. "He said that if James didn't change his plea he would either get a hung jury or would burn. None of us had any intention of trying to get him to change his plea."

Jerry Ray said four or five days before Ray changed his plea on March 10, 1969, Huie called him in St. Louis and told him "to get to Memphis. The case is over."

Another of Ray's brothers, John Larry, said that two days before pleading guilty to the slaying, James Earl Ray said he was opposed to the plea.

John Ray, being questioned by Asst. State Atty. Gen. Henry Haile, said he visited his brother in the Shelby County jail March 8, 1968, two days before the guilty plea.

"What did you talk about?" asked Haile.

"He didn't want to enter the plea of guilty," said the witness. "He said Foreman had him boxed in and there was no way out."

John Ray said he also discussed the possibility of James Earl Ray going to trial with a public defender representing him. "He said Foreman had all his money and he couldn't hire a lawyer anyway."

John Ray said that the morning after the guilty plea in Criminal Court, Foreman withdrew all Ray's "trial defense" money from a Union Planters Bank account.

The witness said Foreman emptied the account, which contained about \$10,000.

Haile questioned John Ray extensively about conversations with his brother.

"Did Jimmy ever talk about leaving the country?" asked Haile.

"He could have — he mentioned South America and Rhodesia," replied John Ray. "I don't never know why he talked about it."

Haile then asked the witness if he had not told the FBI that James Earl Ray had admired Rhodesia's segregationist government.

"I might have told the FBI anything," he said.

Speaking quickly and mumbling some of his testimony, John Ray testified to his own criminal history, but added, "I will plead guilty to about anything if I'm guilty of it."

However, he denied that he had "a long criminal history." Presently serving 18 years in prison on being

an accessory to a bank robbery, John Ray said he had earlier entered guilty plea to grand larceny.

"Did you attempt a jail break?" asked Haile.

"I never was convicted of jail break," answered John Ray.

"You didn't make it," said Haile. "They got you as you were going out the window with the rope."

John Ray smiled and shrugged, saying, "Well, they got me."

John Ray avoided direct answers to Haile's questions concerning his position on white supremacy, but acknowledged that he received the newspaper, "Thunderbolt," published by the National States Rights Party.

John Ray said he once discussed the possibility of having J. B. Stoner, an attorney and head of the ultra-conservative organization, represent James Earl Ray.

Haile then read an article from "Thunderbolt" which

criticized the FBI for devoting manpower to finding King's killer. The article said the investigation into the "execution of the infamous Communist agitator" was a "waste" of taxpayer's money.

John Ray claimed he had no political beliefs, but Stoner was "a politician—he's liable to say anything."

The defendant's brother testified yesterday that when Foreman was hired the attorney reported to the Ray family that "there was no evidence against him (James Ray) and that he would have him on the street in no time."

Questioned by Lesar, John Ray testified that Foreman said "he was going to get TV films of Martin Luther King, turn the volume up when King was speaking, show cities burning down and riots.

"He said the jury would have shot King themselves. He said he worked on the jury emotions. He said the people might run down the street and shoot people when he was through."

John Ray said, however, that Foreman abruptly changed his position on the case and asked the Ray family to convince James Earl Ray to plead guilty.

"Mr. Foreman said he wanted James to enter the plea of guilty but James wouldn't do it," John Ray testified. "Mr. Foreman said there would be a blue-ribbon jury—upper class. He said they didn't want to see the city of Memphis burned down so that type of people would convict so Memphis wouldn't be burned down."

John Ray testified that Foreman's first act after being consulted about defending James Earl Ray was to ask to review the book contracts between Huie and Hanes.

"He said it would be easy to break them," he said.

Ray's present attorneys have contended that Foreman's contract with Huie prevented Ray from receiving adequate representation.

During the discussion about his brother's defense, John Ray said Foreman "came up with a lot of deals. One deal he said was to plead not guilty and say he killed King because he was a Communist, but Jimmy wouldn't go along with it."

Foreman also suggested that John Jay Hooker Jr., a Nashville attorney, be hired

as co-counsel. He said the case would give Hooker "a half million dollars worth of publicity and Hooker would pardon Jimmy" if elected.

Lesar asked John Ray if he was sure whether Foreman was referring to John Jay Hooker Sr. or Jr.

"The guy who lost the election for governor and was running again," replied John Ray. Hooker Jr. ran as a Democratic candidate for governor in 1966 and 1970.

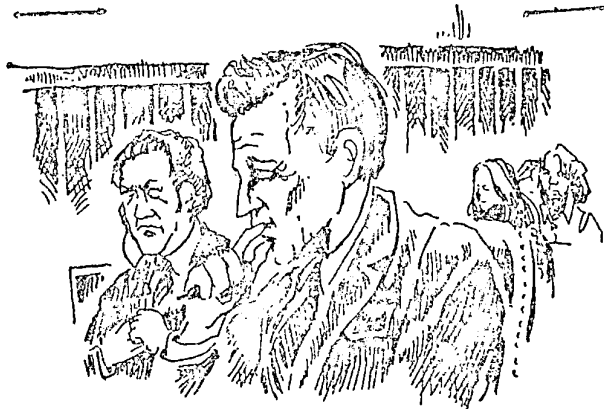
In another development, a document filed as evidence in the hearing late yesterday indicated that Huie told the Shelby County Grand Jury shortly before Ray pleaded guilty that "Ray and Ray alone" killed King.

A transcript of Huie's testimony on Feb. 7, 1969, before the grand jury shows that he was questioned by Phil Canale, former Shelby County attorney general, and by Criminal Appeals Court Judge Robert K. Dwyer and Criminal Court Judge James Beasley, both of whom were assistants to Canale at the time.

Huie was asked if he had any evidence that any co-conspirators in the King assassination were "in Memphis, Los Angeles, Birmingham or New Orleans."

Huie said to the grand jury, "No, the answer would be no to this."

Then Huie told the grand jury, "I have never had the slightest doubt that Ray and Ray alone killed Dr. King."



—Press-Scimitar Staff Sketch by Henry Bailey

**RAY LISTENS TO BROTHER'S TESTIMONY**  
At left in Federal Courtroom is U.S. Marshal Charles Meadows.



—Press-Scimitar Staff Sketch by Henry Bailey

**JOHN LARRY RAY, LEFT, AND ASST. STATE ATTY. GEN. HENRY HAILE**

(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 untimely."

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: Oct. 24, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

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)

# 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. McRae 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

— MEMPHIS, TENN.

Date: Oct 24, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

 Being Investigated



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

(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

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 11-24-68

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification: 44-1981

Submitting Office: MEMPHIS

Being Investigated



# State Version Is Disputed

By KAY PITIMAN 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, 1969, slaying of King in Memphis.

Bernard Fensterwald, one of Ray's Washington, D.C., attorneys, told U.S. Dist. Judge Robert M. McRae 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 10, 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 microscopic 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 5:45 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, 70**, 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 Renfro 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.

"The ballistics report from the FBI was very favorable to James Earl Ray," he explained. "There was no point to giving 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.

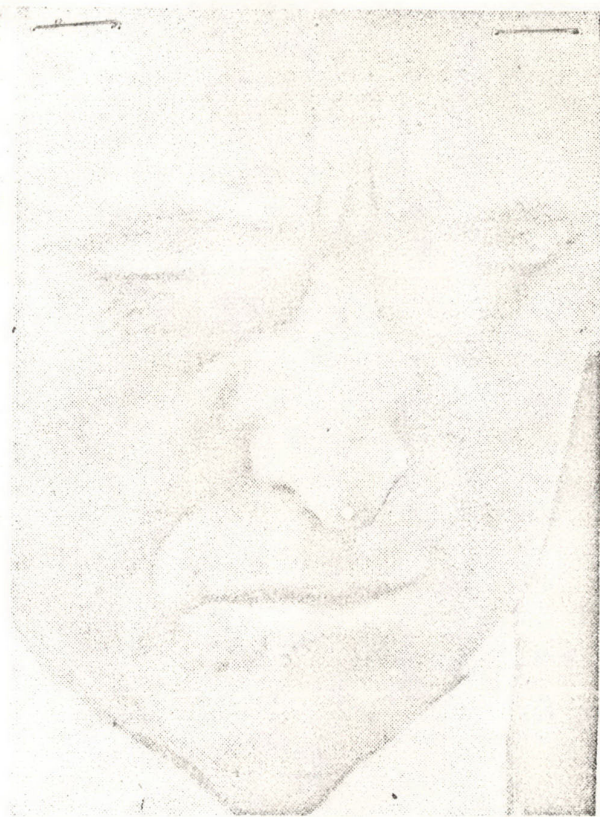
"I found it a little bit hard to explain how that fingerprint (of Ray's) got on the rifle," said Stanton.

"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."



JAMES EARL RAY  
Concentrating en route to court today.

(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.)

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date: 10-23-74

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

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 to 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 O'Freman 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, eBrnard Fensterwald, about the public defender's relationship with Ray, Stanton said the investigation was "hampered" 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 gilding the lily." 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 pinstriped. 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)

# 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 10th 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."

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

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: Oct. 22, 1974

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

 Being Investigated



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. 'Bubba' 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 Meadors  
—Staff Photo by Richard Gardner

(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 46-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 Haile 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.)

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN.

Date:

10-21-79

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

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 Lesar, Robert I. Livingston and Bernard Fensterwald, confer today with the prosecution—Henry Haile, assistant attorney general, right.

—Press-Scimitar Staff Photo by John P. George

\* \* \*

\* \* \*

\* \* \*

Asst. Dir.   
 Dep. AD Adm.   
 Dep. AD Inv.   
 Asst. Dir.:  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs   
 Files & Com. \_\_\_\_\_  
 Gen. Inv.   
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

newsp. part

# The Question Remains: Who Killed Dr. Martin Luther King?

m. d. [signature]

By Paul W. Valentine  
Washington Post Staff Writer

MEMPHIS — Did James Earl Ray pull the trigger in the assassination of Dr. Martin Luther King Jr.?

The answer to that question continues to elude the public after an exhaustive and tangled federal court hearing two weeks ago into claims by Ray that he was coerced by money-hungry attorneys into pleading guilty to slaying the civil rights leader more than six years ago.

U.S. District Court Judge Robert M. McRae Jr. has taken the case under advisement and indicated he will not rule for some weeks on whether Ray may withdraw his guilty plea and stand trial for the murder.

Ray, thin and wan at 46, has been returned to his maximum security cell at the Tennessee state penitentiary in Nashville.

Although the hearing, somewhat technical and narrow in scope, was not called to answer the larger question of who killed King, at least four separate versions of Ray's activities and whereabouts at the moment King was shot nevertheless came to the surface, muddying the already controversial evidence in the murder.

Tennessee state prosecutors acknowledged they do not have a textbook case against Ray—there are some gaps in the physical evidence linking Ray with the murder bullet—but they still feel there is a sufficient overall pattern of evidence to convict Ray if he should stand trial.

Ray's attorneys contend the evidence is so weak they will be able to establish at least a "reasonable doubt" about his guilt and win an acquittal.

As attorneys, they are not interested in establishing who the real killer is, just in showing the state's proof is insufficient to pinpoint Ray.

Throughout the hearing before McRae, opposing attorneys portrayed Ray in widely contrasting terms.

Defense attorneys pictured him as a hapless victim; his will softened by harsh prison conditions, who was pressured by his former lawyers to remain silent and plead guilty, thus preserving exclusive details of the murder to fulfill lucrative literary contracts with author William Bradford Huie.

State prosecutors portrayed Ray as a street wise, prison-savvy convict who ac-

The Washington Post A-2  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times \_\_\_\_\_

NOV 10 1974

Date \_\_\_\_\_

cepted the guilty plea and 99-year sentence arrangement as the only way to avoid a probable death sentence. He also anticipated a portion of the royalties from Huie's literary efforts, they argued, and in any event he planned to short-circuit the 99-year sentence by escaping at the first opportunity.

Ray has already attempted to escape at least twice since starting his sentence, prison officials said.

Last week's hearing also provided conflicting versions of Ray's movements at the moment King was shot, 6:01 p.m., April 4, 1968. According to varying accounts:

- Ray was standing on the sidewalk in front of a Main Street rooming house when King was felled by a single bullet fired from the rear of the building.

- Ray was sitting in a car in front of the rooming house when the shot was fired from the rear.

- Ray was elsewhere in the city at the moment the shot was fired.

- Ray killed King, firing a Remington .30-06 rifle from a rear bathroom window of the rooming house as King stood on the balcony of the Lorraine Motel 207, feet away.

The versions came from Huie and assorted attorneys, all of whom claim Ray gave them their particular version at one time or another in the past six years.

"Clearly," said one member of Ray's present defense team, "some of these people were confabulating," which is one way of saying their memories weren't working properly! Or else, others suggest, Ray told each person a different story.

Ray, who testified for several hours at the hearing, was silent on the subject.

The hearing stemmed from years of court maneuvering by Ray's current attorneys, including Bernard Fensterwald of Washington, assassination researcher, former Senate Judiciary Committee expert on wiretapping and sometime attorney for convicted Watergate burglar James W. McCord Jr.

Fensterwald, 53, was joined by Robert I. Livingston, a drawling, pistol-toting Memphis lawyer, and James H. Lesar, doggedly energetic young Washington attorney who has handled virtually nothing but the Ray case in his brief career.

Opposing them was Tennessee Assistant Attorney General Henry Hale, 31, quick-footed courtroom strategist with a disarming, country-boy manner, aided by William J. (Joe) Haynes Jr., a 25-year-old black attorney in Halle's office who said he had asked for the Ray assignment.

McRae, the 52-year-old judge who presided over the mammoth evidentiary hearing, is a quiet man with a tousled look who rarely commented except for occasional light jabs of humor. Considered a political moderate, he was appointed to the bench in 1966 by President Johnson and has handled the bulk of Memphis' current racial busing litigation.

The hearing set the stage for Ray's charges of unconstitutional coercion and ineffective assistance by his former attorneys, Arthur Hanes Sr., segregationist ex-mayor of Birmingham, Ala., and Percy Foreman, noted criminal attorney from Houston.

The Sixth U.S. Circuit Court of Appeals, in ordering the hearing, said the Ray case "reeks with ethical, moral and professional

irregularities demanding a full-scale judicial inquiry."

Shortly after Ray's arrest in England on June 6, 1968, Hanes flew to London at Ray's request carrying a hastily drawn contract with writer Huie. The contract contained a schedule of advance payments to Hanes totaling \$40,000 ostensibly as a defense fund for Ray and based on anticipated royalties from a book planned by Huie about the murder to be published by Delacorte Press.

Huie also planned a three-part series of articles for now-defunct Look magazine, and there was speculation that a movie would also come out of the assassination story.

Huie's contract specified that, among other things, Hanes would be advanced \$5,000 "on the first day" after Ray was returned to the United States and \$5,000 each month thereafter for five months, "assuming that I receive all the cooperation from you and Ray guaranteed by the agreement."

Ray's attorneys contended the book contract imposed a "schedule" on Ray's legal moves, foreclosing a possible extradition fight in England and timing his court appearances and trial in Memphis to fit Huie's publishing deadlines.

Huie denied this in a deposition submitted to McRae's court, and Hanes, who appeared in person, firmly maintained he was concerned only with Ray's legal welfare and that Huie had no influence on him.

Specifically, he said, Ray told him he did not want to fight extradition. "He told me he was weary and tired and wanted to come home," Hanes testified.

Hanes said he continued preparing for Ray's trial, scheduled for Nov. 12, 1968, and was confident his client would be acquitted when Ray suddenly dismissed him two days before trial and replaced him with Percy Foreman.

Foreman obtained a post-mortem of the trial and, after examining the case, said he agreed to have Ray plead guilty because of the

"overwhelming" evidence against him. The guilty plea was made on March 10, 1969, and Ray was sentenced to 99 years in prison with the earliest parole eligibility date in the year 2018, when he will be 90.

On entering the case, Foreman also assumed the contracts that Hanes had

had with Huie. Ray's attorneys contended that Huie, who was receiving firsthand written accounts from Ray on details surrounding the assassination, initially urged Ray not to testify at his November trial and later to plead guilty so that Huie could retain his exclusive access to the details.

Huie denied these charges. He said that when he decided after his own investigation that there was no evidence of a more interesting tale of conspiracy and that Ray alone killed King, "My publisher said, 'Then why write a book at all?'"

Ray's ultimate guilty plea "completely destroyed" the sales potential of a book, he said. Even so, a book by Huie entitled "He Slew the Dreamer" was published, but Huie said he received only \$4,461 in royalties from it.

Foreman, the blustery 72-year-old Texas lawyer, said in a deposition that there was no need to pressure Ray to plead guilty because of the strong evidence against him and because Ray acknowledged committing the crime.

He said Ray told him he intentionally left his fingerprints on the .30-06 rifle found near the murder scene "because he wanted the boys back in Jefferson City, [Missouri state prison, where Ray was formerly held] to know that he had done it. He didn't want to be caught but he wanted the credit. He thought he would be the hero of the white segment of America."

According to Memphis police and state prosecutors, King was shot by a person firing from the rear bathroom window of the rooming house. The .30-06 Remington rifle was discovered moments after the shooting abandoned on the sidewalk near the front of the rooming house.

Ray, who says he was an unwitting member of a group he believes responsible for killing King, acknowledged purchasing the rifle and renting a room in the rooming house the afternoon of the shooting.

But he claims he gave the rifle to "another party" two days before the murder and left the rooming house several minutes before the shot was fired. Ray's attorneys say he was working with a narcotics smuggling ring as a low-level operative and was unaware of any plot to assassinate King. They say he was elsewhere in the city when the fatal shot was fired and has a witness to support the claim. They would not name the witness.

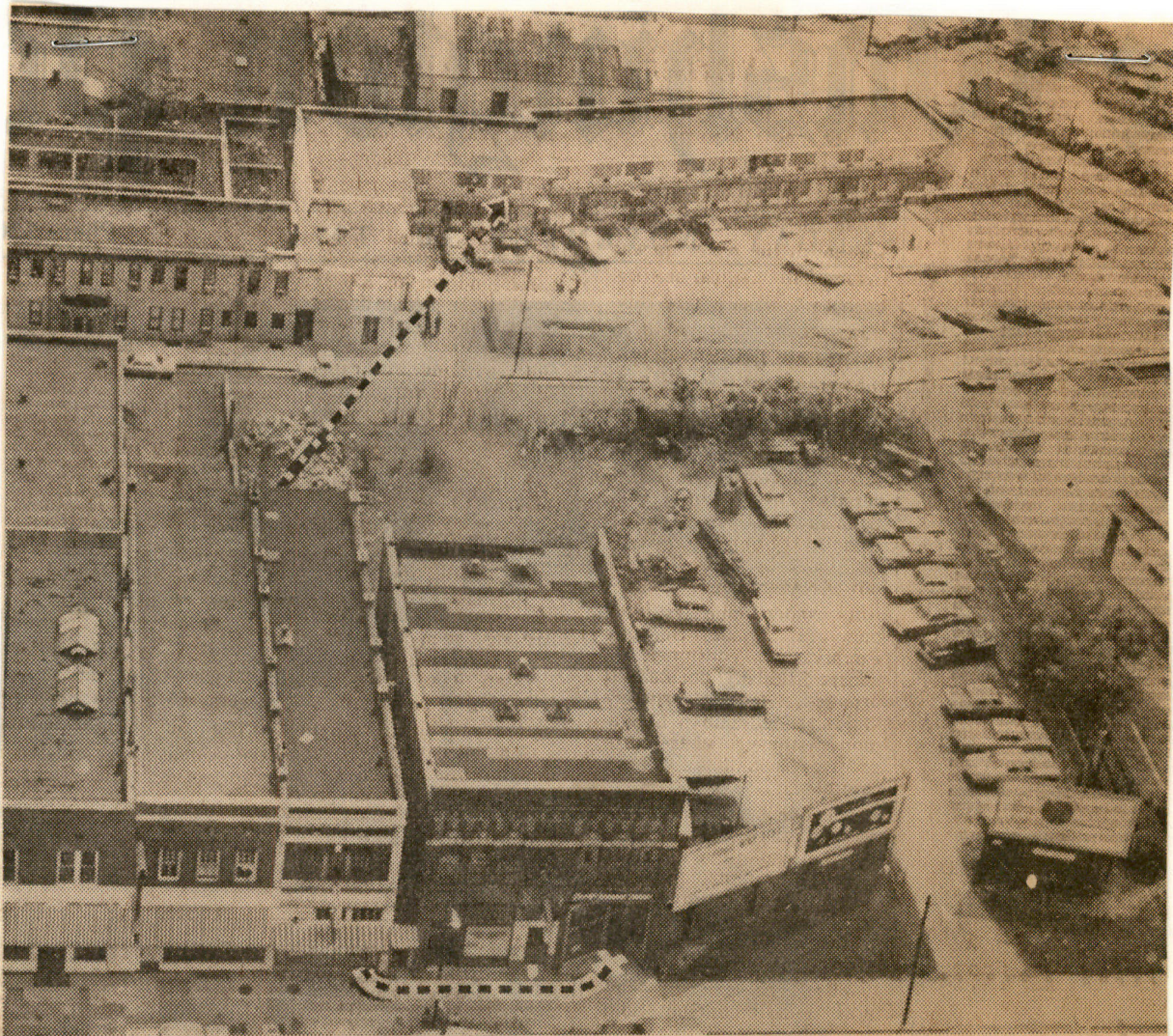
While FBI agents and Memphis police found physical evidence that Ray was in the rented room, they found no prints or other evidence that he was ever in the adjacent bathroom.

Also, FBI ballistics expert Robert A. Frazier said in an affidavit that the bullet removed from King's body was so mutilated that it could not be matched conclusively with the rifle found on the sidewalk.

During the hearing, Ray's attorneys also attacked the credibility of the state's key eyewitness, a rooming house resident and known heavy drinker named Charles Q. Stephens, who told police he saw a man resembling Ray fleeing from the building moments after the shot.

James C. McCraw, a Memphis taxi driver, testified, however, that 15 minutes before the shooting, Stephens was in his room "pretty drunk" and unable to get up.

Even before Ray pleaded guilty, his attorneys argued, he was subjected to constitutionally harsh jail conditions, constant closed circuit television surveillance and mail censorship, all of which deprived him of the ability to make reasoned or confidential decisions in his case.



Associated Press

Broken line (top) shows the path of the bullet from the rooming house in the foreground to the balcony where Dr. Martin Luther King Jr. was standing when he was killed. James Earl Ray, who pleaded guilty to the murder,

has said he was elsewhere at the time, and he has never been linked to the bathroom from which the shot was fired. The broken line in the foreground is the route police said the killer ran from the rooming house.

# Ray Outlines Events Before Assassination

By Paul W. Valentine  
Washington Post Staff Writer

MEMPHIS, Oct. 29—James Earl Ray today acknowledged being with a group of men he believes responsible for assassinating Dr. Martin Luther King Jr. here in 1968—but he steadfastly denied being the “actual shooter.”

In a federal court hearing in which Ray, 46, is seeking to overturn his 1969 guilty plea to King's murder, Ray for the first time described details of events leading to the shooting at 6:01 p.m. April 4, 1968, as the civil rights leader stood on the balcony of the Lorraine Motel here.

But Ray would not say where he was or what he was doing at the moment the shot was fired, reportedly from the window of a flophouse adjacent to the motel.

“I told Arthur Hanes (one of Ray's former attorneys) the truth on everything except what I left out . . . I told him everywhere I'd been up to 10 minutes of '6 that evening,” Ray testified.

He acknowledged renting a room in the flophouse and purchasing the rifle found abandoned nearby just after the shooting and later identified as the murder weapon.

When Tennessee Assistant Attorney General Henry Haile pressed for details, Ray's attorneys protested, asking for a private bench conference with U.S. District Court Judge Robert M. McRae. After a brief consultation, McRae ruled that Ray could continue testifying about details he had discussed with his previous attor-

neys in preparing his defense but not about matters he had refused to discuss with them.

The ruling came in the context of Ray's attempts to show that his previous attorneys, Hanes and Percy Foreman, coerced him into pleading guilty.

Ray's current attorneys contend Foreman pushed for a guilty plea to avoid a trial so that he could share royalties from books and magazine articles with writer William Bradford Huie with whom first Hanes and then Foreman had agreed to give exclusive details of the murder.

Ray has contended since the day he pleaded guilty that there was a conspiracy to kill King. FBI, Justice Department and local law enforcement officials say there is no evidence of conspiracy.

Though Ray would not specify yesterday where he was at the moment King was shot, his attorneys have said privately he was in another part of the city and has an alibi witness to testify so if Ray wins a full-dress trial. They also contend Ray was unaware that the group he was with in Memphis intended to kill King.

- Assoc. Dir. \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

*JG B. [Signature]*  
*R. [Signature]*  
*SIX*

- The Washington Post Times Herald \_\_\_\_\_ *A2*
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- Sunday News (New York) \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Daily World \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_

Date 10-30-74



Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

(Mount Clipping in Space Below)

# Ray Testifies He Was Mile From Murder

BY NICHOLAS C. CHRISS  
Times Staff Writer

MEMPHIS—James Earl Ray testified Tuesday that he was a mile away when Dr. Martin Luther King was killed in 1968 and "I think I have eyewitnesses on this."

Ray, 47, the convicted assassin of Dr. King, said he had not told his attorneys of this alibi, or of the possible witnesses, because "if the FBI found out about the witnesses they would have harassed them."

Ray did not elaborate further on the matter.

U.S. Dist. Judge Robert McRae ruled that what Ray told his attorneys was relevant in this hearing, but not what he failed to disclose to them.

The hearing is aimed at allowing Ray to withdraw his guilty plea and obtain a new trial on the ground that his original attorneys neglected his defense and pressured him into pleading guilty because they had a financial interest in publications about the case that would be diminished by an open trial. The attorneys in question were Arthur Hanes of Birmingham and Percy Foreman of Houston. Thus, the hearing revolves around these matters, and not on the facts of the assassination.

*Murkin*  
*Gaffney*  
*news T*

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

I-10 LOS ANGELES TIMES  
LOS ANGELES, CA

Date: 10/30/74  
Edition: Wednesday Final  
Author: Nicholas Chriss  
Editor: William F. Thomas  
Title: MURKIN

Character:  
or

Classification: LA-44-1574\*  
Submitting Office Los Angeles

Being Investigated

Foreman has said he recommended that Ray plead guilty because he was convinced he would be given the death penalty by a jury. He was sentenced to 99 years in prison after pleading guilty.

Tuesday was Ray's second day on the stand.

Asked if he had always told his attorneys the truth, Ray replied that he did "except for what I left out."

By what he "left out," he presumably meant his assertion that he had witnesses to his alibi that he was a mile away from the scene when Dr. King was killed.

He admitted that he had purchased in Birmingham a .30-06 rifle, the gun found outside a flophouse door.

moments after Dr. King was shot, but that he wasn't my money" used to buy the rifle.

One of Ray's current attorneys, James Lesar, cited testimony that Ray had received a letter from Foreman on March 9, the day before he pleaded guilty, rejecting an offer by Ray of \$15,000 to withdraw from the case.

Ray said he did not want to plead guilty and had been telling Foreman that for some time. He said Preston Battle, the judge at his 1969 trial, told him that he could not continue hiring and firing attorneys, and that it was time to get on with the trial.

Thus, Ray said, he could not fire Foreman, but asked him to withdraw.

Ray said Foreman told him he would take the first \$150,000 of any money that was made from books, articles and motion pictures about the assassination episode, which were based on information from Ray, plus \$14,000 in expenses, and would withdraw only if Ray pleaded guilty and did not create a scene in the courtroom the next day.

A letter concerning this deal, which Foreman wrote and which Ray signed, said in part: "And this advance, also, is contingent upon the plea of guilty and sentence going through on March 10, 1969, without any unseemly conduct on your part in court."

Ray pleaded guilty and said, under questioning from Battle, that he understood what he was doing.

Ray said he thought his plea would be a "technical plea of guilty to get me out of town to the penitentiary." Then he could retract the plea, obtain a new attorney and reopen the case, he said.

Two days later, Ray started writing the first of a batch of letters repudiating the plea, sued Foreman and said "he could be involved in some kind of crime and not be aware of it," suggesting he was a dupe to a conspiracy.

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.: \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

*M. J. [Signature]*

# Lawyers Say Huie Hurt Ray's Defense

By Paul Valentine  
 Washington Post Staff Writer

MEMPHIS, Oct. 31—Attorneys for James Earl Ray sought today to portray author William Bradford Huie as having compromised Ray's defense in the 1968 Martin Luther King murder trial for his own financial benefit.

Though Huie was financing Ray's defense, he was also pushing for a guilty plea and testified against Ray before a Memphis grand jury, the lawyers said.

In the seventh day of a federal court hearing on Ray's attempt to withdraw his guilty plea and stand trial for the murder of the civil rights leader, one of Ray's former attorneys, Arthur Hanes Sr., acknowledged he had "no control over what Huie did with information he obtained from Ray. Huie had a contract with Hanes for exclusive access to Ray prior to his guilty plea in March, 1969.

Huie acknowledged going before a grand jury in February, 1969, but said he did not bring any notes on Ray's details of the murder, according to a deposition by Huie read into the court record today. Huie reportedly told the grand jury he believed Ray alone was responsible for the King assassination.

(State prosecutors say privately that the grand jury, which had indicted Ray several months earlier, was reconvened to look into continuing allegations of a conspiracy

to kill King. They say it found no such evidence and Huie's testimony was unhelpful.)

Huie's grand jury appearance, according to Ray's present attorneys, was part of a continuing conflict of interest between Ray's legal rights and his former attorney's profit motives.

Huie, Hanes and Ray had contracted to split royalties from Huie's books and magazine articles as a way of raising defense funds.

But in order to preserve the literary value of Huie's work, Ray's attorneys said, Huie first urged that Ray not testify at trial and later pushed for a guilty plea so that no details of the case would be made public.

Huie denied this in his deposition, adding that Ray's sudden decision to plead guilty took him by surprise and greatly reduced the value of his pending book, "He Slew the Dreamer," published by Delacorte Press.

Ultimately, Huie said, he earned \$4,461 in royalties from the 212-page book.

Hanes, former mayor of Birmingham, Ala., said Huie had no influence on the preparation of Ray's defense, and Hanes was ready to go to trial on Nov. 12, 1968, when Ray suddenly fired Hanes and hired Houston criminal lawyer Percy Foreman.

Foreman also asserted that literary contracts with Hanes

The Washington Post A-6  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times \_\_\_\_\_

Date NOV 1 1974

*K*

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

# Ray Says He Has Addresses and Phone Numbers of Others Involved in Events Leading to King Killing

**By MARTIN WALDRON**  
**Special to The New York Times**  
**MEMPHIS, Oct. 30**—James Earl Ray testified today that he had "addresses and telephone numbers" of others involved in events leading to the assassination of the Rev. Dr. Martin Luther King Jr. in 1968, but that he had never given most of this information to his lawyers.

He said he had kept the names of some of his witnesses secret because he thought the names might get back to agents of the Federal Bureau of Investigation, and that the F.B.I. might harass them.

Mr. Ray said he gave one telephone number to the lawyer, Percy Foreman of Houston, who pleaded him guilty to Dr. King's murder, but that Mr. Foreman did not press him for names.

Mr. Ray is seeking to withdraw the guilty plea he entered in March, 1969, contending that he was coerced by Mr. Foreman into falsely admitting the murder of the civil rights leader.

### Hearing Near End

A hearing on the question before Federal District Judge Robert M. McRae Jr. is drawing to a close. The Judge has indicated it will take him several weeks to reach a decision.

Mr. Ray, who left the stand this afternoon after about 10 hours of testimony, did not give details of the "conspiracy" to assassinate Dr. King, who at the time of his murder was not only the nation's most noted civil rights leader but also a Nobel Peace Laureate.

The most detailed information came from Arthur Hanes, a former mayor of Birmingham, Ala., who was Mr. Ray's lawyer until he was dismissed on the eve of Mr. Ray's scheduled trial in November, 1968. Mr. Foreman released Mr. Hanes as Mr. Ray's attorney.

Mr. Hanes, a former F.B.I. agent and once a contract employe of the Central Intelligence Agency, was reluctant to tell Judge McRae what Mr. Ray had told him, but the judge ruled that he must do so.

Mr. Hanes said that he had asked "James Earl Ray a hundred times: 'Did you fire the shot that killed Dr. King?' and his invariable answer was 'No.'"

He said that Mr. Ray told him that he had come to Memphis in April, 1968, at the direction of "Raoul," who had been described as a blond Latin whom Mr. Ray met in Canada in 1967 after Mr. Ray had escaped from the Missouri State Penitentiary.

Mr. Ray said in statements smuggled from the Shelby County Jail by Mr. Hanes in 1968 for the Alabama author William Bradford Huie, that "Raoul" had promised him \$12,000 and new identity papers to help him on some major crime that "Raoul" never specified.

Mr. Hanes testified that Mr. Ray had told him that while he was on his way to Memphis he spent the night of April 2, 1968, two days before the assassination—in Mississippi.

"James Earl Ray told me that the gun he had bought at the Aero-Marine Supply Company was taken from him at a motel in Mississippi, and that he never saw it again until it was thrown down on the street in Memphis tied to his suitcase," Mr. Hanes said.

A rifle Mr. Ray bought in Birmingham was found outside the murder scene in Memphis.

The lawyer said that Mr. Ray had told him that he was given "a note with the address of a rooming house in Memphis and told to be there at 3 o'clock" on

the afternoon of April 4. He said that when Mr. Ray got to Memphis he became lost, and that he parked his car seven or eight blocks from the rooming house at 422½ South Main Street and walked to the rooming house, arriving 15 minutes late.

"There his contact contacted him," Mr. Hanes said.

He said that after Mr. Ray had rented a room as directed, he was told to go get the car and park it in front and them to buy a pair of binoculars.

*L.A. News*

- The Washington Post \_\_\_\_\_
- Washington Star-News \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- The New York Times 28
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- The Los Angeles Times \_\_\_\_\_

Date OCT 31 1974

After this had been accomplished, Mr. Ray was told to leave the rooming house and to go to a nearby saloon and drink beer while "Raoul" bathed, shaved and changed clothes, Mr. Hanes said.

Mr. Hanes said that Mr. Ray, after drinking several beers, was standing on the sidewalk outside the rooming house about 6 o'clock when the shot that killed Dr. King was fired.

"Raoul" came out of the rooming house and threw the rifle and Mr. Ray's suitcase down on the sidewalk, Mr. Hanes said. "Jimmy said he knew somebody had been shot, and he knew he was in trouble and he fled," Mr. Hanes said.

Mr. Hanes said the only information he was able to pry out of Mr. Ray about "Raoul" was that he had reddish blond hair.

Mr. Hanes's son and law partner, Arthur Hanes Jr., also testified today, saying that "I felt then and I still feel there was a conspiracy involved in this killing."

He said that when he and his father were dropped as Mr. Ray's attorneys two days before the trial was to have opened, that they were ready to give him a vigorous defense.

Mr. Ray has testified that he dismissed the two Hanses because they did not want him to take the witness stand and because he thought they were most interested in promoting the sale of the book that Mr. Huie was writing about the assassination.

Mr. Hanes's testimony that Mr. Ray told him that he was on the sidewalk outside the rooming house when Dr. King was killed is significantly different from the version that Mr. Ray said he had given to Mr. Hanes.

Mr. Ray said he had told his lawyers that he was a mile away from the scene and that he had witnesses to prove it.

Mr. Foreman has declined to come to Memphis to testify, but a 208-page deposition he made is to be read into the record on Friday.

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs
- Files & Com.
- Gen. Inv.
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

*Handwritten initials/signature*

**ATTORNEYS NEVER KNEW**

# Ray Tells of Addresses

New York Times News Service

MEMPHIS, Tenn. — James Earl Ray has testified that he had "addresses and telephone numbers" of others involved in events leading to the assassination of the Rev. Martin Luther King Jr. in 1968, but that he had never given most of this information to his attorneys.

He said he had kept the names of some of his witnesses secret because he thought the names might get back to FBI agents and that the FBI might harass them.

Ray said yesterday he gave one telephone number to the lawyer, Percy Foreman of Houston, who pleaded Ray guilty to King's murder, but that Foreman did not press him for names.

**RAY IS SEEKING** to withdraw the guilty plea he entered in March 1969, contending that he was coerced by Foreman into falsely admitting the murder of the civil rights leader.

A hearing on the question before U.S. District Judge Robert M. McRae Jr. is drawing to a close. McRae has indicated it will take him several weeks to reach a decision.

Ray, after about 10 hours of testimony, did not give details of the "conspiracy" to assassinate King.

The most detailed information came from Arthur Hanes, a former mayor of Birmingham, Ala., who was Ray's lawyer until he was dismissed on the eve of Ray's scheduled trial in November 1968. Foreman replaced Hanes as Ray's attorney.

Hanes, a former FBI agent and once a contract employe of the Central Intelligence Agency, was reluctant to tell Judge McRae what Ray had told him, but the judge ruled that he must do so.

**HANES SAID** that he had asked "James Earl Ray a hundred times: 'Did you fire the shot that killed Dr. King?' and his invariable answer was 'No'."

He said that Ray told him that he had come to Memphis in April 1968, at the direction of "Raoul," who has been described as a blond Latin whom Ray met in Canada in 1967 after Ray had escaped from the Missouri State Penitentiary.

Ray said in statements smuggled from the Shelby County jail by Hanes in 1968 for the Alabama author William Bradford Huie, that "Raoul" had promised him \$12,000 and new identity papers to help him on some major crime that "Raoul" never specified.

Ray's current attorneys have said Ray identified Raoul to them as a French Canadian he met in Montreal after his escape from the Missouri Penitentiary, the Associated Press reported. After King was shot, Ray fled to London with a Canadian passport. He was traced to England through passport fingerprints checked in Montreal.

**HANES TESTIFIED** that Ray had told him that while he was on his way to Memphis he spent the night of April 2, 1968 — two days before the assassination — in Mississippi.

James Earl Ray said that the gun he had bought ... was taken from him at a motel in Mississippi, and that he never saw it again until it was thrown down on the street in Memphis tied to his suitcase," Hanes said. A rifle which Ray bought in Birmingham was found outside the murder scene in Memphis.

The lawyer said that Ray had told him that he was given a note with the address of a rooming house in Memphis and told to be there at 3 o'clock on the afternoon of April 4. He said that Ray parked his car seven or eight blocks from the rooming house at 422½ South Main St. and walked to the building.

**HE SAID THAT** after Ray had rented a room as directed, he was told to go get the car and park it in front and then to buy a pair of binoculars.

*Handwritten signature: LANN*

- The Washington Post \_\_\_\_\_
- Washington Star-News D-18
- Daily News (New York) \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- The Los Angeles Times \_\_\_\_\_

Date OCT 31 1974

~~After this had been~~  
accomplished, Ray was told  
to leave the rooming house  
and to go to a nearby saloon  
and drink beer while  
~~"Raoul" bathed, shaved~~  
and changed clothes, Hanes  
said.

Hanes said that Ray,  
after drinking several  
beers, was standing on the  
sidewalk outside the room-  
ing house about 6 p.m. when  
the shot that killed Dr. King  
was fired.

"Raoul" came out of the  
rooming house and threw  
the rifle and Ray's suitcase  
down on the sidewalk,  
Hanes said. "Jimmy said he  
knew somebody had been  
shot, and he knew he was in  
trouble and he fled," Hanes  
said.

Ray earlier in the hearing  
said he went to the rooming  
house under the impression  
~~he was to discuss gun run-~~  
~~ning, the AP reported.~~

(1)  
MURKIN

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv.
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

*McGowan*

# Lawyers Say Huie Hurt Ray's Defense

By Paul Valentine  
Washington Post Staff Writer

MEMPHIS, Oct. 31—Attorneys for James Earl Ray sought today to portray author William Bradford Huie as having compromised Ray's defense in the 1968 Martin Luther King murder trial for his own financial benefit.

Though Huie was financing Ray's defense, he was also pushing for a guilty plea and testified against Ray before a Memphis grand jury, the lawyers said.

In the seventh day of a federal court hearing on Ray's attempt to withdraw his guilty plea and stand trial for the murder of the civil rights leader, one of Ray's former attorneys, Arthur Hanes Sr., ac-

knowledged he had "no control" over what Huie did with information he obtained from Ray. Huie had a contract with Hanes for exclusive access to Ray prior to his guilty plea in March, 1969.

Huie acknowledged going before a grand jury in February, 1969, but said he did not bring any notes on Ray's details of the murder, according to a deposition by Huie read into the court record today. Huie reportedly told the grand jury he believed Ray alone was responsible for the King assassination.

(State prosecutors say privately that the grand jury, which had indicted Ray several months earlier, was reconvened to look into continuing allegations of a conspiracy

to kill King. They say it found no such evidence and Huie's testimony was unhelpful.)

Huie's grand jury appearance, according to Ray's present attorneys, was part of a continuing conflict of interest between Ray's legal rights and his former attorney's profit motives.

Huie, Hanes and Ray had contracted to split royalties from Huie's books and magazine articles as a way of raising defense funds.

But in order to preserve the literary value of Huie's work, Ray's attorneys said, Huie first urged that Ray not testify at trial and later pushed for a guilty plea so that no details of the case would be made public.

Huie denied this in his deposition, adding that Ray's sudden decision to plead guilty took him by surprise and greatly reduced the value of his pending book, "He Slew the Dreamer," published by Delacorte Press.

Ultimately, Huie said, he earned \$4,461 in royalties from the 212-page book.

Hanes, former mayor of Birmingham, Ala., said Huie had no influence on the preparation of Ray's defense and Hanes was ready to go to trial on Nov. 12, 1968, when Ray suddenly fired Hanes and hired Houston criminal lawyer Percy Foreman.

Foreman also assumed the literary contracts with Huie

*Wash. Post  
A-6*

- Daily News (New York) \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- The Los Angeles Times \_\_\_\_\_

Date 11-1-74



- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

*Handwritten notes:*  
 Mr. Tolson  
 Mr. Casper  
 Mr. Callahan  
 Mr. Felt  
 Mr. Gale  
 Mr. Rosen  
 Mr. Sullivan  
 Mr. Tavel  
 Mr. Trotter  
 Mr. Tele. Room  
 Mr. Holmes  
 Miss Gandy

# Ray '68 Location Specified

A-4

By Paul W. Valentine  
 Washington Post Staff Writer

MEMPHIS, Oct. 30—A lawyer for James Earl Ray testified today that his client was standing outside the rooming house when the shot that killed Dr. Martin Luther King Jr. was fired from inside.

The statement by Arthur Hanes Sr. marked the first time that Ray's location at the moment of the murder, 6:01 p.m. on April 4, 1968, has been pinpointed in court testimony.

Up to now Ray has refused to say where he was or what he was doing. He has suggested only that he was unwittingly involved with a group of men who came to Memphis in early April, 1968, and that someone else fired the shot that killed the civil rights leader as he stood on the balcony of the Lorraine Motel, to the rear of the rooming house.

Hanes, who was mayor of Birmingham, Ala., during the police-black clashes of the civil rights movement there in the early 1960s and was Ray's lawyer in 1968, detailed Ray's movements in and around Memphis before the King murder.

But the testimony shed little light on the identity of the trigger man.

Unidentified colleagues "gave him a note to go to 422½ South Main St., Memphis [address of the rooming house] and be there at 3 p.m. on the 4th of April," Hanes said Ray told him.

There, at about 5:20 p.m., his "contact" suggested that Ray "go down and have a beer" in an adjacent bar, Hanes said he was told.

"Ray said he had a beer or two and that he then went out and was standing in front of the rooming house on the street when the shot was fired," Hanes testified.

Moments later, Ray noticed on the sidewalk a bundle containing a rifle he had purchased, Hanes said Ray told him. "He knew he was in trouble and he fled."

Hanes said Ray identified his "contact" as "Raoul," a shadowy figure who has frequently been cited in the past by Ray's attorneys as a possible participant in a conspiracy to kill King.

Hanes' testimony came in the sixth day of a federal court hearing into claims by Ray that he was coerced into pleading guilty to the King murder.

Pale and thin, Ray gazed at the floor during Hanes' testimony, rarely looking up as Hanes described Ray's actions in a low, even voice.

While Ray has steadfastly refused to talk about the crucial moments, his current attorneys have said privately that Ray was elsewhere in the

city and has an alibi witness to prove it. The attorneys, Bernard Fensterwald and James Lesar of Washington, have not identified the witness.

Hanes' testimony today was tangential to the purpose of the court hearing before U.S. District Court Judge Robert McCrae—to determine if Ray was given ineffective assistance by his earlier lawyers and was coerced into pleading guilty.

Fensterwald and Lesar contend that Hanes and later attorney Percy Foreman subordinated Ray's legal interest to financial profits they hoped

to split with writer William Bradford Huie. They had contracted with Huie for exclusive access to details of the murder.

Foreman ultimately browbeat Ray into a guilty plea to avoid a trial and to maintain the exclusivity of the details for Huie, Ray's present attorneys say.

Both Hanes and his son, Arthur Hanes Jr., testified today that they made a full investigation of the case and were prepared to go to trial in November, 1968, when Ray suddenly fired them and hired Foreman.

- The Washington Post A-4
- Washington Star-News \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- The Los Angeles Times \_\_\_\_\_

NOV 31 1974

Date \_\_\_\_\_

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

*Mr. [unclear]*  
*Logan*  
*folder*

A-11

# Mile From Scene, Ray Tells Court

New York Times News Service

MEMPHIS — James Earl Ray has testified that he did not kill Martin Luther King Jr., that he was more than a mile away at the time of the murder and that he had witnesses to prove it.

Ray has not finished his account of his involvement in the murder of the civil rights leader here April 4, 1968, but he admitted involvement yesterday and was to be on the witness stand answering questions about it again today.

He said his involvement had been peripheral. "I personally did not shoot Dr. King, but I believe I may be partly responsible for his death," Ray, who is 47, testified.

RAY SEEKS a full-scale trial. He pleaded guilty in March 1969 and was sentenced to 99 years in prison after a one-hour court proceeding.

He said on the witness stand yesterday that he had pleaded guilty because he thought his attorney, Percy Foreman of Houston, might "fake" a defense if he insisted on a trial, and that he might end up being sentenced to the electric chair.

He said that Foreman had seemed intent on getting him to plead guilty, and didn't seem to have time to sit down with him and discuss the case.

Foreman estimated there was a 99 percent chance he would get the death penalty if he went to trial, Ray said.

"I TOLD HIM I thought that was ridiculous, that the state would rely on circumstantial evidence and the most they could convict me of, if they convicted me, was aiding and abetting," Ray said, according to the Associated Press.

Ray's attorneys claim he was a dupe of a conspiracy by others to kill King.

Ray later testified that he had rented a room across the street from a motel where King was slain thinking there would be "some kind of meeting between me and another party up there," AP reported.

Ray also said he had witnesses who could verify his whereabouts about 11 minutes before King was assassinated, but had kept the information to himself for fear the FBI would find out and harass them.

WHEN RAY was asked if his first attorney, Arthur Hanes Sr. of Birmingham, Ala., ever asked him if he was guilty of the murder, he replied:

"I just told him no."

He said that Foreman, who took over the case from Hanes, never asked him directly. "But some time in the early part of February (1969) he asked me to write out everything I did when I escaped from the Missouri State Penitentiary until I was arrested," Ray said.

"I just assumed he read from that that I wasn't in that particular area (the slaying scene) and I wasn't

- The Washington Post \_\_\_\_\_
- Washington Star-News A-17
- Daily News (New York) \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- The Los Angeles Times \_\_\_\_\_

Date OCT 30 1974

**FINAL EDITION**