

Judge weighs request Ray trial may wait 90 days

By Jerry Linson
Staff Writer

MEMPHIS — Shelby County Criminal Judge W. Preston Battle will grant James Earl Ray a delay, possibly as long as 90 days, in his trial for the slaying of the Rev. Dr. Martin Luther King Jr., observers speculated here Tuesday.

The postponement possibility erupted Sunday as Ray surprisingly dropped his attorney, Arthur Hanes Sr., for Texas attorney Percy Foreman.

Battle was believed inclined to agree to the delay because he is determined to offer as few loopholes as possible for appeal, if it comes to that.

ALSO, the soft-spoken judge Monday threw open to the public 70 courtroom seats that had been roped off for prospective jurors — a move that strengthened the delay speculations.

The switch to Foreman announced almost on the opening night of the trial — came as Ray and his younger brothers, John and Jerry, finally concluded they were too disturbed with Hane's pre-trial performance to stake a life on it.

"Jimmie and Hanes just didn't communicate," Jerry Ray asserted "He'd (Ray ask Hanes a question and he wouldn't answer it."

Foreman admits he's "done no work on the case, and can't do any till I am part of it."

The towering Texan has lost only one man to the executioner in 1,000 criminal cases and he's defended such personalities as Jack Ruby and Candice Mossler.

Hanes says he plans to hang onto his files on the Ray case until he receives \$12,000 he says is owed him in legal fees.

HANES HAS been paid an estimated \$30,000 in fees. And, despite speculation about the astronomical fees Foreman normally commands, it is known that Ray and his brothers are far from wealthy.

Until Tuesday's hearing in the judge's narrow, windowless courtroom, Foreman had no legal standing in the case. Hanes was still the attorney of record.

However, Hanes, a former Birmingham (Ala.) mayor, said he was ready to step down because "I never want a reluctant client."

Foreman, who enjoys his reputation as a flamboyant personality, tried Tuesday to avoid the publicity spotlight.

He spent Monday preparing the motion requesting Battle to accept him as Ray's attorney and to delay the trial, and he met a second time with Ray, whom he decided to represent after a four-hour session Sunday.

RAY'S BROTHER John said James Earl was "much happier" with his new attorney.

Hanes was not the first lawyer dumped by Ray. In 1959, he tried to dismiss his attorney near the end of a five-day robbery trial in St. Louis.

The judge overruled his argument, but Ray dropped the man anyway and later argued his own appeal before the Missouri Supreme Court, and lost.

Ray was serving that term when he escaped from prison in April, 1967.



Percy Foreman

James Earl Ray's lawyer

Dumaine
CHICAGO DAILY NEWS
CHICAGO, ILLINOIS
DATE: 11-12-68
PAGE: 1 COL: 4
EDITION: BLUE STREAK
EDITOR: ROY M. FISHER
CHICAGO OFFICE

C) 44-1114-304

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 12 1968	
FBI — CHICAGO	

(e)

Ray's New Attorney to Seek Trial Delay of 45 to 60 Days

BY WAYNE THOMIS
Associated Press Service

Memphis, Nov. 11—James Earl Ray's new lawyer, Percy Foreman, 66, of Houston today filed an appearance before Judge W. Preston Battle in Shelby county Criminal court. He told interviewers that he expects a 45 to 60-day continuance in the trial of his client for the murder of Dr. Martin Luther King.

Altho Foreman was a surprise entry into the case, he said today he has "taken the reins" and will need considerable time to prepare his defense.

Question of Hanes Fee
"At this moment there is no question of picking up the files and preparation of Arthur Hanes and his son who were acting for Ray until last evening," Foreman, 6 feet 4 inches and almost 300 pounds, said today.

"I understand there is a question of payment in full of Mr. Hanes' fees and can expect no close cooperation from him until this matter is settled."

In filing his appearance, Foreman went directly to the chambers of Battle because the Shelby county clerk's office was not open because of Veterans day. Earlier, the judge had announced that he would not start calling up prospective jurors, altho the veniremen had been notified and were due to be on hand. The case has been pending before the judge for five months. The trial is scheduled to start tomorrow.

Foreman said he will continue to work on the case and will be in court tomorrow.

to grant the defense plea for more time.

Prominence of Case Cited
The judge has stated from the bench and in a written opinion that he must take all steps possible to prevent any reversible error because of the national prominence of Dr. King and the charges against Ray.

This is interpreted here as virtual assurance that the trial now will go over until early January, 1969. The judge several times has said that he does not want jurors locked up over the Christmas holidays.

In a brief interview in his hotel lobby, Foreman made a number of statements relating to his retention as defense counsel. Some of these were:

"My only arrangements are with Ray's two brothers, Jerry and John Ray, and Ray himself. I am not discussing our financial arrangements. Money



Percy Foreman, newly named counsel for James Earl Ray.

is by no means everything, and

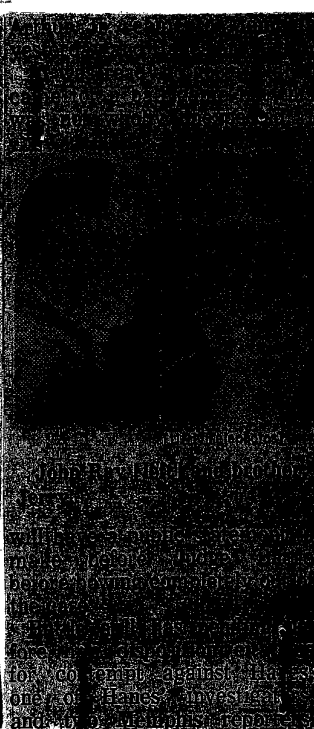
Approached by Klan

"I have not been recruited by the Ku Klux Klan or any other organization of this kind. Prior to my arrival yesterday, I had been approached several times by the Klan and I turned down flatly all such approaches.

"I cannot answer questions, by court directive, that refer to guilt or innocence of my client. But isn't it a basic premise of law that a man is innocent until proven guilty?"

Foreman spent four hours yesterday afternoon and evening in a jail conference with Ray and his two brothers. Out of this came his agreement to take the case and a notice in a letter from Ray to Hanes that the latter no longer was acting in the matter.

Hanes Makes Statement
"I certainly am not going to fight this thing and I don't want a reluctant client," Hanes said today. He and his son



CHICAGO TRIBUNE Bureau

11-12-68

11-12-68

11-12-68

11-12-68

11-12-68

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11-12-68

Also pending is a recommendation by Judge William Bradford Huie, Alabama writer who has done two chapters of a serialized personal story for Ray in a national magazine, be cited for contempt. All the citations relate to alleged violations of the judge's admonitions against pre-trial news.

There were indications that the judge may attempt to dispose of some of these matters at this time, even tho a new date for trial may be set for next year.

Aware Of A Plot, Ray Is Quoted

NEW YORK (UPI) — James Earl Ray, accused of assassinating Dr. Martin Luther King Jr., has admitted that he believes he became "involved in some sort of plot to kill King" as early as eight months prior to the murder, it was reported Monday.

But Ray is quoted in the second of a series of articles in Look magazine as claiming he was duped into the conspiracy and "nobody told me anything about any planned murder of King or anyone else."

The series is by author William Bradford Huie who corresponded with Ray at the Memphis jail where Ray awaits trial. Huie states that he cannot reveal all he has learned until Ray has been tried but he believes Dr. King was the secondary, not the primary, target of the plotters.

"The primary target was the United States," Huie wrote.

"Dr. King was to be murdered for effect. His murder was planned, not by impulsive men who hated him personally, though they probably did hate him, but by calculating men who wanted to use his murder to trigger violent conflict between white and Negro citizens."

According to information given Huie by Ray, the escaped convict was recruited in Canada by a man identified only as Raoul for some "activity" on Aug. 18, 1967, eight months prior to the April 4, 1968, assassination. His first assignment was to smuggle three packages by car from Windsor, Ontario, to Detroit.

From then on, Huie wrote, Ray "moved as directed by the plotters," although he did not know as late as two weeks

before Dr. King's assassination "that the plot included murder or that it was aimed in any way at Dr. King." One of his assignments was to smuggle a tire — which apparently contained some sort of contraband — across the Texas-Mexican border at Nuevo Laredo.

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CHICAGO SUN TIMES

CHICAGO, ILLINOIS

DATE: 11-12-68

PAGE: 14 COL: 1

FOUR STAR FINAL

EDITOR: JAMES F. HOGE, JR.

CHICAGO OFFICE 44-1114-306

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 12 1968	
FBI — CHICAGO	

Ray Attorney 'Not Hired By Klan'

MEMPHIS (AP) — Percy Foreman, the Texas lawyer who has taken over the James Earl Ray defense, said Monday the question of payment of his fee isn't bothering him.

And he made it plain he had not been hired by the Ku Klux Klan "or any other right-wing organization" to defend the man charged in the slaying of Dr. Martin Luther King Jr.

The arrangement for him to succeed Arthur J. Hanes of Birmingham, Ala., was strictly between Ray, Ray's family and himself, Foreman said. While he declined to discuss the financial arrangements, he said they are not of primary importance. "I've given away \$300,000 this year," he said.

Hanes' fee was being paid by author William Bradford Huie in exchange for information Huie was using in writing Ray's life story.

The surprise switch in attorneys was announced late Sunday, just 36 hours before Ray was to go on trial in Shelby County Criminal Court on a first-degree murder charge. Hanes, who has defended Ray since shortly after Ray was apprehended in London on June 8, said he had not known of the move until less than two hours before it was announced.

Foreman said he would go into court Tuesday morning, at the time Ray was to have stood trial, and ask for a continuance. Judge W. Preston Battle was expected to grant the motion, and the trial probably won't be held until the next term of court in January.

Foreman said he took the case at the request of two of Ray's brothers, Jerry and

John, and of Ray himself. Foreman and the three Ray brothers met in the jail Sunday.

Asked whether he had been retained by the Klan, Foreman replied: "Absolutely not. That's one thing I can say."

He said the Klan several times had asked him to take the case but he had refused.

Foreman acknowledged that he was intrigued by what he termed a number of unanswered questions in the case.



PERCY FOREMAN
Ray's new defense counsel

Dumaine
CHICAGO SUN TIMES

CHICAGO, ILLINOIS

DATE: 11-12-68

PAGE: 14 COL: 1

FOR STAFF FINAL

EDITOR: JAMES E. HOGG JR.

CHICAGO, ILLINOIS

C) 44-1114-307

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 12 1968	
FBI - CHICAGO	

KING FRIEND BAILEY VETOED DEFENSE OFFER

Atty. F. Lee Bailey refused to defend the accused assassin of the Rev. Martin Luther King Jr. because of his friendship with the slain leader.

In a speech to the Gary Women's club, Bailey said he had turned down an offer to defend James Earl Ray because lawyers try to avoid situations in which they have connections with any of those involved.

Bailey pointed out that his refusal was not based on any personal feelings concerning Ray, and noted that he felt most persons could be defended successfully.

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CHICAGO AMERICAN

CHICAGO, ILLINOIS

3 STAR FINAL

DATE: 11-12-68

PAGE: 1 **COL:** 8

EDITOR: LLOYD BUREAU

CHICAGO OFFICE

Handwritten: COPY SENT TO BUREAU
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SEARCHED <i>f</i>	INDEXED <i>f</i>
SERIALIZED <i>f</i>	FILED <i>f</i>
NOV 12 1968	
FBI — CHICAGO	

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Trial March 3, New Lawyer Gets Time for Study

2025 RELEASE UNDER E.O. 14176

But nobody told me anything about any plan to murder King or anybody else.

late in November, 1967, Ray said he was summoned to New Orleans by Raoul.

"Raoul just wanted a report on what I had been doing," Ray was quoted as having said. He said we had one more job to do and we'd do it in about 2 or 3 months. Then we'd be finished, and, for sure, he'd give me complete travel papers and \$12,000 and help me go anywhere in the world I wanted to go. He wanted me to be careful, not get in any trouble, and he'd keep in touch. When I asked him what the next job was, he said not to worry about it and not to ask questions. Then he gave me another \$2,000, all in \$20 bills.

Huie said further information that he had gotten from Ray which had a bearing on the assassination could not be revealed until after the trial. But the author said that this concealed information had led him to conclude:

"KING WAS TO BE murdered for effect. His murder was planned, not by impulsive men who hated him personally, tho they probably did hate him, but by calculating men who wanted to use his murder to trigger violent conflicts between white and Negro citizens.

"HE WAS to be murdered during the election year of 1968.

"SINCE HE was to be murdered for maximum bloody effect, he was to be murdered, not while he was living quietly at his home in Atlanta, but at some dramatic moment, at some dramatic place where controversy was raging.

By March 15, 1968, the plotters clearly had been aiming at murdering him at some point where he was forming or leading the poor peoples march.

"PREFERABLY, he was to be murdered in Birmingham or Montgomery or Selma, since these cities were milestones in his career as an advocate of racial change.

There was no necessity after the murder for the

murderer or murderers to be murdered to prevent a trial or trials—because a trial or trials could yield extra dividends of hatred and violence. Therefore, in this plot, Dr. King was the secondary, not the primary, target. The primary target was the United States of America.

Explains Change

Foreman's motion for a delay in the trial said, quoting Ray, "a serious disagreement with reference to his defense has arisen between him and his said attorneys, both as to strategy and policy."

The motion said Ray had been unable to adjust his thinking to Hanes.

"Defendant . . . says that he cannot cooperate with his said attorneys and desires to engage and employ other counsel," Foreman's motion continued.

Foreman's motion said Ray was without funds except what had been received from Huie for the magazine article.

Need \$12,000 More

"Attorneys have been paid to date approximately \$30,000, and an additional \$12,000 is required before they will release their statements, interviews, depositions and the results of their investigation," the motion said.

"Defendant's family and friends hope to be able to raise this money, but presently have no resources with which to obtain it."

Hanes, retained originally with his son, Arthur Jr., told newsmen he and Ray disagreed on a delay. Hanes said the case ought to be tried now, but Ray wanted a delay.

Hanes said there was no disagreement over money, replying to remarks by Ray's brothers, John and Jerry Ray.

"This is some scheme by the brothers," Hanes said at that time.

"What for, I don't know. He said the brothers had refused to cooperate or even talk to him since he took the case soon after Ray's arrest in London June 8.

"Working Against Us"

They could not run the case with me, as the lawyer he said.

"They have been working against us."

Hanes last talked with Ray in his jail cell here last Wednesday.

"When I saw old Ray last Wednesday," he said, "I knew something was up. He was so relaxed, not even interested in talking about the trial."

Foreman and the two Ray brothers visited the accused man Sunday and spent four hours with him.

Needs a Haircut

The 40-year-old Ray, dressed in a blue pin-stripe suit, was taken from his third-floor cell quarters with its metal sheath windows to the second floor courtroom. This was his first journey out of his limited confines since Sept. 30, when he appeared in the same courtroom.

He was unfettered in any way by handcuffs or other devices. He appeared to need a haircut.

Ray was shown a copy of his handwritten letter, asking that Hanes be replaced by Foreman.

He arose with the letter in hand as Judge Battle asked him, "Did you send that letter?"

"Yes sir," he answered.

Q.—You said you wanted to terminate the services of Mr. Hanes? A.—Yes, sir.

Q.—You said you wished to hire other counsel? A.—Yes sir.

Follows Hearing Closely

Ray then resumed his seat to follow intently the ensuing arguments over the trial postponement.

Speaking for the state, Robert K. Dwyer, 45, a peppery gray-haired assistant district attorney general, pointed out that Ray was captured June 8 in London as a climax by a record FBI manhunt.

Dwyer said Hanes had been Ray's defense attorney since June 13, including the date

when Ray was returned to the Shelby county jail here July 15.

"State Is Ready"

"He's been here four months or better and it appears to me he's trifling with the court," Dwyer declared.

The state of Tennessee is ready for trial. We have something like 90 witnesses alerted nationally and in various parts of the world to come here.

"What assurances are there that at the last moment the defendant might not come in and say, 'I don't want this gentleman here'—how woulded at Foreman? 66, a colorful 6-foot-4 centimeter lawyer.



[AP Wirephoto]

MEMPHIS—Percy Foreman, new defense attorney for James Earl Ray, talks with newsmen outside Shelby county jail.



ASSASSIN suspect James Earl Ray, in jail since arrest June 8, faces 4 months more behind bars as trial is delayed.

Foreman Begins Ray's Defense, Wins a Delay

MEMPHIS (P)—With one big item accomplished—delay of the trial—James Earl Ray's new lawyer turned today to preparing a defense for the man accused of assassinating the Rev. Martin Luther King Jr.

Percy Foreman, famed Texas criminal lawyer who took the case Sunday, went into court yesterday, the day Ray's trial was to begin, and got a delay until March 3.

Judge W. Preston Battle granted the postponement and agreed to enter Foreman as Ray's attorney of record to replace former Birmingham, Ala., Mayor Arthur J. Hanes, who was fired abruptly the same night Foreman was hired.

Foreman said he planned to stay on here for a few days to confer with local bar association leaders to get help in securing a Tennessee lawyer as associate counsel.

In a letter in which Ray declared his intention to fire Hanes and retain Foreman, Ray had said he had "decided to engage a Tennessee attorney." Hanes had been assisted by his son, also of Birmingham.

Hanes told newsmen after the court proceeding that Ray was hopeful of doing better if his trial was postponed until after the new Republican administration takes office in January. He said he did not know on what Ray based this belief.

Dumaine
CHICAGO AMERICAN

CHICAGO, ILLINOIS

3 STAR FINAL

DATE: 11-13-68

PAGE: 2 COL: 6

EDITOR: LLOYD WENDT

CHICAGO OFFICE

C) 44-1114-310

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 13 1968	
FBI — CHICAGO	

Ray's New Lawyer Gets Delay To March 3

MEMPHIS (UPI) — The trial of James Earl Ray on charges of murdering Dr. Martin Luther King Jr. was postponed Tuesday until March 3. Ray formally hired Texas lawyer Percy Foreman to defend him.

Art Hanes, sacked by Ray in favor of Foreman, told reporters the switch "was a delaying tactic, pure and simple. I was prepared to go to trial but my client wanted a delay."

Ray's trial for the April 4 slaying of the civil rights leader was to have begun Tuesday, but Criminal Court Judge W. Preston Battle said he had no choice but to delay it.

"It's an awful thing to have to continue a case at this time," said the judge, "but the defendant's right to counsel of his own choice is guaranteed by the Constitution of the State of Tennessee."

Battle set the March 3 date, apparently a tentative one, when Foreman and prosecuting attorneys failed to agree among themselves on a new starting time. It gives Foreman 111 days to prepare his case, and the famed trial lawyer from Texas indicated he didn't think it would be enough.

What was to have been Ray's trial began about 15 minutes late. The defendant was led in by deputies.

He was neatly dressed in a dark suit with faint pin stripes, accentuating his prison pallor. Battle ordered that Ray be given a copy of a letter that Ray issued from his steel-plated cell in the county jail Sunday, announcing the lawyer switch.

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CHICAGO SUN TIMES

CHICAGO, ILLINOIS

DATE: 11-13-68

PAGE: 8 COL: 1

FOUR STAR FINAL

EDITOR: JAMES F. HOGE, JR.

CHICAGO 44-1114-311

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 13 1968	
FBI — CHICAGO	

Ray trial postponed to March 3

By Jerry Lipson
Staff Writer

MEMPHIS — The trial of James Earl Ray was postponed Tuesday until March 3.

Despite sharp complaints from prosecuting attorneys, Judge W. Preston Battle granted a continuance request drawn up by Percy Foreman,

Ray's new attorney, and signed by Ray himself.

Foreman, who replaced Arthur Hanes Sr. as Ray's attorney in a sudden switch Sunday night, must let the court know by Dec. 12 if he will be ready for the March trial.

Hanes said the change in lawyers was a "subterfuge" designed to postpone the trial. He accused Ray's brothers of "scheming" and "working against us."

TENNESSEE Asst. Atty. Gen. Robert K. Dwyer sharply opposed the postponement. He said Ray was "trifling with the court."

Foreman, a tall, courtly Texan, argued that he needs time to interview witnesses and prepare his case.

Judge Battle then granted the continuance, and approved the switch in Ray's defense counsel. After a recess of about an hour, the judge set March 3 as the new trial date.

Ray, dressed in a pinstriped blue suit, was in the courtroom during the proceedings.

He sat calmly behind the attorneys' table and spoke only twice, softly answering questions from Judge Battle.

Ray is charged with the assassination last April 4 of the Rev. Dr. Martin Luther King Jr. in Memphis.

HANES, a former Birmingham (Ala.) mayor who is now out as Ray's attorney, was found guilty of contempt of court, for pre-trial statements, and ordered by Judge Battle to post a \$10,000 bond before leaving town.

Before the hearing started, Hanes and his newsmen had a difference between them and Ray was that the accused assassin wanted to postpone the trial while he was ready to proceed.

The continuance motion presented by Foreman touched on the friction between Ray and Hanes.

"A serious disagreement with reference to (Ray's) defense has arisen. . . both as to strategy and policy," the motion said.

FOREMAN said time is needed not only to acquaint

himself with the case but to allow him to pay Hanes some money in fees.

Hanes has indicated he will not turn over the files on the case until the money has been paid. He already has received an estimated \$30,000 in fees, chiefly through the sale of magazine rights to Ray's story.

In his Tuesday interview with reporters, however, Hanes said there is no dispute over money.

"This is some scheme by the brothers," he said. "What for, I don't know."

He said Ray's brothers, John and Jerry, had not talked to him since he took the case soon after Ray's arrest in London June 8.

"They could not run the case with me as lawyer," Hanes said. "They have been working against us."

"When I saw old Ray last Wednesday, I knew something was up," Hanes added. "He was so relaxed, not even interested in talking about the trial."

HANES IS NOT the first lawyer dumped by Ray, who likes to take an active part in his own trials.

In 1959, Ray tried to dismiss his attorney near the end of a five-day robbery trial in St. Louis. The judge overruled him but Ray dropped the man anyway and later argued his own appeal before the Missouri Supreme Court. He lost.

Ray was serving a prison term on that conviction when he escaped from jail in April, 1967.

Ray will remain in his third-floor cell in the Shelby County (Tennessee) Courthouse, directly above Judge Battle's courtroom, until the trial begins.

CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 11-12-68

PAGE: 1 COL: 1

EDITION: RED STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

C) 44-1114-312

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 13 1968	
FBI — CHICAGO	



Percy Foreman, new defense attorney for James Earl Ray, holds an impromptu news conference Tuesday outside the County Jail in Memphis.

We'll interview all witnesses

Foreman plunges into Ray defense

By Terry Lipson
Staff Writer

MEMPHIS — Texas criminal lawyer Percy Foreman rolled up his Size 38 sleeves Wednesday and set out doing what he loves and does best — saving accused murders from the executioner.

This time, his client is boyish-looking James Earl Ray, tracked down in London and charged with the April 4 slaying of the Rev. Dr. Martin Luther King Jr. in a downtown motel here.

Foreman, who took over the case formally from Arthur Hanes Sr. at a short hearing Tuesday, has until March 3 to prepare a defense.

A high priority item was making copies of all the statements and depositions from witnesses and police in the hands of Shelby County Atty. Gen. Phil M. Canale.

CRIMINAL COURTS Judge W. Preston Battle, in granting Foreman's request for a long delay, ordered Canale — and Hanes — to provide the information, even as the prosecutor volunteered to do so.

A key document Foreman expects to obtain is a list of 360 potential prosecution witnesses from all over the U.S., as well as Canada, Mexico, England and Portugal, compiled by Canale.

IF FOREMAN has his way, this slow-spoken son of a frontier Texas sheriff will interview every one of those

witnesses before the trial is due to open in 111 days.

"I would be derelict in my duty if I didn't at least try," he said in a mild foghorn roll reminiscent of Sen. Everett M. Dirksen.

In pressing for the long delay, Foreman told Judge Battle the prosecution has only subpoenaed about 100 witnesses so far and that "those the prosecution chooses not to use are frequently the very ones the defense should interview."

Unlike many lawyers, Foreman dispenses with private investigators, preferring to do his own questioning and, at the same time, personally sizing up the prospective witness.

"It isn't what's on paper. Of ten they'll say what they think you want to hear," said the bear-sized attorney with the razor-fine mind.

Foreman has been pictured as a slick strategist with a knack for tripping up unwary prosecutors and playing on the emotions of sensitive juries.

But, Foreman insists his formula for success — he's lost only one client to the electric chair in more than 1,000 murder cases — is much simpler: miles of determined legwork.

The new theatre-style seats in Battle's courtroom were barely cool after Tuesday's hearing when Foreman was proving the shabby area just south of downtown Memphis where King was shot.

"I THINK I ought to see where it all started," he said as he viewed the Lorraine Motel and the flophouse from which the fatal bullet allegedly was fired through the dusky twilight.

The second-floor room Dr. King occupied that day has been converted into a shrine, and visitors are asked to donate \$1 as they step across the threshold.

"I'd like to give 10," Foreman said as he glanced about the room.

Its contents included the robe in which the civil rights leader was wrapped as he was sped to the hospital, and the plate from which he ate his last meal.

"I understand the reference," Foreman said softly when the plate was pointed out, "and I suppose I'm about to represent Judas Iscariot."

CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 11-13-68

PAGE: 3 COL: 1

EDITION: BLUE STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

67-44-1114-313

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 13 1968	
FBI — CHICAGO	

Ray's Trial Reset for March

WAYNE THOMAS
Shelby, Nov. 12—James Earl Ray will go to trial on a charge of murdering Dr. Martin Luther King Jr. next March unless the date is extended, or there is a change of judge, W. Preston Battle agreed to these conditions after a hearing today.

Judge accepted Percy Foreman, 66, veteran of a thousand other murder cases as Ray's new attorney. In so doing, he ignored strong demands from prosecuting attorney's for a "swift, early, and fair trial."

Foreman Files Petition

The hearing also brought into the open some details of squabbles over funds between Ray and the lawyers who were representing him until today's hearing. They were Arthur Hanes, former Federal Bureau of Investigation agent and former Birmingham, Ala., mayor, and his son, Arthur Jr., 24.

In his first act as counsel, Foreman filed a petition requesting a continuance from the trial date set for this morning. In it he said, "Ray is wholly without money except such as made available from a professional writer, and has paid to date to his aforesaid attorneys [the Haneses] approximately \$30,000 and an additional \$12,000 is required before they will release their statements, interviews, depositions, and the results of their investigation extending over months."

Foreman told the court that Ray's relatives and friends hope to raise that money but "presently have no resources from which to obtain it."

No Love Lost

During part of his argument in behalf of the motion, Foreman also said, "I would be far from objectively and fairly representing the defendant if I were to make any recommendation."

He said he would be a "neutral" in my case, and my attorney would be my attorney and would be free to make myself available."

There was obviously no love lost between Foreman and the Haneses. The elder Hanes said three times in court that he "wished to reiterate my desire to withdraw."

Judge Battle ruled on three motions, first granting Hanes release from the case, under certain conditions, next accepting Foreman, and finally ruling on arguments between state and defense for a new trial date.

County Atty. Phil W. Canale and his chief assistant, Robert K. [Bussie] Dwyer, argued against any continuance, recalling that defense attorneys had been working for Ray since early June and that prior to the hearing today the elder Hanes had reported himself ready for trial.

Cites English Law

In response, Foreman declared that in many parts of the world "the state says who will represent a defendant, but English common law emphasizes the constitutional rights of a man to select his own attorney."

Foreman cited a series of federal and state cases in which decisions were upset because judges had forced defendants to trial. Then he said:

"This man is not at liberty; he's in jail. He's inconveniencing only your very courteous jailers and police. There is no public danger. There may be a little more expense, but justice has no price tag, and we are here to administer justice. I do not know Tennessee procedure, but I have no doubt of the justice and wisdom of the court."

Calls It Late Move

He said he would be a "neutral" in my case, and my attorney would be my attorney and would be free to make myself available."

There is no question in this case that it came at the fifth hour, the 10th minute, and the 55th second, so far as I knew as it was Sunday noon, everything had a green light for today. There is no question that an immense amount of money, time, and effort has been put in.

"I call attention, however, that the defendant must use due diligence in finding counsel. Rights of the court cannot be imposed upon to deprive the court of its powers of justice. Defendant is granted extraordinary relief with this continuance, but the court can be expected to examine most critically any further attempt to change counsel."

Hanes was directed by the judge to turn over to Foreman the complete records and files which he had prepared for the defense. Altho relieved as counsel of record, Hanes was ordered to abide by the news gags established by the court and also was directed because he had earlier been found guilty of contempt to post a \$1,000 security bond before leaving Shelby county.

May Seek New Delay

The ambiguity of the judge's position was emphasized when he told Foreman, "I'm setting this case for trial on March 13, but I feel you will know a good deal more about your problems in 30 days, and I request you to let the court know how you are getting along at the end of that period."

Foreman assured the judge that he would do this, but emphasized that this was the first continuance the defense had requested, adding that he felt "it would be a good idea to have some extensions."

Remained
S-2

CHICAGO TRIBUNE
CHICAGO, ILLINOIS
EDITION: 3 STAR FINAL
DATE: 11-13-68
PAGE: 2 COL: 5 SEC: 1
EDITOR: W.D. MAXWELL
44-1114-314
CHICAGO OFFICE

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 13 1968	
FBI - CHICAGO	



James Earl Ray

Judge W. Preston Battle

Bailey Rejected Ray Trial Offer

NOTED ATTORNEY F. LEE BAILEY revealed in a speech before the Gary Women's Club that he had been asked shortly after the capture of James Earl Ray to undertake his defense. Ray is accused of assassinating Dr. Martin Luther King Jr.

Bailey said that he refused the offer. "It was nothing against Ray but I happened to be pretty friendly with Dr. King and ordinary lawyers try to stay out of situations where they have any personal connection with any of the participants, whether it be the defendant or the victim."



F. LEE BAILEY

Bailey said he was asked to defend Ray about the same time that Arthur J. Hanes, former mayor of Birmingham, Ala., was asked to represent Ray. Ray has now engaged a new attorney, ~~Percy Foreman~~ of Houston.

Asked if he thought Ray could be successfully defended, Bailey replied, "Oh, certainly. Almost anybody is defensible."

Dumaine
CHICAGO SUN TIMES

CHICAGO, ILLINOIS

DATE: 11-12-68

PAGE: 10 COL: 1

FOUR STAR FINAL

EDITOR: JAMES E. HOGE, JR.

COPY SENT TO BUREAU

426-1114-315

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 18 1968	
FBI - CHICAGO	

Author faces Ray trial call

By Jerry Lipson
Staff Writer

MEMPHIS — Alabama author William Bradford Huie may be brought into the murder trial of James Earl Ray.

It was learned Wednesday that Huie and a 10,000-word manuscript Ray prepared for Huie may be subpoenaed. The manuscript formed the basis for Huie's articles in Look magazine.

Ray is accused of the April 4 assassination of the Rev. Dr. Martin Luther King Jr. in a downtown motel here.

In two magazine articles, Huie strongly indicates that Ray was involved in a conspiracy to slay the civil rights leader.

The state contends Ray acted alone.

WHEN ASKED if Huie and the manuscript might be subpoenaed, Shelby County Atty. Gen. Phil Canale said: "Something like that is always under consideration."

In his article this week, Huie said he had information about the case that he would not publish until the trial was over.

Ray's new defense attorney, Percy Foreman, said he would not try to bring Huie and the manuscript into the trial.

"I couldn't offer it. It would be self-serving," the Texas attorney said of the manuscript Ray prepared for Huie.

Foreman, who took over the case formally from Arthur Hanes Sr. at a short hearing Tuesday, has until March 3 to prepare a defense.

A key document Foreman expects to submit is a list of 360

potential prosecution witnesses from all over the U.S., as well as Canada, Mexico, England and Portugal, compiled by Canale.

IF FOREMAN has his way, this slow-spoken son of a frontier Texas sheriff will interview every one of those witnesses before the trial is due to open in 111 days.

"I would be derelict in my duty if I didn't at least try," he said in a mild foghorn roll reminiscent of Sen. Everett M. Dirksen.

In pressing for the long delay, Foreman told Judge Battle the prosecution has only subpoenaed about 100 witnesses so far and that "those the prosecution chooses not to use are frequently the very ones the defense should interview."

Unlike many lawyers, Foreman dispenses with private investigators, preferring to do his own questioning and, at the same time, personally sizing up the prospective witness.

"It isn't what's on paper. Of ten they'll say what they think you want to hear," said the bear-sized attorney with the razor-fine mind.

Foreman has been pictured as a slick strategist with a knack for tripping up unwary prosecutors and playing on the emotions of sensitive juries.

But, Foreman insists his formula for success — he's lost only one client to the electric chair in more than 1,000 murder cases — is an intricate miles of determined legwork.

~~Let~~ THINK I ought to see where it all started," he said as he viewed the Lorraine Motel and the flophouse from which the fatal bullet allegedly was fired through the dusky twilight.

CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 11-13-68

PAGE: 3 COL: 1

EDITION: RED STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

C) 44-1114-316

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 14 1968	
FBI — CHICAGO	

Can't get legal aide

Ray's attorney hits Memphis trial snag

By Jerry Lipson
Staff Writer

MEMPHIS—Percy Foreman, James Earl Ray's Texas attorney, said he has been unable to find an acceptable local lawyer to assist in the defense of the accused killer of the Rev. Dr. Martin Luther King Jr.

"I'm having difficulty getting an attorney I want because the outstanding attorneys of the community have disqualified themselves," Foreman said.

Foreman said he talked to four lawyers who are members of a special seven-man committee set by Criminal Court Judge W. Preston Battle to keep an eye on news coverage of the trial.

HE REFUSED to name the attorneys he talked to and declined to speculate on whether he might seek a change of venue for the trial.

However, if Foreman can show he has been unable to obtain a local lawyer of his choice because the best ones

have been active in the case, it could be grounds for moving the trial.

Foreman also revealed that he has been unable to find a key prosecution witness, Charles Q. Stevens.

Stevens allegedly identified Ray as the man he saw emerge from a flophouse bathroom from which police believe the shot was fired that killed Dr. King.

"I understand he's guarded around the clock by six city policemen," said Foreman.

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CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 11-15-68

PAGE: 44 COL: 1

EDITION: BLUE STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

c) 44-1114-317

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 15 1968	
FBI — CHICAGO	

DEFENDER OF KLANSMEN

Racism Issue Raised by Ray's Ex-Lawyer

(A NEW YORK TIMES SPECIAL)

BIRMINGHAM, Ala.—Arthur J. Hanes, the dismissed attorney for James Earl Ray, contends that it was "entirely possible" that he had been picked as Ray's attorney only to underscore the racial aspect of the assassination of the Rev. Martin Luther King Jr. and that he had never been expected to be the actual trial lawyer.

Hanes has received wide publicity for defending three Ku Klux Klansmen in a civil rights case.

Hanes said it was also possible that Ray had been told, even before King was murdered, that "he should contact me" if he was arrested.

Brings Suit, Gets Note

The lawyer offered his observations in an interview yesterday in Birmingham.

He said he still could hardly credit the brusque manner in which he and his son, Arthur J. Hanes Jr., were dismissed from the Ray case last Sunday night when they arrived at the Shelby jail in Memphis to give Ray a new gray suit to wear during his trial. Upon his arrival the lawyer was handed a note from Ray stating that he had been relieved.

Hanes said that for months he had been aware of many indications that Ray might be preparing to switch attorneys

and that about a month ago he became virtually certain that this was Ray's plan. The attorney said he had mentioned this possibility to the scheduled trial judge, W. Preston Battle, and to the prosecutor, P. M. Canale, the Shelby county attorney general.

Cites Racial Aspects

"But Ray didn't say anything and Artie and I had to proceed on the assumption that we were going to trial and so we put together just a great defense for Ray, including a few bombshells," Hanes said.

The suggestion that Hanes was retained with an intention of underscoring the racial aspects of King's murder, Hanes contended, arose from a combination of circumstances.

Hanes was elected mayor of Birmingham six years ago to a racist platform after joining forces with Alabama's arch segregationist, Eugene [Bull] Connor, then the Birmingham police commissioner.

Three years ago, Hanes was hired to defend three Ku Klux Klansmen who were accused of murdering Mrs. Viola Gregg Liuzzza, a civil rights worker slain during the Selma to Montgomery march.

Hanes is a former agent of the Federal Bureau of Investigation and a onetime contract employee of the central intelligence agency.

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CHICAGO AMERICAN
CHICAGO, ILLINOIS

DIAMOND FINAL

DATE: 11-16-68

PAGE: 4 COL: 4

EDITOR: LLOYD WENDT

CHICAGO OFFICE

C) 44-1114-318

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 18 1968	
FBI — CHICAGO	

Ray's lawyer a Texas spellbinder of old school

By Van Brodie

(LONDON EXPRESS SERVICE)

MEMPHIS, Tenn. — They say in Texas that if a crook is caught red-handed and signs a full confession, his only hope is Percy Foreman. This extraordinary man has taken over as defense lawyer for James Earl Ray, the escaped convict accused of killing Dr. Martin Luther King, the Negro leader.

Foreman shamelessly uses charm, folksiness, toughness, tears, and audacity in front of a jury. He has instant quotation from the Bible, Shakespeare, and early American history to suit every occasion — and a fine drawing bass in which to render them.

The mixture works so well that in 1,000 murder cases only one man has gone to the electric chair — "And that was because I was too ill to fight the case properly." No more than 50 served any time in jail.

For four dramatic days he represented Jack Ruby, the man who killed President Kennedy's assassin Lee Oswald.

"I am," said Foreman expansively, "the Billy Graham of the legal profession."

He swung his frame on to the hotel bed, unbuttoned his waistcoat, and cradled a Scotch on his ample stomach.

Suddenly he remembered he must send an angry letter to J. Edgar Hoover of the FBI. He was protesting because when he visited the scene of the crime — as he does in every case — an FBI man stopped him looking thru the bathroom window of the house where Ray is alleged to have fired the fatal shot.

Got J. Edgar out of bed at 4 a. m.

"Once got old J. Edgar out of bed at 4 in the morning," Foreman said with a chuckle. "Going to the top is the only way to get any action."

Then he went back to expounding his unique theory and practice of jurisprudence. He is often deliberately outrageous:

"Yes, I am vain and egotistical but I can think of absolutely nothing for me to be modest about. The greatest criminal lawyer this century! Well, let's see, I was born in 1902. I think that takes care of the question."

He is delighted by police incompetence. "Without it I'd be a poor man," he said. He is a multi-millionaire.

District attorneys often fume at Foreman's legal sallies but they never doubt his cunning. As he put it:

"My enemies have called me a crook, but no man has ever called me a fool."

In court his technique is to take charge and have all eyes upon him. He explains:

A good defense lawyer has to be very conscious of the impression he makes. He may be a first-class son-of-a-bitch but

he wants the jury to think he is kind, temperate, charitable and loving. He has got to be an actor.

"You have to pick your witnesses carefully. If you have one who is going to make a poor impression then follow him with somebody who has an open, honest face to counteract it."

"It is good to wind up with a touch of mother, home and heaven. Bring his mother on to the stand and have her tell how he was never in trouble before. A jury goes away thinking about that. It helps."

Picking a jury is another Foreman specialty and he cross-examines many prospective jurors before he is satisfied trying to fit the panel to the case.

"If it involves the frailties of human nature you don't want architects, engineers, mechanics or accountants who think everything is black and white."

When he defended a wife accused of killing her husband for his life insurance, he brought in evidence that the husband was violent, poisoned 20 dogs and killed one. Foreman declared the wife's life was "hell on earth — any man who would beat his wife and stomp a poor puppy to death."

He halted his argument because of his tears. When he stopped crying he urged the jury to send the wife back to those who loved her. They did.

Remaine

CHICAGO SUNDAY AMERICAN

CHICAGO, ILLINOIS

DATE: 11-24-68

PAGE: 7 COL: 1 Sec 5

EDITOR: LLOYD WENDT

EDITION: FIVE STAR FINAL

CHICAGO OFFICE

C) 44-1114-319

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 25 1968	
FBI — CHICAGO	

After he had his wrestling career, Foreman was born in a log cabin of an old farmer in a backwoods area. His first job was taking food to prisoners in the jail. His mother stopped him becoming a professional wrestler and forced him into law school. Then he worked as a law clerk for a judge, learning his mistakes at the public expense before going into private practice.



PERCY FOREMAN uses charm, folksiness, toughness, tears and audacity in front of a jury.

BY WAYNE BROWN
Chicago Tribune Staff Writer
Memphis, Dec. 2—Judge W. Preston Battle, who is scheduled to conduct the trial of James Earl Ray on charges of murdering Dr. Martin Luther King, has defined the predicament in which he now finds himself as presiding in a situation where fundamental constitutional rights are in conflict.

This has come about, the judge acknowledges, because of his obligations to suppress and prevent dissemination of prejudicial pre-trial publicity about the case and at the same time to establish in an orderly, reasonable, and free manner the newspaper, radio, and television procedures for public observation and scrutiny of every phase of this trial.

At this time—with the murder trial date now extended to next March 3 and the possibility that the case will not go before a jury until midsummer, 1969—these contradictory requirements are overshadowing the admittedly broad and important criminal and sociological aspects of the case.

Deplores the Issues

The judge, a Shelby county criminal court justice who has six more years of his current eight year term to serve, deplores injection of the constitutional issues. He has himself described them in an opinion written as part of a contempt proceeding growing out of this same trial—as "unexplored areas of the law where rights guaranteed by the 1st amendment to the United States Constitution and those guaranteed by the 6th amendment are in opposition."

In this same opinion Judge Battle stated that he "would not like to live in a country where a free press did not exist and function." But almost in the next paragraph he said down that rules for daily press coverage of the trial.



Judge W. Preston Battle

prisonment of press observers and of the few spectators who may be admitted to the trial sessions on a day to day basis. Once a session begins neither press nor spectators may leave the inner area of heavy security until that session is concluded. Even during recesses only a short corridor area will be available for leg-stretching, and no telephone calls or other exterior communications will be permitted.

Pass Detailed Search

Before entry into the court at morning, afternoon, and possibly evening sessions, all admitted must pass a detailed search, an electronic scanning for possible weapons, a finger printing process and appearance before a recording camera for photograph, voice statement, and purpose of attendance.

Specifically the judge laid down 10 prohibitions. No photographs are to be taken in the courthouse, its corridors, its grounds outside including parking lots; and no sketches may be made inside the courtroom. No juror may be photographed or sketched. Ray will always be the last to enter court and first to leave by security elevator to his cell one floor above court. Attorneys' assistants, employees of the court, and deputy sheriffs and court

others are to be kept from making any statements about the case, either in or out of court, to press representatives. Witnesses also are similarly enjoined. Heavy guard will be established outside the courtroom building, inside all its corridors, and an inner area of security will surround the courtroom itself.

To all protests against severity of his order the judge has ruled that they are "essential because of world-wide attention attracted to the case and because of massive and pervasive publicity in the news media."

Holds 4 in Contempt

Directness of the conflict between issues at the constitutional level has been emphasized by Judge Battle's holding of four men—two reporters for Memphis newspapers, a lawyer who at the time of his alleged contempt was attorney for Ray,

and an investigator for the FBI—into contempt of court. The judge said they had defied their orders to leave the courtroom and to stay in the courtroom in contempt of court. The judge said they had defied their orders to leave the courtroom and to stay in the courtroom in contempt of court. The judge said they had defied their orders to leave the courtroom and to stay in the courtroom in contempt of court.

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CHICAGO TRIBUNE

CHICAGO, ILLINOIS

EDITION: 3RD EDITION

DATE: 12-4-68

PAGE: 11 COL: 1 SEC: 1A

EDITOR: W.D. MAXWELL

CHICAGO OFFICE

C) 44-1114-320

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 4 1968	
FBI - CHICAGO	

No trial delay

Judge musters Ray legal aid

MEMPHIS, Tenn. (AP) — Judge W. Preston Battle Wednesday insisted the trial of James Earl Ray on charges of murder in the death of The Rev. Dr. Martin Luther King Jr. start on schedule March 3.

But, in an unprecedented action, the Memphis Criminal Court judge ordered the public defender's office to assign as many persons as necessary to work with defense attorney Percy Foreman.

Battle made his ruling after Foreman explained that he "works alone" and it would be impossible to duplicate the

\$1,400,000 pretrial investigation that he said was conducted by the FBI and was available to the prosecution.

RAY APPEARED in court and swore under oath that he has neither "money or property" and therefore falls under the indigent category of Tennessee law.

Battle said "this is an unusual case, it is not an ordinary run-of-the-mill case." On that basis he ordered the public defender's office to give Foreman help in preparing Ray's defense.

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CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 12-18-68

PAGE: 42 COL: 1

EDITION: RED STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

e) 44- 1114 -321

SEARCHED <i>bn</i>	INDEXED <i>bn</i>
SERIALIZED <i>bn</i>	FILED <i>bn</i>
DEC 19 1968	
FBI — CHICAGO	

(P)

Public Defense Aid Denied Ray, but Trial Delay Denied

Memphis, Dec. 18 (Reuters) — James Earl Ray, the accused assassin of Dr. Martin Luther King Jr., told a court here today he was broke.

Judge W. Preston Battle ordered public assistance for the defense of Ray but refused to postpone the trial, set for March 3. King was murdered last April 4.

Ray's lawyer, Percy Foreman of Texas, applied for a postponement on the grounds that Ray had no funds to pay for investigation.

Put Under Oath

Before directing the Shelby county public defenders office to help Foreman, Judge Battle put Ray under oath and asked him if he had any money or property with which to finance his defense.

"No, sir," Ray replied.

The judge refused to let the prosecution question Ray about his finances. But assistant Atty. Gen. Robert K. Dwyer said earlier "from what I know about this case he [Ray] was a world traveler and he lived



Percy Foreman

better than I do. He has one of the top lawyers in the United States."

Calls It Ludicrous

"He's a funny kind of indigent," Dwyer added. "It's almost ludicrous."

In accepting Ray's indigent plea, the judge noted that the defense had been financed by an arrangement with William Bradford Huie, a writer, who

had paid Ray at least \$30,000 for rights to his life story. The money had been passed on to Arthur Hanes, the attorney Ray dismissed in favor of Foreman.

Foreman said the publication arrangement was precisely why he entered the case.

"I don't think the man should be tried in the news media," he said. "He was about to go to trial not because the case was ready, but to meet a publication date."

Foreman said he was trying to obtain Federal Bureau of Investigation reports which would indicate that two years before King's assassination, the FBI had a squad of agents assigned to prevent such an occurrence.

"I am working on the presumption that someone other than James Earl Ray was working on and desirous of assassinating Martin Luther King."

Foreman while asking more time did not mention a specific date, and the prosecutor vigorously opposed any postponement.

Mumane

CHICAGO TRIBUNE

CHICAGO, ILLINOIS

EDITION: 3STAR FINAL

DATE: 12-19-68

PAGE: 14 COL: 5 SEC: 3

EDITOR: W.D. MAXWELL

CHICAGO OFFICE

44-1114-322

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 19 1968	
FBI — CHICAGO	

Public Defender Ordered To Aid Ray's Attorney

MEMPHIS (AP) — Judge W. Preston Battle insisted Wednesday that the trial of James Earl Ray on charges of murder in the death of Dr. Martin Luther King Jr. start on schedule March 3.

But, in an unprecedented action, the Memphis Criminal Court judge ordered the public defender's office to assign help to defense attorney Percy Foreman.

Battle made his ruling after Foreman said that he "works alone" and it would be impossible to duplicate the \$1,000,000 pre-trial investigation which he said was conducted by the FBI and was available to the prosecution.

Dumaine
CHICAGO SUN-TIMES

CHICAGO, ILLINOIS

DATE: 12-19-68

PAGE: 75 COL: 1

FOUR STAR FINAL

EDITOR: JAMES C. MOORE, JR.

C) 44-1114-323

SEARCHED	INDEXED
SERIALIZED <i>lc</i>	FILED <i>bx</i>
DEC 19 1968	
FBI — CHICAGO	

(B)

Ray faces trial minus top lawyer

MEMPHIS, (UPI) — Criminal Court Judge W. Preston Battle, taking note of Percy Foreman's continuing illness, Friday ordered Shelby County public defender Hugh Stanton Sr. to prepare to defend James Earl Ray by himself if necessary.

In a five-minute court session, Battle commented that he had been notified by a doctor treating Foreman, Ray's chief counsel, that the famed criminal attorney is ill with influenza and pneumonia.

BATTLE then asked Stanton what preparations had been made to bring Ray to trial March 3 for the murder of Dr. Martin Luther King Jr.

Stanton replied that "We have done some work, have gathered quite an amount of material, enough to show us that more work needs to be done."

"I can't tell yet whether we can be ready on March 3," Stanton said.

Ray, dressed in a dark blue suit and a blue tie, was in the courtroom.

He heard Battle say that he wanted the trial to begin as scheduled "if humanly possible."

"Since all human endeavors are subject to whims and fate," the judge said, "I am ordering the public defender's office to prepare this case in such a manner that if it should become necessary that office could take full charge."

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CHICAGO DAILY NEWS

CHICAGO, ILLINOIS

DATE: 1-17-69

PAGE: 16 COL: 3

EDITION: RED STREAK

EDITOR: ROY M. FISHER

CHICAGO OFFICE

(C) 44-1114-324

SEARCHED <i>h</i>	INDEXED <i>h</i>
SERIALIZED <i>h</i>	FILED <i>h</i>
JAN 20 1969	
FBI — CHICAGO	

(P)

WEEKS TO AVOID TRIAL DELAY

James Earl Ray, charged with the April 4, 1968, slaying of civil rights leader Dr. Martin Luther King, was charged with the April 4, 1968, slaying of civil rights leader Dr. Martin Luther King. The defendant sat quietly during the brief, five-minute hearing while Battle questioned the Shelby county public defender, Hugh Stanton Sr., on what steps had been taken to prepare the Ray case. The judge ordered Stanton to report again on Feb. 14 whether the defense would be able to meet the March 3 deadline.

Judge W. Preston Battle opened a hearing, held to determine the defense's readiness for trial, but saying he had been advised by telegram from Houston that Foreman, the famed trial lawyer who is Ray's

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Dumaine
 CHICAGO TRIBUNE
 CHICAGO, ILLINOIS
 EDITION: 3 STAR FINAL
 DATE: 1-18-69
 PAGE: 8 COL: 2 SEC: 1
 EDITOR: CLAYTON KIRKPATRICK
44-1114-325
 CHICAGO OFFICE

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 20 1969	
FBI - CHICAGO	

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153

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325

44 932
CLASSIFICATION NO.

U. S. Department of Justice

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FD - 235 (REV. 4-13-60)