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Ray was asked whether he assumed that a rifle, identified as the murder weapon and bearing his fingerprints, was used to kill King.

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He did not say what his responsibility had been, but added that "the man who made the rifle may have been responsible in part."

Much of the evidence that Ray has given to U.S. District Judge Robert E. McRae Jr. has been couched in such cautious language.

Before being sentenced in King's death, Ray had served three prison terms and was in the midst of a fourth when he escaped from prison about a year before King's death.

Ray's involvement in the assassination—which set off riots in black sections of many cities—is being pieced together indirectly.

RAY TESTIFIED yesterday that he left California in March 1968 to go to New Orleans. He had been in California for several months, taking dancing lessons, going to bartender school, and having his nose bobbed.

He said he wanted his features altered so that he could get a merchant seaman's license. He said he knew that the FBI would be circulating a photograph of him, and he did not want to resemble it.

He said that when he got to New Orleans, "I stopped there for maybe an hour or so. Then I left New Orleans. I had to go to Birmingham. I was supposed to meet a party in New Orleans but he had gone on to Birmingham."

Ray has contended that the "party" he met in Birmingham was a "blond Latin" named Raoul whom he had met the year before in Canada and who had persuaded him to smuggle items from Canada into the United States.

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Ray Contends He Was Miles From Murder

By MARTIN WALDRON *36*

Special to The New York Times

MEMPHIS, Oct. 29—James Earl Ray testified today that he did not assassinate the Reverend Dr. 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.

Mr. Ray has not yet finished giving his account of his involvement in the murder of the civil rights leader on April 4, 1968, in Memphis, but he admitted involvement today and will be on the witness stand answering questions about it again tomorrow.

He said that his involvement had been peripheral.

"I personally did not shoot Dr. King, but I believe I may be partly responsible for his death," the 47-year-old convict testified.

Mr. Ray is seeking a full-scale trial in the murder. 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 today 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 Mr. Foreman had seemed intent on getting him to plead guilty.

Mr. Ray's acknowledgement that he may have been "partly responsible" for Dr. King's death, came, he said, in a letter he wrote to Senator James O. Eastland of Mississippi five years ago agreeing to cooperate with a proposed investigation of Dr. King's murder.

Previous Jail Record

One of his attorneys, James Lesar of Washington, asked if by that he meant that he had assumed that the 30106-caliber rifle found near the scene of the ambush had been used in the murder.

"I didn't make no strong assumptions in that area," Mr. Ray testified. He did not say what his responsibility had been, but added, "The man who made the rifle may have been responsible in part."

Much of the evidence that he has given to Federal District Judge Robert E. McRae Jr. has been couched in such cautious language.

Before being sentenced in Dr. King's death, Mr. Ray had served three prison terms and was in the midst of a fourth when he escaped from prison about a year before Dr. King's assassination.

Mr. Ray's involvement in the murder, which set off riots in black sections of cities in the United States, is being pieced together indirectly.

Mr. Ray said in his testimony today that he left California in

March, 1968, to go to New Orleans.

He said that, when he got to New Orleans, "I stopped there for maybe an hour or so. Then I left New Orleans. I had to go to Birmingham. I was supposed to meet a party in New Orleans but he had gone to Birmingham."

The 'Party' in Birmingham

Mr. Ray has contended that the "party" he met in Birmingham was a "blond Latin" named Raoul whom he had met the year before in Canada and who had persuaded him to smuggle items from Canada into the United States.

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- The Los Angeles Times _____

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He has said that Row kept him supplied with money for more than a year.

In questioning by his attorneys this morning, Mr. Ray said that he had been shown "10 or 12 pictures" of "Latin-appearing" individuals while he was awaiting trial in 1968.

One of these photographs, he said, was of a man who had been arrested in Dallas for questioning on the day that President Kennedy was assassinated there in 1963.

"I was asked if I would identify the man if he was brought to Memphis," Mr. Ray said. "I said no, although he did look similar to the party I was involved with."

The man arrested in Dallas was not charged, and his name was not mentioned in the courtroom today. He was identified as "an anti-Communist Cuban."

In addition to outlining some of the events in which he was involved leading up to the assassination, Mr. Ray dropped hints about the group of people he is now ready to contend "framed" him.

He indicated on two occasions that the slaying of Dr. King might be traced to Louisiana.

The first time he indicated this was when he was being examined by Mr. Lesar. Mr. Ray said that the investigation for his defense in 1968 was incompetent. "No one went to Los Angeles or to New Orleans, where I think much of the evidence lies," he said.

This afternoon, while being questioned by the assistant Memphis prosecutor, Henry Hile, Mr. Ray said that in the summer of 1968 he tried to get \$1,250 from William Bradford Huie, the author, to hire a secret special investigator. He said that he and his brother, Jerry W. Ray, "wanted to get this money to hire a private investigator to go to Louisiana." Mr. Hile was writing about James Earl Ray's involvement in the case.

One of Mr. Ray's former lawyers, Arthur Hanes of Birmingham, told reporters several years ago that Mr. Ray would never discuss Louisiana with him, that Mr. Ray "would clam up" and "become angry" if pressed about the topic.

A California song writer, Charles Stein, who rode with Mr. Ray from Los Angeles to New Orleans in December, 1967, told reporters that Mr. Ray was in love with a New Orleans woman.

"Evidence Held Nonexistent"

Mr. Ray said this afternoon that one widely publicized piece of "evidence" against him did not exist. His, he said, was the marked map found in the Atlanta rooming house where Mr. Ray had lived for a couple of weeks before the assassination.

The state of Tennessee and the Federal Bureau of Investigation have said that the map had Dr. King's home and his offices circled.

Mr. Ray said that two streets on the map had been circled. One was the street where the rooming house was, he said, and the other was Peachtree Street, Atlanta's main thoroughfare.

Mr. Ray said that after he went to Birmingham the week before the assassination, he bought a rifle. He said he told his attorneys in 1968 and early 1969 that he had bought the rifle "but that it wasn't with my money."

He said he returned the first rifle because "I understand the first one was the wrong type and I had to take it back and get another." He said he did not examine either rifle, nor did he try to load or fire them.

Mr. Ray was beginning an account of his activities in Memphis when the judge adjourned court for the day. He said that after he had arrived here, he rented a room across the street from the motel where Dr. King was staying.

"Me and another party discussed this the previous evening," Mr. Ray said. "At that time, I didn't have a weapon."

He said he had been supposed to drive to a Main Street flophouse to rent a room, but that he got lost and parked his car in a lot a mile or more from the house. "I walked up there and rented a room," he said.

He was the afternoon of April 4, 1968, about four hours before Dr. King was shot.

He said on that same afternoon he was sent to buy an "infrared" telescope, but that he couldn't find one and bought a pair of binoculars instead. The binoculars were found with the rifle wrapped in a bedspread on a sidewalk outside the flophouse.



Associated Press

James Earl Ray, right, being taken to court yesterday in Memphis by Federal marshals

(1)

MURKIN

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 guilty."

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Ray has contended that the "party" he met in Birmingham was a "blond Latin" named Raoul whom he had met the year before in Canada and who had persuaded him to smuggle items from Canada into the United States.

Ray '68 Location Specified

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 exclu-

sive 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.

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

The ruling came in the context of Ray's attempt 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.

The group, based in Louisiana, was engaged primarily in smuggling narcotics, the attorneys said.

Ray, who appeared relaxed although pale and thin, testified that in March, 1968, a month before the assassination, he drove from Los Angeles to New Orleans to meet “another party” but “he had gone to Birmingham.” Ray did not identify the “party.”

Ray said he caught up with the party in Birmingham, and the two of them drove to Atlanta, where Ray rented a room. He denied using a map that police say they later discovered in the room with the locations of King's home and church circled.

In late March, 1968, Ray testified, he returned to Birmingham, bought a rifle and brought it to Memphis but did not take it to the flophouse room. He did not say what he did with it and under Judge McRae's ruling state prosecutors did not press him.

He testified, however, that he did not practice firing the rifle and “never even tried to load it.”

He said he rented the flophouse room on April 4, 1968, and left the general area at 5:50 p.m., 11 minutes before the assassination.

To buttress his conspiracy claim, Ray cited a letter he wrote in March, 1969, to Sen. James O. Eastland (D-Miss.) who was considering a Senate investigation.

“I personally did not shoot Dr. King, but I believe I am partly responsible for Dr. King's death,” Ray said in the letter.

Asked what he meant by “I believe I am partly responsible,” Ray answered, “You know, it's like you could be involved in a crime and not have any knowledge of it. You could be involved in some other operation with the people in it.”

McDonough

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 The Los Angeles Times _____

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James Earl Ray, second from right, is escorted by U.S. marshals as he leaves a Memphis jail to testify in court.

Associated Press

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Ray Testifies He Was Mile From Murder

PART I 10
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.

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 "it wasn't my money" used to buy the rifle.

One of Ray's current attorneys, James Lesar, elicited 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 W. 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.

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- Washington Star-News _____
- Daily News (New York) _____
- The New York Times _____
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times *Pt 1, P 10*

Date OCT 30 1974

Ray Portrayed As Trap Victim Of Ex-Lawyers

By MICHAEL LOLLAR

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

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

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

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

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

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

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

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

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

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

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

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

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

Questioned by Lesar, Thompson said that Foreman never asked to see the investigative files which he compiled with the help of Hays. Thompson brought the files with him, including a statement taken from Charles Quitman Stephens. Stephens was a resident of the boarding house at 422½ South Main, from which the fatal shot supposedly was fired.

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

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

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

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

(Continued on Page 6)



Judge Robert M. McRae Jr.

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COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 10/23/74
Edition:
Author:
Editor: GORDON HANNA
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Submitting Office: MEMPHIS
 Being Investigated

Conflict Of Interest Claims Are Prepared In Ray Hearing

(Continued from Page 1)

the 30.06 bullet removed from King during an autopsy.

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

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

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

Thompson also testified that Frank, the New York author, asked to look at the investigative files, but Thompson said he turned him down for fear the book might interfere with Ray's right to a fair trial. The attorney said Frank then contacted Foreman, who "wrote to me on Nov. 13, 1968, authorizing my turning over the materials to Gerold Frank."

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

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

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

In Smith's testimony early yesterday the sheriff's deputy testified he was in charge of all security for Ray between July 19, 1968, and March 12, 1969, when Ray was transferred to the state penitentiary at Nashville.

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

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



James Earl Ray Is Escorted From Court With Mass Of Papers

—AP Photo



Blackwell



Rhodes

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

In his opening statement, Fenster-

wald said delivery of Ray's correspondence to his prosecutors is "an irremedial constitutional defect" in his treatment, making "the Ellsberg case look like a model of judicial rectitude" in comparison.

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

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

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

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

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



Defense Attorney Bernard Fensterwald's Briefcase Is Checked

—Staff Photo

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Ray Witness Called 'Too Drunk to Stand Up'

MEMPHIS (AP) — Fifteen minutes before Dr. Martin Luther King Jr. was assassinated, the only witness to place James Earl Ray near the slaying was so drunk he couldn't stand up, a cab driver has testified.

James McGraw, the cab driver, gave the testimony yesterday on the second day of a federal court hearing on Ray's efforts to withdraw his guilty plea to the King slaying and gain a new trial for murder.

McGraw said he was called to a rooming house across the street from the motel where King was shot April 4, 1968, to pick up

Charles Quitman Stephens and found Stephens drunk in an upstairs room.

"HE WAS laying on the bed and couldn't get up," McGraw said.

Stephens told officers he saw Ray running from an upstairs bathroom in the rooming house, from where officers theorize King was shot.

Earlier yesterday, Ray was quoted by the doctor who treated him during his stay in the Shelby County jail as saying he wasn't alone in the King death.

Dr. McCarthy DeMere said he asked Ray if he were involved in the slaying as Ray prepared to leave Memphis in March 1969 to begin serving a 99-year sentence in the state penitentiary in Nashville.

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

BECAUSE of the guilty plea, there never was any testimony on Ray's guilt or innocence. But a former assistant in the public defender's office, Hugh Stanton Jr., testified yesterday he had concluded, "We didn't have much defense."

But Stanton said he was preparing a defense for Ray

until he pleaded guilty. "I was amazed and astounded" at the plea, Stanton said.

Despite his surprise, however, Stanton said he considered as reasonable the recommendation that Ray plead guilty. "I think it was, an extremely high probability that the jury probably would have given him the death penalty."

Stanton, whose father was public defender after Ray's 1968 arrest in London, now is district attorney. He and DeMere testified before Judge Robert M. McRae Jr. of U.S. District Court.

Explaining why he thought Ray's defense was weak, Stanton cited Ray's fingerprints on the murder weapon, Ray's presence in Memphis at the time and the discovery of his overnight bag at the scene of the shooting.

RAY CLAIMS his private attorney, Percy Foreman of Houston, Tex., coerced him to enter the plea and that none of his former attorneys developed a supportable defense for him.

Stanton said that several documents collected by defense investigators could have been used in support of Ray's innocence, including statements by witnesses disputing the site from which the fatal shot came.

McGraw
Low

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

Date 10/24/74

Ray Lays Guilty Plea To Greedy Attorney

By Paul W. Valentine
Washington Post Staff Writer

MEMPHIS, Tenn., Oct. 25— James Earl Ray took the witness stand in his own behalf today, claiming his former attorneys had been more interested in book and movie royalties than in defending him in the 1968 assassination of civil rights leader Martin Luther King Jr.

Thin, ashen and dressed in a rumpled suit, the 46-year-old Ray told a crowded federal courtroom that attorney Arthur Hanes Sr., former mayor of Birmingham, Ala., and Hanes's successor, attorney Percy Foreman of Houston, signed lucrative contracts with author William Bradford Huie for a share of revenues from any books, magazine articles or films based on details of the King murder.

Ray's present attorneys contend Foreman browbeat Ray into pleading guilty in March, 1969, thus avoiding a trial and preserving details of the case exclusively for Huie.

Huie ultimately wrote three articles for Look magazine and a book called "He Killed the Dreamer."

James H. Lesar, one of Ray's three current attorneys, has estimated Huie received a minimum of \$100,000 and Hanes and Foreman lessor amounts. Ray testified today that he received nothing, although at least one of the contracts provided that he was to receive 30 per cent of gross revenues.

"Huie told my brother (Jerry Ray) that if I took the stand, it would probably destroy his book," Ray told the court.

Ray testified in the fourth day of an evidentiary hearing at which he hopes to win a court order permitting him to withdraw his guilty plea and face trial in the King murder. His testimony will resume on Tuesday.

Hanes is also expected to testify, but not Huie or Foreman. The latter two have submitted depositions, however, in which they generally deny coercing Ray into pleading guilty.

Wash. Post
A-7
10-26-74

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6/27

Facts Of King's Death Not Grandiose Theory

MEMPHIS (AP) — The FBI agent who directed the investigation into the murder of Dr. Martin Luther King Jr. said Sunday the facts of the case don't lend themselves to "grandiose theories" of a conspiracy. "It was a relatively simple thing," said Robert G. Jensen, now head of security for an international motel firm. "A man was killed. A man was caught. In many ways, it was like any other case, but the stature of

King gave it a lot more publicity than the usual case." Robert I. Livingston, attorney for James Earl Ray, said Friday that he has been in periodic contact since March with a representative of the "men who actually carried out the slaying of Dr. Martin Luther King Jr." Describing a "conspiracy" behind the April 4, 1968, shooting of King in Memphis, Livingston said the intermediary is seeking immunity from prosecution for the slaying conspirators, who want to testify "in revenge" against "four Southern gentlemen" who hired them, not Ray, to kill King. According to Livingston, eight men were involved in King's death, with Ray as the "patsy." He said Ray was "...just a gullible-type sort of fellow, easily influenced and led around. He had never been a high-powered criminal all his life, just penny ante stuff..." "If he (Livingston) has something, more power to him," said Jensen, adding that he had not read Livingston's claims because there was "no particular reason for me to read them." "The facts that were developed were made public," Jensen said. "Many people don't want to accept what the facts are because in many instances, they don't lend themselves to grandiose theories. But we had to go with what facts we had. Theories and suppositions don't hold up in court." Jensen described the investigation as a "good case, well worked, well handled. I'm satisfied with the results." It is "probably true," Jensen said, that King's slaying was one of the most thoroughly investigated murders in criminal history.

"There is little doubt that it was an extensive and in-depth investigation," he said. "It was worldwide, involving the cooperation of Canadian authorities, the Royal Canadian Mounted Police, Scotland yard and many, many others. We explored every angle and the only thing is that when the case developed, we could find no evidence of such a thing (a conspiracy)." "When the FBI had compiled the facts, he said, "a representative of the attorney general's office followed through and rechecked the material." "The case was analyzed and it will continue to be analyzed," he said. "I don't think history buffs have ever put to rest the story of Lincoln and John Wilkes Booth." "Fifteen years from now people will ask the same questions, but my personal opinion now lies with the public record. I have no personal theories whatsoever that differ with the record of the case."

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

The Spartanburg Journal

Page 2A

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Date: 5-27-74

Edition: _____

Author: _____

Editor: T. A. Smith

Title: _____

Character: _____

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Classification: 44-

Submitting Office: Columbia

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FBI Agent: King Case 'Relatively Simple'

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"It was a relatively simple thing," said Robert G. Jensen, now head of security for an international motel firm. "A man was killed. A man was caught. In many ways, it was like any other case, but the stature of King gave it a lot more publicity than the usual case."

Robert I. Livingston, attorney for James Earl Ray, said Friday that he has been in periodic contact since March with a representative of the "men who actually carried out the slaying of Dr. Martin Luther King Jr."

Describing a "conspiracy" behind the April 4, 1968,

shooting of King in Memphis, Livingston said the intermediary is seeking immunity from prosecution for the slaying conspirators, who want to testify "in revenge" against "four Southern gentlemen" who hired them, not Ray, to kill King.

According to Livingston, eight men were involved in King's death, with Ray as the "patsy." He said Ray was "...just a gullible-type sort of fellow, easily influenced and led around. He had never been a high-powered criminal all his life, just penny ante stuff..."

"If he (Livingston) has something, more power to him," said Jensen, adding that he had not read Livingston's claims because there was "no particular reason for me to read them."

"The facts that were developed were made public," Jensen said. "Many people don't want to accept what the facts are because in many instances, they don't lend themselves to grandiose theories. But we had to go with what facts we had. Theories and suppositions don't hold up in court."

Jensen described the investigation as a "good case, well worked, well handled. I'm satisfied with the results."

It is "probably true," Jensen said, that King's slaying was one of the most thoroughly investigated murders in criminal history.

"There is little doubt that it was an extensive and in-depth investigation," he said. "It was worldwide, involving the cooperation of Canadian authorities, the Royal Canadian Mounted Police, Scotland yard and many, many others. We explored every angle and the only thing is that when the case developed, we could find no evidence of such a thing (a conspiracy)."

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

The Sumter Daily Item
Sumter, S. C.
—Page 10 A

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Date: 5/27/74
Edition:
Author:
Editor: H. D. OSTEEEN, Jr.
Title:
JAMES EARL RAY;
MARTIN LUTHER KING -
Character: VICTIM
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Classification: 44-
Submitting Office:
 Being Investigated

When the FBI had compiled the facts, he said, "a representative of the attorney general's office followed through and rechecked the material.

"The case was analyzed and it will continue to be analyzed," he said. "I don't think history buffs have ever put to rest the story of Lincoln and John Wilkes Booth.

"Fifteen years from now people will ask the same questions, but my personal opinion now lies with the public record. I have no personal theories whatsoever that differ with the record of the case."

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King Conspiracy

Ruled Out

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

PAGE 2

MARTINSVILLE BULLETIN
MARTINSVILLE, VA.

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Robert I. Livingston, attorney for James Earl Ray, said Friday that he has been in periodic contact since March with a representative of the

"men who actually carried out the slaying of Dr. Martin Luther King Jr." Ray, the only person charged in the case, pleaded guilty to murdering King, and is now serving a 99-year prison sentence.

"If he (Livingston) has something, more power to him," said Jensen, who now is head of security for an international motel firm. He said he had not read Livingston's claims because there was "no particular reason for me to read them."

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are because in many instances they don't lend themselves to grandiose theories. But we had to go with what facts we had. Theories and suppositions don't hold up in court."

Alleging a conspiracy behind the April 4, 1968, shooting of King in Memphis, Livingston said the intermediary he talked to is seeking immunity from prosecution for the slaying conspirators. He said they want to testify "in revenge" against "four Southern gentlemen" who allegedly hired them, not Ray, to kill King.

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Date: 5/27/74
Edition: VOL. 85, # 126
Author:
Editor: JOHN D. WILSON
Title: DR. MARTIN LUTHER KING, JR.

Character:
or
Classification: 44-657*
Submitting Office: RICHMOND
 Being Investigated

Los Survey

5-30-74 @

Original sent to Bureau by DJF

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

I-2 LOS ANGELES TIMES
LOS ANGELES, CA.

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Date: 5/28/74
Edition: Tuesday Final
Author:
Editor: William F. Thomas
Title: MARTIN LUTHER KING

Character:
or
Classification: LA-157-6456*
Submitting Office: Los Angeles
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KING SLAYER SEEKS NEW TRIAL

Ray Wins Review of Plea

CINCINNATI (UPI) — The U.S. 6th Circuit Court of Appeals ruled today that James Earl Ray, serving 99 years in jail for the murder of Martin Luther King, is entitled to a review of his guilty plea which could lead to a new trial.

Ever since the day after Ray pleaded guilty on March 10, 1969, to killing the civil rights leader, he has been seeking a new trial and permission to change his plea to innocent.

TODAY'S decision followed oral arguments before the court in October in which an attorney for Ray

contended his client had been "browbeaten, badgered and bribed" into pleading guilty.

Attorney Bernard Fensterwald said Ray's former attorney, Percy Foreman, coerced Ray into entering the guilty plea. That contention was the basis of Ray's appeal to the court here.

"We hold that (Ray) is entitled to an evidentiary hearing," the three-judge appeals court panel said.

"It is clear that the allegations which are the subject of Ray's petitions have never been tried upon their merits or resolved by any court — allegations which

— if true, plainly negate any notion or idea that his guilty plea . . . was made voluntarily and intelligently.

"The allegations . . . if true would support a finding that Ray's attorneys deliberately compromised their client's interests in order to further the financial success of (William Bradford) Huie's works in which they themselves had a substantial interest."

TO PAY for his defense, Ray had promised Foreman all royalties he received from Huie, an author who had made a deal with Ray to write about the case.

But Fensterwald said a letter Foreman sent to Ray just before the guilty plea was entered stated that Foreman said he would give back to Ray all money beyond an initial \$165,000 if a guilty plea were entered.

Ray, being held in a state penitentiary in Nashville, Tenn., was not present when today's decision was issued.

- Times Herald _____
- The Evening Star (Washington) A-1
- 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 1/29/74

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Ray Granted Review of Guilty Plea

CINCINNATI, Ohio, Jan. 29 (AP)—James Earl Ray was given a chance today to contest his guilty plea in the murder of the Rev. Dr. Martin Luther King Jr. because of allegations his attorneys compromised his interests to fatten their pocketbooks.

The Sixth U.S. Circuit Court of Appeals ruled that Ray, 41, who received a 99-year sentence for the 1968 murder of the civil rights leader, is entitled to a hearing to contest his 1969 guilty plea.

Ray argued that he was not given proper legal advice. He said his lawyers failed to investigate his case properly and that their only interest was to collect royalties on materials written about him.

In a 2-to-1 decision, the circuit court sent Ray's petition back to the U.S. District Court in Nashville for review.

Ray alleged he was poorly advised by attorney Arthur Hanes, and by attorney Percy Foreman after he fired Hanes. He alleged both were more interested in funds that would accrue from articles and books planned by Alabama author William Bradford Huie than in his defense.

Ray said the lawyers considered his guilty plea para-

See RAY, A14, Col. 1

RAY, From A1

mount to the financial success of the articles and a possible movie on the case.

The court cited two letters written to Ray by Foreman. The first letter said Ray had signed all royalties over to Foreman and that Foreman would keep all monies up to \$165,000. It also said Ray would get all royalties above that figure if he pleaded guilty and caused no embarrassing circumstances in the courtroom.

The second said Foreman would give \$500 to Ray's brother Jerry, "contingent upon the plea of guilty and sentence going through on March 10, 1969 without any unseemly conduct on your part in court."

The court said only by giving Ray a hearing on his contentions "may it be determined whether the plea was intelligent or voluntary or entered as the result of coercion, threats and promises.

"The allegations ... if true, would support a finding that Ray's attorneys deliberately compromised their client's interests in order to further the financial success of Huie's works in which they themselves had a substantial interest."

Ray's current attorney, Bernard Fensterwald, contended that Ray was "browbeaten, badgered and bribed" into pleading guilty by Foreman.

The appeals court noted that the original trial judge had thoroughly questioned Ray about his plea, and whether it was voluntary.

But it said "it is clear, that the allegations which are the



JAMES EARL RAY
... accuses attorneys

subject of Ray's petition have never been tried upon their merits or resolved by any court — allegations which, if true, plainly negate any notion or idea that his guilty plea and answers ... were made voluntarily and intentionally.

"... No inquiry was made into the specific contentions that are now before this court."

The majority opinion was written by Judge William E. Miller and concurred in by Judge Harry Phillips. Judge Anthony J. Celebrezze wrote a dissenting opinion, saying Ray had every chance to tell the trial judge that his plea was not voluntary if that was the case.

Dr. King was shot April 4, 1968, on a motel balcony in Memphis, Tenn., where he had gone to support a strike by garbage collectors. Ray was later arrested in London, and extradited to this country.

- The Washington Post Times Herald A-1,14
- 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 1-30-74

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135th Year

No. 26

Memphis, Tenn., Saturday Morning, January 26, 1974

48 Pages

Price 10 Cent

Canale Relinquishes Long-Held Reins Of Justice

By JAMES COLE

Atty. Gen. Phil M. Canale Jr., who has quietly controlled the criminal justice system of Shelby County for nearly 19 years, yesterday announced he will retire March 1.

"It's just time for somebody else to step in and see if they can run the office better than I have," the 56-year-old prosecutor said yesterday afternoon.

Canale's announcement, which had been rumored for several weeks, came moments after he notified his staff of his decision.

A successor will be appointed by Gov. Winfield Dunn before the post comes up for grabs in a countywide race this August.

Canale, who has prided himself in keeping the attorney general's office out of politics, said he has no plans to interfere in the August election.

"My decision is entirely personal. It has nothing whatever to do with the

appointment of a successor," Canale said.

Asked if he feared the post may become a political football, Canale said, "I would hope it won't. It doesn't belong in politics any more than a judgeship."

He added that a closely contested race for the top prosecutor's spot has not occurred in the recent history of the county. Canale has never been opposed during his tenure, which extends back to 1955.

Canale said his plans remain undecided. But he added he is giving consideration to "several intriguing offers and situations," both public and private. He would not elaborate.

Canale was born in Memphis and was graduated from Catholic High School. He received his undergraduate degree from Notre Dame University and was attending Vanderbilt Universi-

ty Law School when he was drafted into the Army as a private.

Four years later Canale had achieved the rank of major. He was in Europe for 32 months with the 329th Bombardment Squadron, 12th Air Corps.

In 1947 he received his law degree from the old Southern Law School in Memphis. After a brief stint in private practice, he became an assistant attorney general under the late Will Gerber.

From 1952 through 1955 Canale served as city traffic judge. When Atty. Gen. John M. Heiskell resigned that year, Canale was named as successor by Gov. Frank Clement. There were only six prosecutors on the staff then.

"I've always been more interested in the integrity of this office than in seeking publicity for it," Canale said of his quiet, behind-the-scenes style.

Canale, who now runs the largest law firm in the state, said he has never had

to fire an assistant because of dishonesty.

"If you pick men of integrity, pay them well and stay out of politics, you shouldn't have any insoluble problems," Canale said in an interview published Jan. 1 in The Commercial Appeal.

"I'm the policy-maker, the father confessor, the referee, the decision-maker and the administrator of all that goes on.

"I get credit for everything that goes right and the blame for everything that goes wrong," he said.

Asked yesterday how he rates his own performance, Canale said with typical short-spokenness, "A clear conscience is a soft pillow."

Canale said he has only heard rumors about who his successor might be.

Attorney Hugh Stanton Jr., a former Republican legislator and friend of

Dunn's, has been reliably reported to be the governor's choice as Canale's replacement.

Canale's resignation opens the door for what is expected to be a hotly contested race next August.

Attorney Robert I. Livingston already has announced his candidacy, saying the county needs "a vocal attorney general." Odell Horton, president of LeMoyne-Owen College, a one-time federal prosecutor and former Criminal Court judge, has said he would seek the post if Canale should step aside.

And Ronald Krelstein, the Memphis Police Department's legal adviser, has expressed an interest in seeking the job.

Asked what his biggest decision has been as attorney general, Canale said, "They're all big. You make them daily when you're dealing with a person's liberty. Some are just more publicized than others."



Phil Canale

—Staff Photo

NOTE: REVIEWS OF INTERVIEWS OF JOHN RAY, BROTHER OF JAMES EARL RAY, CONVICTED ASSASSIN OF MARTIN LUTHER KING WAS MADE BY SA JOHN C. LAWN ON 1/7/74. THIS REVIEW COVERED ALL INTERVIEWS CONDUCTED DURING A BANK ROBBERY INVESTIGATION INVOLVING JOHN RAY.

INTERVIEWS OF JOHN RAY DURING MURKIN INVESTIGATION WERE REVIEWED BY SA KENNETH WILLIAMS, OF ST. LOUIS, ON 1/8/74.

NO INFORMATION WAS FOUND TO INDICATE THAT JOHN RAY, DURING INTERVIEW, EITHER REVEALED OR IMPLIED THAT BROTHER JAMES EARL RAY HAD TOLD HIM OF A CONSPIRACY OR COMPLICITY IN THE DEATH OF KING.

Around the Nation

Author

WASH POST PG A-7
1-4-74

A federal judge ordered the Bureau of Prisons yesterday to permit an author to interview John Larry Ray, brother of convicted assassin James Earl Ray, at the federal penitentiary at Marion, Ill.

U.S. District Court Judge Frank J. Murray in Boston ruled that the bureau's denial of access to the inmate violated the First Amendment rights of George McMillan, who is writing a book on the slaying of the Rev. Dr. Martin Luther King Jr.

John Ray, 39, who is serving an 18-year prison term for a 1970 bank robbery, has been quoted as saying his older brother told him "I am not the only one in on this," indicating that the 1968 murder was the result of a conspiracy.

In Nashville, James Ray failed in his effort to block his transfer from a state prison to a federal penitentiary. U.S. District Court Judge L. Clure Morton on Wednesday denied Ray's petition for a temporary restraining order blocking the move.