

(Mount Clipping in Space Below)

NEW DELAY IN

RAY TRIAL

DENIED

Case Likely To Begin March 3

Public Defender
Named to Aid
Percy Foreman

By ROY B. HAMILTON
and CLARK PORTEOUS
Press-Scimitar Staff Writers

Criminal Court Judge W. Preston Battle today ordered the James Earl Ray trial to begin as scheduled on March 3 "if humanly possible," and appointed the public defender's office to assist famed Texas attorney Percy Foreman in Ray's defense.

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

Page /

Memphis
Press-Scimitar

Memphis, Tenn.

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The 40-year old defendant made a surprise appearance during the hour-long hearing and was declared indigent after the judge questioned him briefly about his financial condition.

Ray told the court he had no money or property available to help pay for his defense.

PURPOSE

The hearing, punctuated by clashes between Foreman and Robert K. Dwyer, executive assistant attorney general, was for the purpose of Foreman letting the court know if he could be ready for trial by the March 3 date.

The Texas lawyer entered the case Nov. 10, just two days before Ray was to have gone to trial in the murder of Dr. Martin Luther King in Memphis on April 4.

Foreman today asked the court for additional time to get ready, but did not specify a trial date.

'MIRACLE'

He said "it would be a miracle" if he could be ready by March 3. He said he had worked "night and day" on the case and that there was no money whatever for investigation expenses or counsel. He said the state had furnished him with a list of 360 witnesses, of whom 50 to 95 were to be called to testify.

Foreman said he is working by himself, although law students of a "reputable university" supervised by faculty members had recently begun to help him in the investigation. He did not identify the school.

EXPENSES

Foreman said he had incurred considerable "personal expenses" since taking over from Arthur J. Hanes, Ray's former attorney, and was prepared to stay in the case without compensation if necessary.

Foreman told the court Hanes had turned over the results of his investigation to him, but he obviously wasn't impressed with the files. At one point, referring to a \$9,000 bill presented by Renfro Hays, a private investigator who had been employed by Hanes, Foreman said his work "wasn't worth \$90."

In opposing Foreman's motion for a further delay, Dwyer said the state had been ready for trial on Nov. 12, in keeping with the court's previous instructions. Under Tennessee law, he said, three days is sufficient to make preparation for trial.

5 MONTHS

Speaking loudly and with some show of feeling, Dwyer said the defense had been given five months to prepare, and added:

"Mr. Foreman is not starting out cold on this case. He is supposed to have the fruits of the investigation made by Mr. Hanes. I don't think justice should be stalled because of Mr. Foreman's custom to work alone."

The fiery prosecutor then declared that "somebody is trifling with this court. It looks to me as if he (Foreman) has got a valuable asset of some kind in the eyes of the news media."

Dwyer said it was "almost ludicrous" for Foreman to tell the court that his client was without funds.

TRAVELER

"From what I understand, he is a world traveler and has been living better than

me and has one of the top lawyers in the country."

Atty. Gen. Phil Canale also spoke briefly against Foreman's motion, stating that his staff had prepared its case in 20 working days. He said Foreman had the advantage of the state's witnesses and evidence, and the further advantage of being able to confer with Ray, which the state could not do.

When Foreman arose to make his rebuttal, he said he wanted to reply to the "dignified" remarks of Canale before dealing with the "impassioned and oratorical" statement of Dwyer.

REPLY

Dwyer interrupted immediately, saying hotly: "I don't know why he has to engage in personalities. He doesn't like me, and maybe I don't like him."

Judge Battle reprimanded Dwyer for being slow in rising to his feet when addressing the court.

Foreman said the state had the advantage of \$1.4 million worth of investigation by the FBI and other police agencies. He said he had contacted FBI director J. Edgar Hoover three times after hearing there was an FBI file on the case. He said he had been told he would get an immediate reply but that was 10 days ago.

FBI GUARD

Foreman said the file was reported to reveal that the FBI had guarded King for almost two years prior to April 4 to prevent his assassination.

"If I had this available, I might be ready," said Foreman. He said "seedlings" was a more apt description of Hanes' files on the case than "fruits."

SOUGHT AID

He said his predecessor's report was 51 pages long but could have been reduced to 20 pages. He told Judge Battle he had made "an honest effort" to associate a Tennessee lawyer on the case, spent three days calling on five lawyers and four of them "disqualified themselves."

Foreman said he came into the case because he didn't think Ray "should be tried in the news media." He said Ray was about to go to trial in November not because the case was ready but "to meet the publication date of a book, and that alone."

ROYALTIES

Said Foreman, "They were willing to sell this man's life for some royalties and a picture."

Battle observed that Ray's funds for his defense ended with the dismissal of Hanes. He said he understood that Hanes was being paid by William Bradford Huie, Alabama author who has published articles in Look Magazine on the Ray case.

Judge Battle asked Ray: "Do you have any money or property to make available for the expenses of investigating this case?"

"No sir," said Ray.

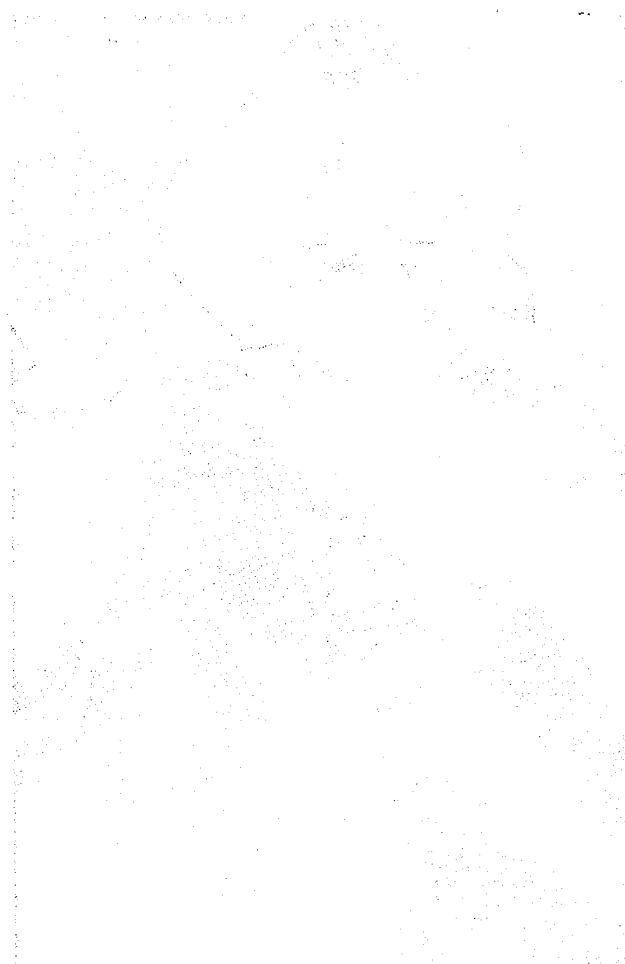
Battle then directed Hugh Stanton, public defender,

who was seated in the courtroom, to draw up an order appointing himself as co-counsel. Battle told Stanton to use as many of his assistants as necessary to help Foreman get ready for trial March 3. The public defender's office has a staff of 16. All but one are part-time.

THANKS

Foreman thanked the judge for providing him with legal assistance and said Memphis has "one of the three outstanding public defender offices in this country," naming Los Angeles and Miami as the other two.

Foreman later met with jury commissioner Robert Horne and requested several records from Horne. As he left he said he received the information he sought but declined to say what it was.



—Princeton Post Photo by James R. Reid

DEFENSE LAWYER PERCY FOREMAN

He was smiling after hearing, despite failure to get Ray trial delayed longer.

(Mount Clipping in Space Below)

Public Counsel Tapped To Help In Ray Defense

Defender's Staff Will Join
Foreman in Trial Set
For March 3

By CHARLES EDMUNDSON

Despite a remark by the prosecution that "there will be money from somewhere," Criminal Court Judge W. Preston Battle yesterday accepted the oath of James Earl Ray that he is an indigent and appointed the public defender's office to assist in his defense.

Judge Battle directed Public Defender Hugh Stanton Sr. to act as co-counsel with Percy Foreman, storied Houston attorney, in Ray's defense. Mr. Foreman approved Mr. Stanton's appointment.

Disregarding Mr. Foreman's long argument for an additional continuance, Judge Battle set March 3 as a firm date to start the trial of the man accused of killing Dr. Martin Luther King Jr.

Judge Battle listened to Mr. Foreman's plea that he was serving as Ray's counsel without pay and had no money to finance an investigation preparatory to trial.

Mr. Foreman said the only local legal help he has comes from a law student who has volunteered to aid him, counseled by a law professor. He named neither the student nor the university but a courthouse source said it is a Memphis State University Law School student.

"Somebody is trifling with this court," Excc. Asst. Atty. Gen. Robert K. Dwyer retorted. "Mr. Foreman is intimating something about his client being indigent . . . I daresay before all this is over there will be money from somewhere."

"Ray has one of the top lawyers in the United States and is yet indigent. This is almost ludicrous."

Judge Battle noted that Ray's previous attorney, Arthur J. Hanes Sr. of Birmingham, had been paid by having an Alabama magazine writer assign to him the money Ray had earned by writing his life story for the writer, William Bradford Huie.

"The onus is on the court to determine indigency. If Ray is indigent, the circumstances necessitate that somehow we provide the necessary manpower to ready the case for trial," the judge said.

Ray, neatly dressed and groomed, was ordered to stand and be sworn. He testified he was indigent. Judge Battle then directed Mr. Stanton, sitting nearby, to act as co-counsel for the defense "and ready this case under the direction of Mr. Foreman." He was told also to use his 16-man staff, many of whom are part-time, as necessary in the pretrial investigation of the evidence.

Mr. Foreman complained of the files turned over to him by Mr. Hanes on Judge Battle's order.

"His private investigator (Renfro Hays of Memphis) wants \$9,000 or \$10,000 for material that's not worth \$90," Mr. Foreman said.

"The prosecution has available what Mr. Dwyer says is the work of 400 FBI agents and several hundred police officers and sheriff's deputies. I have contacted J. Edgar Hoover three times to get the FBI records (including) files supposed to reveal that for two years, partly while Ray was still in the Missouri State Prison, a squad of FBI agents were assigned to prevent the assassination of Dr. King."

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

—Page 1

—Commercial
Appeal

—Memphis, Tenn.

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Hanes Fires Back Reply To Foreman

By ROY B. HAMILTON
Press-Scimitar Staff Writer

Arthur J. Hanes, former defense attorney for James Earl Ray, today fired back at criticism by Ray's present counsel, Percy Foreman, of the way Hanes had handled the case.

"Mr. Foreman chased this case for months, and now that he's got it, it seems he doesn't know what to do with it," said Hanes. "If he would spend his time preparing the case instead of crybabying in court, he could be ready to go to trial."

Foreman, who replaced Hanes in November just two days before Ray was originally to have gone to trial, made several unflattering remarks about his legal predecessor in arguing unsuccessfully for a further delay yesterday.

Criminal Court Judge W. Preston Battle ordered Ray to go to trial on March 3 in the murder of Dr. Martin Luther King "if humanly possible."

Foreman claimed it would be a "miracle" if he could get ready by then. He charged that Hanes had failed to make an adequate investigation of the case and was going to trial in November "to meet the publication date of a book, and that alone."

Foreman, famous lawyer from Houston, also suggested that Ray's ex-lawyer was "willing to sell this man's life for some royalties and a picture."

'UNTRUE'

Hanes, former mayor of Birmingham, labeled foreman's charges as "completely untrue and unfounded."

Said Hanes, "we were prepared to go to trial in November and we felt confident. We felt that was the time to try the case. I think in all fairness to the people of Tennessee and the country, this matter ought to be tried so we can clear up all the doubt and confusion surrounding it."

"If Mr. Foreman doesn't have the guts to try it, then he ought to get out."

Hanes added, "as far as I can ascertain, he is making no effort to get ready. If Mr. Foreman thinks we were not prepared, why does he keep bothering us and saying he wants to come in and talk to us about the case and then not do it."

ONE VISIT

Hanes, in a telephone interview with The Press-Scimitar from his office in Birmingham, said Foreman had made only one visit to his office since entering the case.

He said Foreman picked up "a few of our notes" and said he would be back later for the rest of the files but has not come back.

"We've got four briefcases full of stuff that he hasn't even looked at," said Hanes. "As far as I know, he spends most of his time counting his money and bragging about how he got it. In my judgment, he is typical of a certain breed of Texans, such as LBJ and Ramsey Clark, who do things in an unusual way and pay scant attention to what is going on in the world."

'SPOILER'

"His reputation as a loner, a spoiler and a maverick has preceded him. I spent more time examining the physical evidence alone than he has spent or will spend on preparing for trial. I assume that he will now let the public defender's office do his work for him and then he will come in and try the case."

Hanes was referring to the fact Judge Battle yesterday declared Ray to be indigent and appointed public defender Hugh Stanton to assist Foreman.

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

Page 29
Memphis Press-Scimitar
Memphis, Tenn.

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Ray Defender OK'd By Attorney General

Counsel Called Assurance Of On-Time Trial

The attorney general's office approves Judge W. Preston Battle's appointment of Public Defender Hugh Stanton as co-counsel for James Earl Ray, charged with killing Dr. Martin Luther King Jr., a highly placed source said last night.

The attorney general's office, it was said, sees Mr. Stanton's appointment as an assurance that the trial will begin March 3.

On Nov. 10, two days before a previous trial date, Ray fired Arthur Hanes of Birmingham, his counsel for four months, and hired Percy Foreman of Houston.

The law assures a defendant "counsel of his own choosing." But it is not thought the appeal courts would sustain Ray if he tried repeatedly to switch counsel. If he should at the last minute want to dismiss Mr. Foreman, continuity would be assured by having the public defender as co-counsel.

In Birmingham yesterday Mr. Hanes fired back at Mr. Foreman for remarks the tall Texas made in Judge Battle's court Wednesday. Mr. Foreman told the court Mr. Hanes had agreed to Nov. 12 as the trial date "to meet the publication date of a book, and that alone."

"As far as I can ascertain, Mr. Foreman is making no effort to get ready for the trial," Mr. Hanes retorted. "We have four brief cases full of stuff he hasn't even looked at. I assume he will now let the public defender do his work for him."

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Page 37

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Investigator's Pay Is Issue in Ray Case

By CLARK PORTEOUS
Press-Scimitar Staff Writer

Renfro Hays, private investigator who worked on the James Earl Ray case, today said that if he left Percy Foreman \$90 worth of material "it was a mistake."

"I only meant to leave him nine cents worth," Hays said. "It was only some newspaper clippings and a few old scribbled outlines."

Foreman said in court earlier this week the information Hays furnished wasn't worth \$90, much less the \$9,456.84 the investigator wants for it.

Hays says he spent months investigating the Ray case. He was employed by Arthur J. Hanes, of Birmingham, who was deposed as Ray's attorney two days before the trial started.

'MY WORK'

"My work is all I have to show for what is owed me," Hays said. "The court directed Mr. Hanes to turn over the results of his work to Mr. Foreman. But the judge did not say anything about my work."

"Mr. Hanes advised me to hold my material until I was paid for it."

Hays, a private investigator for 12 years, works for a group of lawyers and rare-



RENFRO HAYS

ly takes work except for his clients.

His phone is not listed and he is not available for routine investigations.

"Hanes would have cleared Ray of a first degree murder charge if the case had gone to trial Nov. 12," Hays said.

He displayed a mass of material including pictures, a card file of all the witnesses with helpful comments on each and in some cases referring to typed statements made by the witnesses.

"Mr. Hanes treated me fairly, but I have never been

fully paid for my work," Hays said. "Mr. Hanes would give me expense money now and then."

Foreman, a Texas lawyer, replaced Hanes two days before the trial was to start.

Hays produced a letter written by Foreman in regard to Hays' bill. Foreman said in the letter, dated Nov. 20, that he had asked Hanes in Birmingham if Hays had been paid. And he quoted Hanes as saying Hays had been fully paid and that he (Hanes) did not owe him anything.

The letter was written to Hays' attorney.

"I have not been paid anything whatever in this case," Foreman wrote. "I have no funds with which to pay Mr. Hays. I have little hope of receiving any fees, although I intend to try. But if any such fees are received, it will probably be many months away. Whenever I employ an investigator, court reporter or any associate, I pay them at the end of each week."

MONIES PAID

"I have no doubt that Mr. Hays will be of great value to me. As a matter of fact, every question I have asked Mr. Hanes thus far concerning the case has been answered with, 'You can get that from Mr. Hays.'"

"It is my understanding that all of the monies that have been paid Mr. Hanes have come from a magazine writer. I have not and will not accept any money from this source or any other writer until the trial has been completed to the jury," said Foreman.

PAGE 9

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Sirhan Case Contempt Ruling Sets Precedent For Ray Trial

By ruling on a similar point in the case of Sirhan B. Sirhan, the United States Supreme Court has indicated it would uphold Criminal Court Judge W. Preston Battle's contempt ruling in the case of attorney Arthur J. Hanes Sr. and private investigator Renfro Hays.

This was the opinion yesterday of attorneys reading the official report arriving here of the Supreme Court's refusal Monday to overthrow an order of the Los Angeles Court of Common Pleas in the Sirhan case. Sirhan is charged with assassination of Senator Robert F. Kennedy.

The intermediate courts upheld an order of the Common Pleas Court limiting pretrial publicity in the Sirhan case and the Supreme Court Monday refused to overthrow it.

The order affects only attorneys, law enforcement personnel and courthouse employees. It does not deal with the right

of the press to print the news in the Sirhan case.

To this extent it provides no clue as to what the Supreme Court would do in the case of two Memphis reporters Judge Battle cited for contempt along with Mr. Hanes and Mr. Hays.

But the Kaufman Report recently issued by the Federal Judicial Conference Committee on Operation of the Jury System, which appears now to be the accepted rule in federal courts, makes a distinction between attorneys, law enforcement officers and court personnel as distinguished from the press.

"The committee does not presently recommend any direct curb or restraint on publication by the press of potentially prejudicial material," says the Kaufman Report. "... The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism."

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

Page 25

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(Mount Clipping in Space Below)

Last Ray Article Due In February

Huie Says Last Of Three
Magazine Features Will
Precede Murder Trial

Look magazine, which has published two articles based on information supplied by James Earl Ray, will publish a third and final article Feb. 18, it was learned last night.

William Bradford Huie, who is writing the articles, said at his home in Hartselle, Ala., the magazine has decided to go ahead with the third article Feb. 18 rather than wait until after Ray's trial starts.

Ray is scheduled to go on trial in Criminal Court here March 3 on a charge of murdering Dr. Martin Luther King Jr. April 4.

"All that we know will be published, subject to the advice of counsel," Mr. Huie said. "Our attorney is John F. Harding, vice president and general counsel of the Cowles Publishing Co. (publishers of Look)."

A Memphis and Shelby County Bar Association committee advising Judge W. Preston Battle on restraint of pretrial publicity in the Ray case has told the judge Mr. Huie is "probably" in contempt of court for the two Ray articles Look already has published. However, the judge has not held Mr. Huie in contempt.

Mr. Huie's book on the King murder, to be entitled "They Slew the Dreamer," will be published in March. It will appear in paperback and stiff-cover editions simultaneously, Mr. Huie said. Both the book and the Look articles are based on installments of long-hand manuscript Ray sent to Mr. Huie from the Shelby County Jail by his former attorney, Arthur J. Hanes of Birmingham.

Ray has since replaced Mr. Hanes with Percy Foreman, a Houston attorney.

Mr. Huie returned Saturday from a week's trip retracing Ray's wanderings in Mexico from Oct. 6 to Nov. 14, 1967. Ray spent most of the time at two fashionable resorts, Puerto Vallarta and Acapulco, on the Pacific coast, according to Mr. Huie.

Mr. Huie said he will spend most of next week visiting the Missouri State Prison at Jefferson City, from which Ray escaped in April 1967, and the Missouri Psychiatric Hospital at Fulton, where Ray was examined for possible psychosis.

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

PAGE 36

COMMERCIAL APPEAL

MEMPHIS, TENN.

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Ray Guilty Plea Is Considered

**Stanton And Foreman Talk;
Discussion Refused By
Attorney General**

A possible guilty plea for James Earl Ray, charged with the murder of Dr. Martin Luther King Jr., has been discussed between defense counsel and taken up with the attorney general's office, it was learned last night.

Public Defender Hugh Stanton, co-defense counsel with Houston attorney Percy Foreman, confirmed that the two have discussed the possibility of a guilty plea for their 42-year-old client.

Mr. Stanton did not say whether a possible plea of guilty has been taken up with Ray himself in his suite at the Shelby County Jail. Ray is scheduled to go on trial March 3 before Criminal Court Judge W. Preston Battle.

The attorney general's office, it was learned, refused to discuss a guilty plea for Ray as a mere possibility. It is believed to have refused to discuss the matter short of a specific offer to plead guilty.

Technically, Atty. Gen. Phil M. Canale could refuse to agree to a guilty plea on any terms, but Judge Battle or the jury could overrule him.

Even in the event of a guilty plea, there could be a trial, with full presentation of the state's evidence, if the prosecution insisted on it as necessary to assure what it considered a severe enough sentence.

In Tennessee the jury, not the judge, fixes the sentence. The jury, even when there is a guilty plea, hears either the full evidence or a condensed version "stipulated to" by prosecution and defense.

When convicted of armed robbery in St. Louis nine years ago Ray refused advice of counsel to plead guilty and was sentenced to 20 years in state prison.

"A co-defendant who pleaded guilty got a much shorter sentence," Richard D. Schriber, defense counsel in the case, told The Commercial Appeal by telephone last night. It is this sentence Ray was serving when he escaped from the Missouri State Prison at Jefferson City April 23, 1967.

A possible clue as to how Ray might look on a guilty plea is contained in the long-hand manuscript he prepared for free lance writer William Bradford Huie to use in a series of articles for Look magazine. Mr. Huie says Ray's account leaves no doubt he was at least involved in a conspiracy to kill Dr. King.

Mr. Canale has said he will confer with Mr. Huie as to the possible use of the Ray manuscript as evidence in the trial.

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

PAGE /

COMMERCIAL APPEAL

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JAN 1 6 1969	
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Foreman Sued For \$250,000

Onetime Ray Investigator
Calls Lawyer's Remarks
'False, Defamatory'

By CHARLES EDMUNDSON
Percy Foreman, chief counsel for James Earl Ray, was sued in United States District Court here yesterday for \$250,000 damages by a private investigator who until two months ago was employed in gathering evidence for Ray's defense.

Renfro Hays, who worked on the case with Arthur J. Hanes of Birmingham, Ray's former attorney, charges that Mr. Foreman made "false and defamatory statements" concerning his work and caused him pain and mental anguish.

Ray, charged with the April 4, 1968, murder of Dr. Martin Luther King Jr., is scheduled to go on trial here March 3.

The damage suit cites a statement made by Mr. Foreman in Criminal Court here Dec. 18 that "private investigator Renfro Hays wants \$9,000 or \$10,000 for material not worth \$90."

Charles M. Murphy, who filed the suit for Mr. Hays, said he was confident of the legal grounds although the statements objected to were made in open court.

"If I didn't think the offending statements exempt from the claim of privilege, I would not have filed the suit," he said.

As the result of Mr. Foreman's statements, the suit alleges Mr. Hays has "lost investigating contracts and been unable to obtain employment."

Mr. Hays was dismissed as an investigator Nov. 10, the same day Ray fired Mr. Hanes as his attorney. The suit says Mr. Hays had accumulated a thick file of evidence "equivalent to the value of the life of James Earl Ray" but that Mr. Foreman did not examine it.

Mr. Hays also sued Ray in Chancery Court for \$11,146, the value he places on his services in Ray's behalf. The court is asked to order Sheriff William N. Morris to hold for public sale, after they are used as evidence in the coming trial, a white Mustang automobile and a Remington rifle said to belong to Ray. The proceeds would be applied, if Mr. Hays win his suit, to pay for the investigating services.

The Ray trial prosecution is expected to say that the white Mustang was used by Ray in making his escape from Memphis and that the gun was the murder weapon.

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

PAGE 17

COMMERCIAL APPEAL

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Challenge Seen For Ray Jurors

Method Of Selection May Face Inquiry Similar To Sirhan Strategy

Defense counsel for James Earl Ray have studied the jury rolls in Shelby County, apparently with a view to challenging the method of jury selection as counsel for Sirhan Sirhan are doing in Los Angeles.

County Jury Commissioner Robert Horne yesterday declined to discuss the matter but confirmed that Percy Foreman, who heads Ray's defense, spent time in his office reviewing the method of jury selection when he was last in Memphis, Dec. 18.

Ray will go on trial before Criminal Court Judge W. Preston Battle March 3 on a charge of slaying Dr. Martin Luther King Jr. The trial of Sirhan for the slaying of Senator Robert F. Kennedy started in Los Angeles Tuesday.

Grant Cooper, who heads the Sirhan defense, has challenged the constitutionality of California's jury system—and the legality of Sirhan's indictment—on the ground that certain exemptions from jury service amount to discrimination.

In both California and Tennessee, lawyers, physicians and teachers are exempt from jury service. Exemptions in Tennessee include also pharmacists, optometrists and members of the clergy.

Tennessee law provides that no woman may be required to serve on a jury if she asks to be excused. Names of men predominate over those of women on the jury rolls. Women serve only now and then on Criminal Court juries.

Only at wide intervals does a woman serve on a jury in a capital case. This is because jury dormitories are not set up to accommodate women. A woman juror in a lockup case must stay at a hotel and this requires an extra guard.

"Jail-house lawyers," mostly in the state prison at Nashville, still try occasionally for a reversal on the ground that Negroes are discriminated against in composing grand and petit juries. But for about seven years the jury rolls have carried a representative proportion of Negroes. Responsible attorneys have about abandoned this avenue of attack.

Atty. Gen. George McCannless said in Nashville that to his knowledge the composition of juries in Tennessee has never been challenged on the ground that certain professional men are not required to serve, nor women except at their will and pleasure.

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

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COMMERCIAL APPEAL

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(Mount Clipping in Space Below)

Reporter To Speak

Charles Edmundson, reporter for The Commercial Appeal, will discuss "Contempt of Court and Freedom of the Press" before members of the Tennessee Press Association at their annual convention Friday in Nashville. Mr. Edmundson has become personally involved in his coverage of court bans leading up to the March 3 trial of James Earl Ray, accused of the murder of Dr. Martin Luther King Jr.

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

PAGE 4**COMMERCIAL APPEAL****MEMPHIS, TENN.**

Date: 1-14-69
 Edition:
 Author: FRANK R. AHLGREN
 Editor:
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Hester

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SHERIFF AT SIRHAN TRIAL—Sheriff William N. Morris, left, of Memphis, and Sheriff Peter Pitchess of Los Angeles County, discuss security measures. Morris observed that "He (James Earl Ray) seems more cognizant of the seriousness of the situation than Sirhan Sirhan," adding that Sirhan seems to be "in good spirits and smiles frequently." Morris observed methods used in Los Angeles for providing closed - circuit television for the overflow crowd of newsmen covering the trial—not allowed thus far in Memphis for the Ray trial—and indicated he might urge Judge W. Preston Battle to allow the television set-up during the trial in Memphis in March. Sirhan is on trial in the death of Sen. Robert F. Kennedy and Ray faces trial in the death of Dr. Martin Luther King.

—United Press International Telephoto

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

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MEMPHIS PRESS-
SCIMITAR

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Witness Loses Squad Car Ride To Buy Whiskey

By CHARLES EDMUNDSON

There are limits beyond which the Memphis Police Department will not go in the surveillance of a key witness in an important murder trial.

Chief of Police Henry Lux said last night the three-shift bodyguard assigned to protect Charles Quitman Stephens, 57-year-old witness in the James Earl Ray murder trial, was told to quit providing him transportation after he insisted they take him to a liquor store in a squad car.

"Under certain conditions the bodyguards were giving Mr. Stephens police transportation to make surveillance easier," Chief Lux said. "After he wanted a car used to go for liquor, I told the guard not to take him anywhere in a squad car."

Mr. Stephens is said to have seen a man run from the second floor of a South Main rooming house just after the fatal shooting April 4 of Martin Luther King Jr.

Mr. Stephens was kept in protective custody in the Shelby County Jail for 30 days ending Aug. 21. Although this was done "to keep him from being disposed of," according to an assistant attorney general, Mr. Stephens was freed on habeas corpus proceedings.

There was testimony in that hearing that Mr. Stephens has a drinking problem. The police bodyguard has been maintained since Mr. Stephens left jail. Chief Lux said his order on transportation will be carried out in such a way as not to diminish Mr. Stephen's protection, but he would not elaborate.

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

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Hester

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Morris May Seek Security Changes

Sheriff 'Interested' In TV For Sirhan Trial Press

LOS ANGELES, Jan. 13. — (AP) — There may be modifications in the plans for handling security and the press at the Memphis trial of James Earl Ray, Shelby County Sheriff William Morris said here Monday.

Morris, in Los Angeles to observe procedures at the trial of Sirhan B. Sirhan, said he was "interested" in methods used here for providing closed-circuit television for the overflow crowd of newsmen covering the trial.

Sirhan is being tried on charges of murder in the death of Senator Robert Kennedy.

Morris is in charge of security arrangements at Ray's trial on charges of murder in the April 4 slaying of Dr. Martin Luther King Jr. in Memphis.

"I think Judge (W. Preston) Battle will be receptive to hearing what we have to say about the setup here and possibly altering some of our plans," Morris said.

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

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Silent Ray Spends 6 Minutes in Court

By CLARK PORTEOUS
Press-Scimitar Staff Writer

Six minutes in the life of James Earl Ray:

He was led into the courtroom at 10:52 a.m. by two Sheriff's deputies and sat behind Hugh Stanton, 72, chief public defender who is aiding in the defense and handling it while Ray's chief counsel, Percy Foreman, is ill.

Ray looked neat. He was wearing the same dark blue suit with a check design of the same color that he has worn in previous court appearances. He had on a white shirt and solid blue tie. He looked rather pale, which is understandable as he has been in custody since June 8 when he was arrested in London. He has been in Shelby County jail since July 19.

When Ray was being sought as a suspect the FBI reported he had a nervous habit of pulling on his left ear lobe. During the six minutes he was in court he did not touch his ear.

Graying a bit at the temples and in the back, his dark hair was neatly trimmed. He stood with others in the court when Judge Preston Battle entered immediately after his own entry.

Then Ray sat quietly looking at the Judge, who did most of the talking, and listened intently. After a couple of minutes he put his

right arm on the arm of his chair and his hand on his thigh. He pulled his feet up under the chair and sat motionless except for an occasional slight motion of his head.

Once he glanced at Stanton.

When court recessed, Stanton leaned over and told Ray he was going to call Foreman and tell him of the judge's instructions (to proceed with the case for trial March 3 if humanly possible) and that he would see Ray after talking with Foreman.

Ray barely nodded, indicating he understood — but didn't say a word.

He was led out of the courtroom at 10:58. He hadn't said a word. All he has said in previous appearances was "yes, sir" a couple of times — a total of four words.

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

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Judge Gives Order**Stanton Readied
In Ray Defense**By ROY B. HAMILTON
Press-Scimitar Staff Writer

Public defender Hugh Stanton Sr. today was ordered to be ready to assume full responsibility for the defense of James Earl Ray, if for any reason, Percy Foreman has to withdraw as counsel.

The instructions were issued by Criminal Court Judge W. Preston Battle during a six-minute hearing attended by Ray.

In issuing the order, Battle repeated his earlier assertion that he wanted the Ray trial to begin as scheduled on March 3 "if humanly possible."

Foreman has been ill with influenza and pneumonia in Houston and sent word he was unable to come to Memphis. Battle had asked the Texas attorney and Stanton to give him a progress report on their trial preparations.

CLEAR ORDER

Battle said he was sorry to hear about Foreman's illness but he made it clear he wanted no further delay in the trial, which has already been continued once.

Battle told Stanton that he wanted his office "to prepare this case in such a manner that if for any reason it becomes necessary your office could take full charge of his defense."

James A. Blackwell, Criminal Court clerk, was ordered to draw up a copy of the order and send it to Foreman. The judge asked for another progress report on Friday, Feb. 14.

Stanton, who had been appointed previously to assist

Foreman, said his work on the case so far had convinced him there is still "work to be done."

NO ASSURANCE

Said Stanton: "We have accumulated quite a batch of evidence."

But he said he could not say "with assurance" the defense could be ready for trial by March 3.

Stanton, 72, a tall, white haired, distinguished looking man, has been practicing law in Memphis for 43 years and is regarded as elder statesman of local criminal lawyers. As head of the Public Defender's office, he was named by Battle as associate defense counsel when Foreman said Ray had no funds to help in his defense.

Ray, charged with murder in the assassination of Dr. Martin Luther King in Memphis last April, also has on his defense team Stanton's son, Hugh Stanton Jr.

The state was represented at the hearing by Atty. Gen. Phil Canale and his two trial assistants, Robert K. Dwyer and James Beasley.

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

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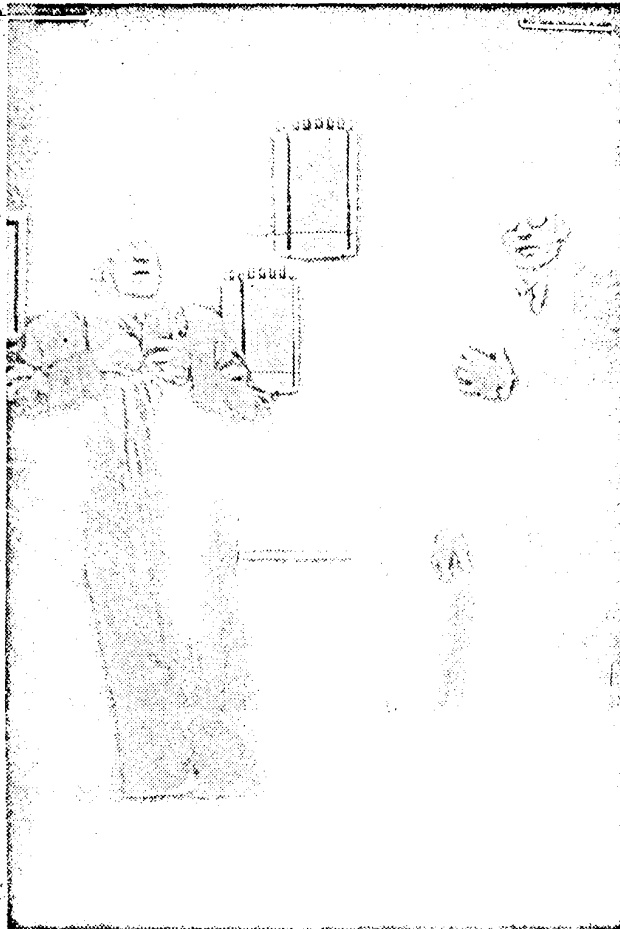
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—Press-Scimitar Staff Photo by Tom Barber

CARRYING BALL FOR RAY

Hugh Stanton Sr., left, public defender, and his son and aide, Hugh Stanton Jr. leave Courthouse after the defender was told by Judge Preston Battle to be prepared to assume full responsibility for James Earl Ray's defense in the Martin Luther King slaying.

(Mount Clipping in Space Below)

Foreman Visits Doctor, May Miss Court Today

By JOHN MEANS

James Earl Ray's chief counsel went to a doctor yesterday in Houston, Texas, but no one seemed to know whether he is too sick to appear with his famous client in Judge Preston Battle's courtroom this morning.

Mrs. Percy Foreman would only say, "He went to the doctor's office this morning. I haven't heard from him."

Shelby County Public Defender Hugh Stanton, who is Mr. Foreman's co-counsel, said he understood his flamboyant colleague had contracted pneumonia during a bout with the flu. Mr. Foreman's illness was expected to leave Mr. Stanton alone to report to Judge Battle today on the progress of Ray's defense.

Mr. Foreman had been scheduled to appear with Ray today, to tell Judge Battle whether he needed another continuance to prepare his defense for the man accused of assassinating Dr. Martin Luther King Jr. last April 4.

Ray will appear in court, with or without Mr. Foreman, which means the maximum security procedures will go into effect around the Shelby County Jail and Criminal Courts Building again. The security measures are a rehearsal for the March 3 trial date, assuming no further delays are granted.

Judge Battle indicated at Mr. Foreman's last appearance in his courtroom that he would not look favorably on further requests for continuance.

The security measures were the subject of a meeting between Judge Battle, Sheriff William N. Morris Jr. and the sheriff's press officer, Charles Holmes, yesterday.

Sheriff Morris said the meeting resulted in a decision not to allow closed circuit televi-

sion transmission from the courtroom, despite his report to Judge Battle on the Sirhan Sirhan trial in Los Angeles, where such a television system is in operation.

The sheriff said, however, "it's a good possibility" a system will be devised to allow photographs and filming of Ray away from the courthouse.

"It's pretty much yes" if the procedures can be worked out to satisfy the judge. Judge Battle said only: "It's still being discussed. I haven't agreed to it yet."

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

PAGE 1

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Spotlight On Ray Case Pales Beside Gaudy Garrison Style

By CHARLES EDMUNDSON

The legal profession is watching the contrast between the no-holds-barred, pre-trial conduct of principals in the New Orleans case against Clay Shaw, accused by Dist. Atty. Jim Garrison as a conspirator in the assassination of President John F. Kennedy, and the stringent guidelines laid down by the trial judge here in the upcoming trial of James Earl Ray, accused in the murder of Dr. Martin Luther King Jr.

The feverish, two-year-long drive of Garrison to establish an entirely new theory of the assassination of President Kennedy may have foundered on the evidence of X-ray pictures of the late President's wounds.

Mr. Garrison's case has been built on the theory that Kennedy was shot by two, or possibly three, gunmen situated in front of and at a level below that of their victim. Four physicians of high repute now have studied 69 hitherto little-publicized X-ray photos of President Kennedy's wounds and found the shots were fired from above and slightly to the rear of the President's car.

The X-ray photos which have stopped Mr. Garrison—at least for the time being—were the subject of a report made public Thursday. The six-foot, six-inch Mr. Garrison promptly sent an assistant before General Sessions Judge Charles W. Halleck in Washington and asked access to the pictures.

Judge Halleck replied he would release the photographs to Mr. Garrison only if he were shown this was not "a fishing expedition, a frivolous attempt to obtain what certainly must be sensational X-ray pictures and material."

Mr. Garrison, known in New Orleans as the 'Jolly Green Giant,' impatiently has swept aside all previous contradictions exposed in his "evidence" by such reporters as those for The New York Times, The New Yorker magazine and the National Broadcasting Company.

The Commercial Appeal also has looked into Garrison's charges. Yesterday he accused United States Atty. Gen. Ramsey Clark of seeking to hide the truth about President Kennedy's murder. But New Orleans observers said there appeared to be reason to suspect he may welcome a chance to bring to an end his endlessly changing projection of a presidential murder plot which he has peopled, at one time or another, with 16 plotters.

The prime target of Mr. Garrison's charges, Mr. Shaw, a retired director of the International Trade Mart in New Orleans who has visited and spoken in Memphis, was to have gone on trial before Criminal District Court Judge Edward A. Haggerty Tuesday.

In view of the X-rays, Mr. Garrison will go into court at 10 a.m. tomorrow and ask that the trial be continued.

If the motion is denied, Mr. Garrison could drop the prosecution and withdraw from the glare of publicity he has basked in since November, 1966.

Some responsible New Orleans citizens would apparently approve. Their sentiments seem to have been summed up by Aaron M. Kohn, managing director of the Metropolitan New Orleans Crime Commission, who said, "Garrison never lets the responsibilities of being a prosecutor interfere with being a politician."

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

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COMMERCIAL APPEAL

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It is not entirely clear whether Mr. Garrison thinks Lee Harvey Oswald, the man generally considered President Kennedy's assassin, fired one or more of the fatal shots. Among a long array of hypotheses, Mr. Garrison has on occasion assumed the existence of a "second Lee Harvey Oswald," without fully distinguishing between the role of the No. 1 and No. 2 claimants to the name.

Many of his principal plot-
ters are drawn from New Orleans' populous and bizarre underworld. Some of his "witnesses" have been ex-convicts, homosexuals, narcotics addicts and former mental patients.

New Orleans may well be drawing unflattering comparisons between Mr. Garrison's performance and the manner the Shelby County Criminal Court and district attorney's office are preparing for the trial of Ray.

While Judge Haggerty has imposed no limits on Mr. Garrison's television appearances and cross-country personal appearances, Judge W. Preston Battle has limited pretrial publicity in the Ray case by forbidding interviews from being given by law officers and the



**Pistol-Packing Garrison And Assistant
District Attorney With Andrew Sciambra (Right)**
—AP Wirephoto

attorney general's staff. While Mr. Garrison has welcomed the tales of hangers-on who always appear in the wake of a sensational murder, here Atty. Gen. Phil M. Canale has stuck to the responsible evidence and kept much of that to himself pending the trial.

On Judge Battle's attempt to

stop the press from printing the news developments in the Ray case, opinion is more mixed. In a long article in The New Yorker, Edward J. Epstein notes that it is the press and TV that have stood in the way of Mr. Garrison's attempt to convict Mr. Shaw even before the trial opens.

(Mount Clipping in Space Below)

Former King Aide Volunteers To Serve As Counsel For Ray

By ANGUS MCEACHRAN

James Earl Ray reportedly was sent a telegram last night from a former aide of Dr. Martin Luther King Jr. offering to take over Ray's defense.

It was sent to Ray, charged with the April 4 murder of Dr. King, at the Shelby County Jail by the Rev. James L. Bevel, a Southern Christian Leadership Conference director.

The text of the telegram, according to sources, read:

"I would like to inform you that I would be very happy to take your case without fee. I was present at the Lorraine Hotel when Dr. King was killed. You have been charged with murdering him. Of course, I know that you are not guilty."

The telegram was also said to have contained added details of where the Rev. Mr. Bevel could be reached in Philadelphia.

Sheriff William N. Morris Jr. confirmed last night that Ray had received a telegram but declined to reveal the contents and the name of the sender.

In Philadelphia, a woman who identified herself as an aide to the Rev. Mr. Bevel told The Commercial Appeal such a telegram had been sent but all details would have to come from the minister.

"Reverend Bevel is in a meeting in the city right now and it is impossible to reach him," said Miss Beverly Sterner. "I can only say that a telegram has gone to James Earl Ray offering assistance."

Miss Sterner was reached at the residence of the Rev. Mr. Bevel.

There was no answer at the Rev. Mr. Bevel's home early today.

The latest strange development in a case which has been overlaid with mystery and strange developments, started to unfold early yesterday afternoon when Reuters, a British wire service, received a tele-

phone call at its New York office saying the telegram had been sent.

In Atlanta, headquarters for the SCLC, a high-ranking spokesman told The Commercial Appeal the Rev. Mr. Bevel "has been under a lot of pressure lately. Since Dr. King's death, he has gone into a deep depression, and if he sent that telegram he is speaking for himself."

In SCLC, the Rev. Mr. Bevel is known as somewhat of a mystic. With his balding top and full beard he has the appearance of a monk.

An ordained minister, he does not have a law degree and therefore there is little likelihood he could represent Ray in court. The trial is scheduled to begin March 3.

Observers close to SCLC said Dr. King relied on the Rev. Mr. Bevel to keep him in touch with the young and most militant Negroes because he could speak their language.

In last year's Poor People's March to Washington, the SCLC director was sent to Memphis to recruit young marchers. But he reportedly created so much dissention in Negro ranks when he tried to persuade youths to leave school before final examinations that he was replaced by other SCLC staff members from Atlanta.

He was sent later to Philadelphia as director of non-violent education.

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

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OFFERS 'HELP' — The Rev. James L. Bevel, a Southern Christian Leadership Conference director, reportedly has sent James Earl Ray a telegram offering to take over the defense of Ray, charged with the murder of Dr. Martin Luther King Jr.

—Staff Photo

(Mount Clipping in Space Below)

Bevel Declines To Divulge His 'Evidence' In Ray Case

By P. H. BREESE

The Rev. James L. Bevel, a ranking figure in the Southern Christian Leadership Conference, declined yesterday to elaborate on evidence he claims could free James Earl Ray, accused in the murder of Dr. Martin Luther King Jr.

The Rev. Mr. Bevel, 32-year-old director of the SCLC's nonviolent and direct action program, sent a telegram Saturday to Ray in the Shelby County Jail which, according to sources, read:

"I would like to inform you that I would be very happy to take your case without fee. I was present at the Lorraine Hotel when Dr. King was killed. You have been charged with murdering him. Of course, I know that you are not guilty."

"I have evidence that, if presented to a jury, would free him (Ray)," the Rev. Mr. Bevel said.

But in a telephone conversation at his home in Philadelphia yesterday, the balding minister told The Commercial Appeal, "I have many reasons for wanting to defend Mr. Ray, but to discuss the evidence at this point would be to his disadvantage."

The Rev. Mr. Bevel said that he did not know or care what Ray's attorney, famed Texas lawyer Percy Foreman, thought of his offer. "If Mr. Ray wants me to defend him I will. I don't know what Mr. Foreman will do."

Mr. Foreman, in bed with pneumonia at his home in Houston, was not available for comment.

"I am confident that Mr. Ray would not be found guilty on the basis of evidence I now have," the Rev. Mr. Bevel said.

Shelby County Public Defender Hugh Stanton declined to comment on the Bevel statement.

There is little possibility the minister, who was born at Itta Bena, Miss., could ever represent Ray in court. He does not have a law degree.

When asked his legal qualifications, the Rev. Mr. Bevel said, "Well, I've been arrested 25 times." He added that he had represented himself in court appearances.

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

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'Court Turns Down Reporters' Appeal

Review Of Contempt Ruling Is Refused

From The Commercial Appeal
Nashville Bureau

NASHVILLE, Jan. 20. —The Tennessee Supreme Court Monday refused to review the case of two Memphis newspaper reporters cited for contempt for violating court orders on pretrial publicity in the James Earl Ray murder case.

The high court gave no reason for denying a petition for a writ of certiorari, which if granted would have opened the way for a Supreme Court review of the contempt citation.

On Sept. 30, Criminal Court Judge Preston Battle ruled the reporters — Charles Edmundson of The Commercial Appeal and Roy Hamilton of the Memphis Press-Scimitar — and two other men were in contempt of court.

He did not impose sentence on any of the men pending their "future actions" despite a request by attorneys for Memphis Publishing Co., that sentence be handed down promptly so the case might be appealed.

Others cited by Judge Battle were Arthur Hanes, then an attorney for Ray, and Renfro Hays, a private investigator who worked for Mr. Hanes. Ray is accused of the sniper slaying of Dr. Martin Luther King Jr.

In November, the newsmen through their attorney petitioned Court of Criminal Appeals Judge Mark Walker of Covington to review the contempt citation. Judge Walker denied the petition, saying in effect that a contempt citation is not final until punishment is imposed and that the appeal was premature.

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

PAGE 24

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(Mount Clipping in Space Below)

Newsmen To Appeal Contempt Citations

Attorney Says He'll Go To Supreme Court

The United States Supreme Court will be asked to review the contempt of court conviction of two Memphis newspaper reporters, their attorney, Armistead Clay, said last night.

With the Tennessee Supreme Court refusing to review the conviction of Charles Edmundson of The Commercial Appeal and Roy Hamilton of the Press-Scimitar, Mr. Clay said the federal Supreme Court will be asked to intervene.

Mr. Edmundson and Mr. Hamilton were found guilty by Criminal Court Judge W. Preston Battle September 30 of having violated his order to limit pretrial publicity in the case of James Earl Ray, charged with the murder of

Dr. Martin Luther King Jr.

The defense has maintained that limitations on the press violate the constitutional guarantee of a free press.

The defense cited a passage from the U.S. Supreme Court's opinion in the Shepard murder case, appealed from Cleveland, saying, "The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors and ju-

dicial processes to extensive public scrutiny and criticism."

Mr. Clay also cited the report of a committee headed by Judge Irving R. Kaufman of the United States Circuit Court of Appeals on the "Free Press—Fair Trial Issue." This report, accepted as governing procedure in the federal courts, said, "The committee does not presently recommend any direct curb or restraint on publication by the press of potentially prejudicial material."

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

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COMMERCIAL APPEAL

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Percy Foreman, Ray Confer At Jail

By CHARLES EDMUNDSON
Percy Foreman, chief counsel for James Earl Ray, charged with the murder of Dr. Martin Luther King Jr., conferred with his client for two hours yesterday in the Shelby County Jail. Mr. Foreman said he flew here from his home in Houston the first day he "got up from bed with the flu."

Mr. Foreman declined to say what was discussed but it is understood they considered the possibility of subpoenaing the Rev. James L. Bevel as a witness in the trial scheduled to begin March 3.

The Rev. Mr. Bevel, a director of the Southern Christian Leadership Conference and longtime associate of Dr. King, wired Ray Sunday offering to act as his attorney without fee. Bevel's telegram concluded, "Of course, I know you are not guilty."

Arthur J. Hanes of Birmingham, Ray's former counsel, had subpoenaed the Rev. Mr. Bevel Oct. 23 when the trial was set for Nov. 12, court records showed yesterday. The

subpena was sent to him at 8407 Ribash Avenue, Chicago. When legal service was not obtained there it was forwarded to SCLC headquarters in Philadelphia.

As the Rev. Mr. Bevel has no law degree, there appears little chance he would be accepted as counsel or co-counsel. But since he was standing in the parking lot of the Lorraine Motel on Mulberry when Dr. King was shot on a balcony just above him, his statement that he knows Ray is not guilty could make him an important defense witness.

The Rev. Mr. Bevel has refused to indicate what his testimony would be.

His October subpena was accompanied by an order by Criminal Court Judge W. Preston Battle for him not to discuss the evidence or read newspaper accounts or listen to radio or TV coverage of the King case.

At the Courthouse there is speculation the Rev. Mr. Bevel may have seen someone

fleeing from the back of 422½ South Main just after the shot was fired. The prosecution is expected to contend Ray shot Dr. King from a second floor rear bathroom at the South Main address.

"I don't feel well yet," said Mr. Foreman, who looked pale and tired. "But I feel better than I have in two weeks."

"I expect to be in Memphis working on this case most of time from now till the trial opens."

When Mr. Foreman was unable to be in court a week ago to discuss the state of preparedness for the Ray trial, Judge Battle ordered Public Defender Hugh Stanton Sr., co-counsel with Mr. Foreman, to be prepared "if humanly possible" to go forward with the trial March 3—if necessary without Mr. Foreman.

Mr. Foreman conferred briefly yesterday with Judge Battle before going to see Ray. Asked if he thought the case would go to trial as scheduled, he replied, "I'm just catching the judge is pitching."

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

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Supreme Court To Review Clay's Conviction

By AP Wire, Cl. Me. 30 To
Supreme Court

The United States Supreme Court will be asked to review the conviction of a man convicted of the Memphis newspaper editor's murder, their attorney, Raymond Clay, said last night.

The Tennessee Supreme Court, which had affirmed the conviction, will hear the appeal. Mr. Clay said the Tennessee Court will hear the appeal.

Mr. Clay said Mr. Clay said the Tennessee Court will hear the appeal. Mr. Clay said the Tennessee Court will hear the appeal.

Dr. Martin Luther King Jr. The defense has maintained that limitations on the press violate the constitutional guarantee of a free press. The defense cited a passage from the U. S. Supreme Court's opinion in the Shop-
peard murder case, appended from Cleveland, saying, "The procedure in the federal press does not simply publish information about trials but does not presently recommend any direct curb or restraint on the police, prosecutors and judicial processes to extensive public scrutiny and criticism." Mr. Clay also cited a report of a committee headed by Judge Irving R. Kaufman of the United States Circuit Court of Appeals on the "Free Press—Fair Trial Issue." This report, accepted as governing procedure in the federal courts, said, "The committee does not presently recommend any direct curb or restraint on the police, prosecutors and judicial processes to extensive public scrutiny and criticism."

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Foreman Is Back On Ray's Case

By ROY HAMILTON
Press-Scimitar Staff Writer

Percy Foreman, looking pale from his recent bout with pneumonia and the flu, was back in Memphis today devoting fulltime to the James Earl Ray defense.

Asked if he thought the trial would go ahead as scheduled March 3, Foreman told newsmen:

"It's just catering. The judge is pitching," Foreman was referring to Judge W. Preston Battle, with whom he conferred in the judge's chambers yesterday afternoon shortly after the famed Texas attorney arrived from Houston.

SEEN RAY

Foreman also visited Ray in county jail and met briefly with Sheriff William N. Morris, who is in charge of security arrangements for the man charged with killing Dr. Martin Luther King.

Foreman declined comment on reports that he might seek a continuance of the trial because of his recent illness. Asked how he felt, he said, "I don't feel well but I feel better than I have for a long time."

He added that his doctor had let him out for the first time Monday.

Foreman said he planned to remain in Memphis "conditionally" until the trial, leaving no doubt that he had resigned full command of the defense.

Last Friday Judge Battle instructed Public Defender Hugh Stanton Sr. to be ready to assume responsibility as chief counsel after Foreman sent word that he was unable to make a progress report on trial preparations as previously ordered.

WANTS

Battle at that time repeated what he has said earlier—that he wants a trial to begin March 3 "if humanly possible."

Some courthouse observers, however, feel the judge would have no choice to grant a postponement if Foreman wants one and can show that his sickness set back his preparations for the trial.

"Not to do anything irreversible and let the attorney," Foreman said the last thing the judge wants is

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Ray Defense May Follow Strategy of Sirhan Case in Challenging State Jury System

By **ROY B. HAMILTON**
Press-Schmiller Staff Writer

When the Sirhan Sirhan trial opened in Los Angeles part of the defense strategy was to assail the jury selection system in California as unconstitutional.

There is growing speculation that when the nation's second big assassination trial of the century begins in Memphis on March 3, James Earl Ray's attorneys may launch a similar attack on the way juries are picked in Tennessee.

Grant Cooper, Sirhan's chief counsel, asked that the Los Angeles county jury list be set aside because it did not include any doctors, lawyers, ministers, teachers or members of several other occupations who are exempted by law from jury service.

ARGUMENT

Cooper argued that Sirhan, accused of killing Sen. Robert F. Kennedy, could not get a fair trial because the

exemptions made it impossible to impanel a jury representing a true cross section of the community.

The attorney did not win the argument—his motion was overruled by Superior Court Judge Herbert V. Walker—but he did lay the groundwork for a possible appeal if the young Jordanian immigrant is convicted and given the gas chamber.

The same objection raised in California by Cooper might very well be raised by Ray's lawyers in Tennessee.

EXEMPTIONS

Tennessee law also exempts the above mentioned professions from jury duty, as well as state and federal government office holders, employees of the U. S. railway mail service, registered pharmacists, firemen and national guardsmen on active duty.

There are also disability and incompetency provisions in the Tennessee law but

these are hardly likely to be challenged under any circumstances. For instance, persons convicted of infamous crimes, of unsound mind, not in full possession of their senses of hearing and seeing and habitual drunkards are automatically disqualified.

Women have an option of serving on a jury in Tennessee. Also, persons over 65, those in ill health or those with an illness in the family requiring their attendance at home may be excused.

QUALIFICATIONS

The only qualifications a juror must possess in Tennessee is that he be 21, a U.S. citizen and a resident of the county in which he has been called for 12 months. Ownership of property, once a requisite, is no longer necessary.

In Tennessee the jury list is drawn mainly from the same source used in Califor-

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nia—voter registration files. A different formula is used each time to avoid calling the same person—for instance, every 100th name might be selected one time, every 50th name the next. In Tennessee no one legally has to serve on a jury more often than once every four years.

EXCUSES

A new jury list is compiled for each of the five terms of criminal and circuit courts during the year. It usually takes a venire of from 1,000 to 1,200 citizens to get the 500 or 600 petit jurors needed to serve each term. Excuses, both legitimate and not so legitimate, make for a high casualty rate.

The jury panel for the January term of court was qualified Friday by Circuit Court Judge Edgar Quick. It is from this panel that the Ray trial jury will be drawn.

It used to be a common

complaint by attorneys representing Negro defendants that the Negro race was systematically excluded from the Shelby County jury list. The situation, however, has changed dramatically in recent years and many Negroes are now called for jury duty.

Jury Commissioner Robert Horne says there is absolutely no racial discrimination in making up the jury call list.

IN CALIFORNIA

This was a charge hurled last week by the Sirhan defense against the Los Angeles grand jury that indicted

the young Jordanian immigrant.

In California, grand juries are composed of persons—often friends and associates—nominated by Superior Court judges. Sirhan's lawyers claimed this method of selecting grand jurors is illegal because it discriminates against minority groups.

The court reserved a ruling on this question until both the defense and the prosecution could research the law further.

DRAWING

Selection of the grand jury is not considered likely to be

an issue in the Ray trial because in Tennessee grand jurors are chosen by drawing from among the qualified petit jurors.

The grand jury for the January term was selected this week by Judge Perry Sellers, who presides over Division I of Criminal Court. The customary procedure is for the names of the petit

jurors to be placed in a box.

Judge Sellers qualifies the 12 member grand jury from the names drawn.

(Mount Clipping in Space Below)

Bevel Told Battle
He Can't Represent Ray
As Defense Counsel

Criminal Court Judge W. Preston Battle today informed the Rev. James Bevel that he could not represent James Earl Ray as a defense counsel with Percy Foreman.

Bevel, who claims he has evidence that will acquit Ray in the murder of Dr. Martin Luther King Jr., and Foreman conferred with Judge Battle in his chambers this morning.

Judge Battle said Bevel had asked the court's permission to become associated with Foreman in Ray's legal defense but, the judge said he turned him down because Bevel is not a lawyer.

Bevel's recent statements concerning the case appear to be in violation of Judge Battle's anti-publicity order, which specifically prohibits all witnesses from discussing the Ray case, according to court observers.

Judge Battle's legal advisory committee was reported to be considering possible contempt action against Bevel.

Bevel last night became

the first person other than Ray's own attorneys and his two brothers to visit Ray in his cell.

Bevel went to see Ray in company with Foreman.

Asked today who gave Bevel permission to visit the prisoner, Sheriff William N. Morris replied that he did "at the request of counsel (Foreman)."

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...appearing to the National Council of Churches for help. Black militants held an impromptu press conference in which an obscene four-letter word was used to express disgust with Memphis.

Members of the Invaders later over the NCC press room for about 25 minutes yesterday for their conference which was covered by both men and women of the news media.

The main objective of the Invaders, as their leaders explained before the NCC general board at the Sheraton-Park Hotel yesterday, was to get help in freeing 12 of their members

from the Shelby County Penitentiary.

ASKS AID

The Black group also asked for aid in setting up a Memphis Leadership Conference for Black and Poor People.

Louis Welch, spokesman for the Invaders, acknowledged the NCC efforts in the area of goodwill between races.

"At the same time, sobered by pragmatism," he said, "we who are to continue the struggle in this hell pit (referring to Memphis) after your pilgrimage has ended must have more to stand on than fine words and conscience-stirring resolutions." The "pilgrimage" refers, in part, to a march to

the Lowry-Mate highway by the slain Dr. Martin Luther King Jr.

WELCH SAYS

"No mention has been made to you here of the hardships that our people have suffered. No one has said that, since the assassination of Martin King, more than 60 young black men and women have been jailed; more than half a million dollars in bonds has been assessed, and almost every man labeled by the local news media as a 'black militant' has been thrown into jail. Twelve remain there," Welch said.

Coby Smith, an executive board member of the group, said: "Our people have been jailed on charges ranging from armed robbery and murder to prostitution. We need to mobilize every Christian from Billy Graham to Oral Roberts to combat this sort of thing."

Leadership group proposals to the board would include workshops in community organizing, voter registration, use of the vote, political power, forms of agitation and propaganda and communications.

Block clubs, a community newspaper and a Black Library would result from some of the work, Smith said.

PLAN RENEWED

The group proposed to rename the march in honor of Dr. Martin Luther King Jr. was

...the group, "If you are not with us, you are against us. We can't have a right or a wrong. If you are Christians and we expect your help."

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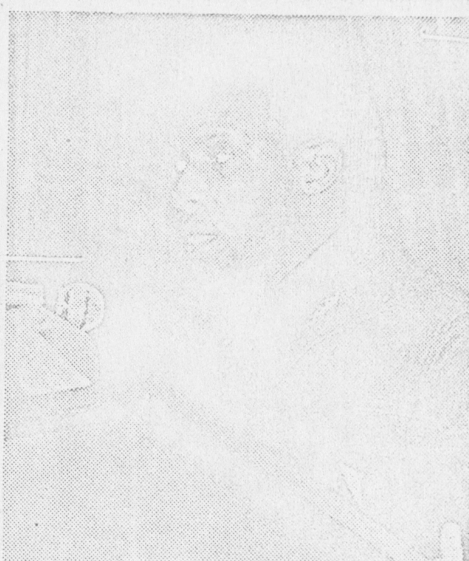
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APPEALS TO NCC

Coby Smith, Invaders leader, calls on churchmen to show good faith by following up with aid to blacks.



WANTS PRISONERS FREED

Lewis Welch of the Invaders pleads for NCC aid in getting black militants out of Shelby County Penal Farm.

(Mount Clipping in Space Below)

Disarm City Police, Urges Rev. Lawson

By BARNES CARR
Press-Scimitar Staff Writer

The Rev. James Lawson, repeating demands for a police review board, added another demand—that Memphis policemen be disarmed.

"We should disarm the police," Lawson said during a panel discussion of law enforcement at the National Council of Churches meeting at the Sheraton-Peabody last night.

"Take away their weapons — their guns, their clubs and their Mace — and try to arm them with weapons of imagination, wit and skills for thinking."

Jeptha S. Rogers of the International Association of Chiefs of Police, the scheduled speaker, canceled his appearance. Delegates were told that Frank Holloman, Memphis director of fire and police, and eight other police administrators across the country refused requests to substitute for Rogers.

REVIEW BOARD

Lawson, pastor of the Centenary Methodist Church (United Methodist) and chairman of the strategy committee during the sanitation strike last spring, said in his demand for a police review board:

"Police are not the law and they should not be the keepers of the law. The people should be the keepers of the law.

"I am a member of a union — the preachers' union — and I don't think we are able to police ourselves. The police are not able to police themselves."

RECRUITS

Lawson suggested to the delegates that a "new kind of man" attracted to a "new

kind of challenge" should be recruited by Memphis police.

At the same time, said Lawson, there have been "some changes" in police "attitudes" in Memphis.

During the hospital strike last fall, he said, "There was a vast difference between the police on duty then and in those on duty during the sanitation strike."

LEGAL TOOLS

"I do not want to pretend that all police of Memphis perpetrate police violence," he said. "We can still accuse the police of bad tactics ... but the whole problem is that we cannot find the legal tools by which we can get on the offensive. We think that at least a continuing suit against the police department or the city could change police attitudes, but that would put the burden on the families."

Lawson then struck out at the proposed "stop and frisk" law.

"Even though the stop and frisk law could someday give a black policeman the power to stop a blonde out in East Memphis and frisk her, it is still designed to repress blacks."

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Minister Says Ray Accepts His Offer to Aid Defense

By **BARNES CARR**
Press-Scimitar Staff Writer

The Rev. James L. Bevel, a Southern Christian Leadership Conference official, says he can prove "within 30 minutes" it would have been "impossible" for James Earl Ray to have assassinated Dr. Martin Luther King at the Lorraine Motel last spring, but today had not disclosed any evidence he may have in the case.

Bevel, a resident of Philadelphia, made the statement last night after conferring an hour with Ray and Ray's attorney, Percy Foreman, in Ray's cell in the county jail.

In Atlanta, wire services said the SCLC leadership insists it holds no inside information or have evidence to clear Ray of the charge of murdering Dr. King.

ADDRESS

Bevel, after conferring with Foreman and Ray, later appeared at Clayborn Temple, 280 Hernando, to address a meeting of the National Council of Churches' general board, which is in convention in Memphis.

About 100 were in the audience, including about a dozen members of the black

militant Invaders group.

Bevel said Ray was "deranged" and a conviction would be a "lynching."

Bevel said he offered his aid to Ray last Saturday by telegram, that Ray accepted the offer last night, and that Foreman was still on the case.

Foreman, staying in a downtown hotel, could not be reached for comment.

'BEYOND DOUBT'

Bevel said he could prove "beyond a doubt" that Ray was innocent.

Bevel lambasted NCC delegates at the gathering and engaged in sarcastic debates with a member of the Invaders, a white Catholic priest, and members of the press.

"People should do justice," said Bevel. "Murdering Ray has no relation to justice. Folks are so interested in justice that they are going to let the state lynch a man?"

CRITICISM

With his hand on a microphone, Bevel criticized the NCC delegates.

"You marched for a dead man, when the man who

needs your help is locked in jail.

"Isn't it obvious the nation isn't interested in justice? This country is going to have a good lynching party and we're going to kill Ray and think it's all going to be over."

Asked by a priest if he could practice law in the state of Tennessee, Bevel answered: "According to the Constitution of the United States, any man who is accused of a crime has the right to choose his counsel."

NOT RECOGNIZED

Bevel then admitted he was not recognized by the bar association.

Some of the clergy present walked out before Bevel completed his speech. A member of the Invaders who challenged some of his statements was quieted by another member.

In Atlanta, the Rev. Ralph Abernathy said he viewed Bevel's action as a way of moving "nonviolence into a new dimension in American life." The SCLC head added, "Rev. Bevel is speaking to the real issue — namely that it is not who killed Dr. King, but what killed him."

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SCLC OFFICIAL SAYS HE WILL HELP RAY

The Rev. James T. Bevel, left, told a group of National Council of Churches officials and others last night he will help defend James Earl Ray in connection with the death of Dr. Martin Luther King.

—Press-Scimitar Staff Photo by Ken Ross

(Mount Clipping in Space Below)

Bevel, Foreman Talk To Ray —'Lynching Psychology' Hit

By ROBERT KELLETT

The Rev. James Bevel joined attorney Percy Foreman in a conference with James Earl Ray at Shelby County Jail last night and later characterized charges against Ray in connection with the murder of Dr. Martin Luther King "the psychology of a lynching."

The meeting in Ray's maximum-security cell came after the Rev. Mr. Bevel said last week that he believed Ray to be innocent.

"I sent his (Ray's) attorney a telegram, he phoned me and we went to see him (Ray) tonight. I was convinced (before he went to the jail) and I am now even more convinced that Ray was about as capable of killing King as I am of flying to the moon."

Sheriff William N. Morris Jr. confirmed the meeting, which he said lasted from 8:15 to 9:15 p.m.

The Rev. Ralph David Abernathy, head of the Southern Christian Leadership Conference, voiced support of the Rev. Mr. Bevel's position earlier yesterday and called on "America's oppressed and victimized to come to Ray's aid and defense."

"One man should not be made the scapegoat for this monstrous crime."

In a hastily-called meeting at Clayborn Temple to which representatives to the National Council of Churches Mid-Winter Convention and newsmen were called, the Rev. Mr. Bevel lashed out at nearly everyone connected with the Ray trial, the ministers and Negroes and whites in general.

"America is gonna have a good lynching party — the judges and the preachers.

"Black folks is so intent in revenge that they are going to sleep through a lynching of a deranged man. White folks are going to stand by..."

Although newsmen sought to question the Rev. Mr. Bevel about the case, he would not be specific about the Ray case. "Why would you assume that I am a fool that I would disclose

it," he said when asked about evidence" he was earlier said to have in connection with the case. A spokesman for the SCLC office in Atlanta said earlier last night, however, that neither the Rev. Mr. Bevel nor the Rev. Mr. Abernathy claim to have specific evidence in the case.

He said, in reply to questions, that he had been accepted by Ray to assist in the case and that Mr. Foreman would also remain on the case.

Mr. Foreman was not available to describe what role the Rev. Mr. Bevel will play in the defense of Ray.

"Brother Ray asked me to defend him and I intend to do it," the Rev. Mr. Bevel told the approximately 50 ministers in the 10 p.m. meeting. "He will have an eloquent and prepared defense. One, I'm a lawyer because I live the law. I'm a PhD—A doctor of philosophy because I have a philosophy."

"We are going to defend Ray. But we aren't going to try to find out who's guilty.

"You'll say 'Who did it?' You go find him — you're a cop. I'm a prophet."

Directing a steady barrage of "do justice" in answer to questions from the ministers, the Philadelphia minister and longtime associate of Dr. King said: "You don't even know the nature of justice.

"You're out making a parade over a dead man. Out marching today in memory of Martin but not in his life. And the man who needed you was in jail."

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COMMERCIAL APPEAL

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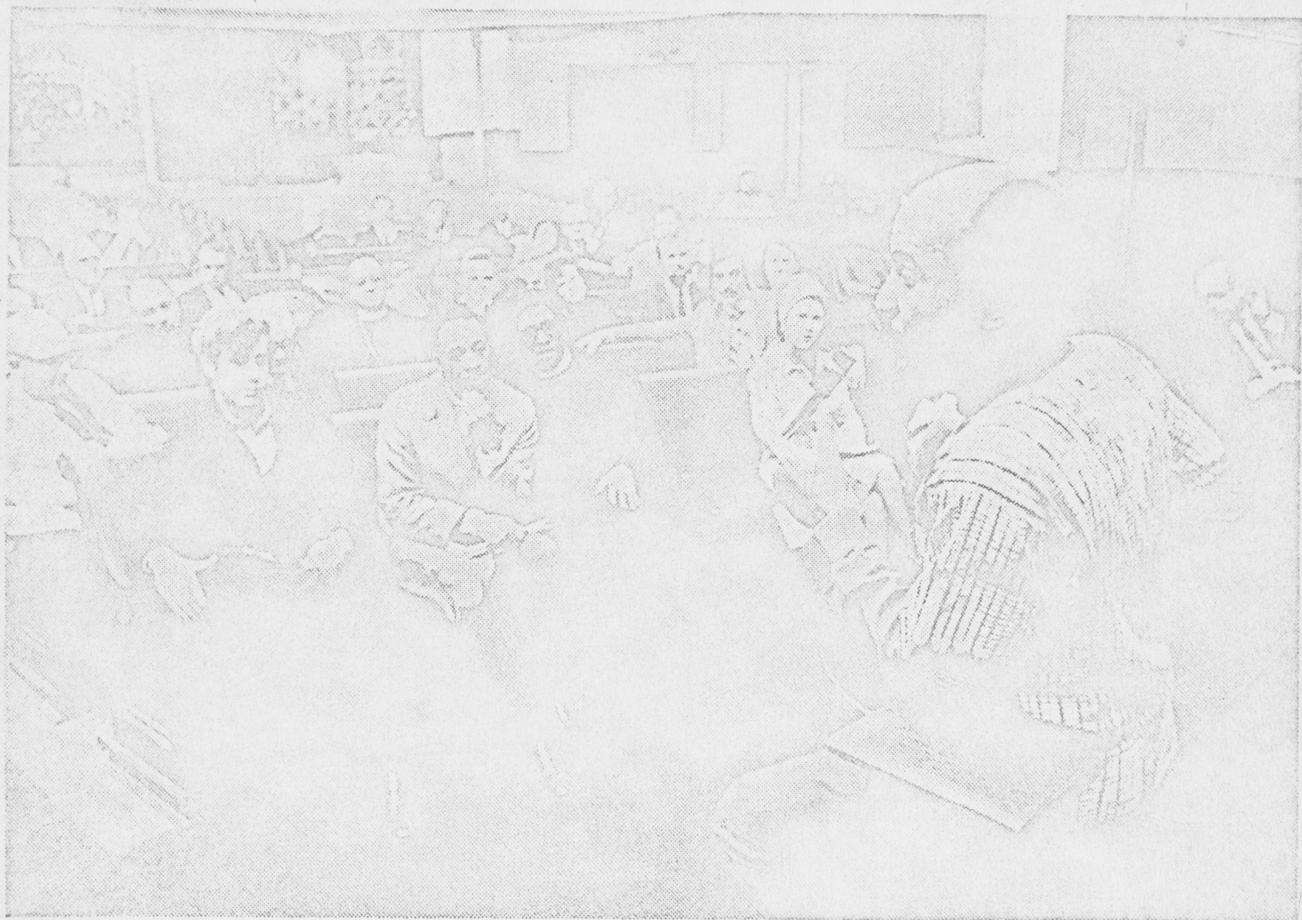
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SURPRISE SPEAKER—The Rev. James Bevel (right), Southern Christian Leadership Conference official, was in Memphis last night to confer with James Earl Ray, accused of killing Dr. Martin Luther King Jr., founder of SCLC. Percy Foreman, Ray's attorney, was present at the conference. The Rev. Mr. Bevel, at an impromptu confer-

ence with "interested" members of the National Council of Churches at Clayborn Temple, claimed he could clear Ray of the murder charges. He said Ray was a scapegoat produced by black and white to atone for the murder of Dr. King in Memphis last April 4.

—Staff Photo by James McKnight

(Mount Clipping in Space Below)

Bevel Is Balked As Ray Attorney

Co-Counsel Role Ruled Out
Because King Associate
Lacks Law Degree

By JEFFERSON RIKER

The Rev. James Bevel yesterday failed in his attempt to assist in the defense of James Earl Ray, charged in the assassination of Dr. Martin Luther King Jr.

Criminal Court Judge W. Preston Battle ruled that the Rev. Mr. Bevel cannot serve as Ray's co-counsel because he is not a lawyer. Percy Foreman is Ray's chief defense attorney.

Mr. Foreman and the Rev. Mr. Bevel, a former aide to Dr. King, conferred yesterday with Judge Battle after a Thursday night visit to Ray in the Shelby County Jail.

Judge Battle said he explained that a law degree is required to practice law in Tennessee. The Rev. Mr. Bevel has said he is a lawyer "by circumstances."

He claimed a week ago that he has evidence, which he declined to disclose, which would acquit Ray. But the SCLC office in Atlanta said Thursday Mr. Bevel was misquoted and makes no such claim.

Sheriff William N. Morris Jr., responsible for Ray's pre-trial custody, was out of the city last night, but Chief Deputy Roy Nixon said the visit to Ray in his maximum security quarters was made with the approval of both Judge Battle and the sheriff.

The Rev. Mr. Bevel, 32, discussed the case Thursday night with a group of ministers who had been attending the general board meeting of the National Council of Churches here, leading observers to speculate that he might have made himself liable to possible contempt action.

An amicus curiae (friend of the court) committee appointed by Judge Battle to assist in the case reportedly was considering recommending that the judge issue a contempt citation.

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COMMERCIAL APPEAL

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Ray Is Innocent, Author Tells Battle

MUNICH, Germany. — (UPI) — James Earl Ray did not kill Dr. Martin Luther King Jr., a German-American author charged today in an open letter to Judge W. Preston Battle of the Memphis (Tenn.) Criminal Court.

Joachim Joesten, author of such books as "The Dark Side of Lyndon B. Johnson," "The Garrison Enquiry" and "Oswald: Assassin or Fall Guy?," said in his letter he has prepared a 45,000-word documentation on the case which he is mailing to Battle, the Rev. Ralph Abernathy, the American Civil Liberties Union and a few newspapers.

He claimed Ray was charged with murder by the State of Tennessee "on the basis of a deliberately false and fraudulent FBI report."

According to Joesten, "the FBI knows that Ray did not

commit the murder and is trying to shield, through the sacrifice of a scapegoat, the real assassin of Dr. King whose identity is well known to the FBI."

He claimed that Ray, because of his criminal record and his involvement in the conspiracy to kill King, has been put under pressure to plead guilty in return for a promise of leniency.

Joesten did not say where he obtained the information he claims to have.

No Comment From Judge

Judge Battle will have no comment on the Joesten letter until he has a chance to read it, Charles Holmes, who is in charge of public information in the Ray case, announced.

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Bevel Claims Ray Innocent

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In Assassination Of Dr. King

The bearded Negro minister, the Rev. James L. Bevel, present at the Lorraine Hotel in Memphis when Martin Luther King, Jr. was slain, said this week he has "evidence" to prove James Earl Ray innocent of the crime.

The Rev. Bevel, 32, an official of the Southern Christian Leadership Conference, said he has offered to take Ray's case without a fee.

Bevel, who has no law degree, declined to discuss his evidence.

"In terms of discussing specifics, that wouldn't be to his (Ray's) best benefits," Bevel said.

Asked what will happen to the evidence if Ray does not accept his help, Bevel said: "I guess he'd go to jail or to the electric chair or whatever you do to those people, I'll just keep it."

Ray is jailed in Memphis awaiting trial for murder in the slaying of King, founder of the SCLC. King was shot as he stood on the hotel balcony last April 4. Ray's trial has been postponed until March.

Bevel, sitting on a bamboo chair in a neatly furnished apartment in the heart of the north Philadelphia ghetto, said he does not know Ray's present attorneys.

"Possibly we would not groove together," he said.

The SCLC's Atlanta headquarters made clear Bevel was speaking for himself, not the SCLC.

"He has been under a lot of pressure lately," the SCLC said of Bevel.

"Since Dr. King's death, he has gone into a deep depression and if he sent the telegram, he is speaking for himself," an SCLC spokesman said.

Bevel's telegram to Ray said:

"I would like to inform you that I would be very happy to take your case without fee. I was present at the Lorraine hotel when Dr. King was killed. You have been charged with murdering him. Of course, I know you are not guilty."

Copies of the telegram also were sent to various newspapers.

Asked why he waited so long to come forth with his evidence, Bevel said it was not until now he felt he "had enough evidence... enough to come to the conclusion" about Ray's innocence.

Asked how he could defend Ray without a law degree, Bevel replied, "The Constitution doesn't say you have to have a law degree."

As he answered questions using many gestures, a friend snapped pictures of him. Bevel was wearing a leopard skin shirt over an orange shirt with brown slacks.

The 32-year-old minister said he had been jailed about 25 times for civil rights actions, including twice with King, once in Birmingham and once in Selma, Ala.

Bevel had gone to Memphis

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Mail About Ray Case Recalled

Criminal Court Judge W. Preston Battle said today he believes he received a brochure advertising German author Joachim Joesten's book about a month ago.

Joesten claims he has information James Earl Ray did not kill Dr. Martin Luther King.

"But like so much other stuff I receive about the Ray case, I classified it as nut mail and threw it away," Battle said.

Battle said he could not be sure that the letter he received concerned Joesten's book but he was almost certain it did.

"I thought it came from Switzerland," said the judge. "I remember it advertised some book in which the author claimed Ray was not the killer of King. I remember the price was pretty steep —\$100."

Joesten claims Ray was arrested "on the basis of a deliberately false and fraudulent FBI report."

The Munich, Germany, author wrote he has prepared a 45,000-word documentation on the case and was mailing copies to Judge Battle and others.

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(Mount Clipping in Space Below)

Bevel Amends Statement On Ray

A Southern Christian Leadership Conference leader who 10 days ago said James Earl Ray was "innocent" of the murder of Dr. Martin Luther King Jr. amended his statement yesterday to say, "It is impossible for him to have been alone in the killing."

The Rev. James Bevel, who was a close associate of Dr. King, said in Philadelphia that Ray, in his opinion, lacked the mental or physical ability "to conceptualize the murder" and the "dexterity" to have fired the fatal shot.

He stopped short of excluding the possibility Ray may have been party to a conspiracy to kill Dr. King, press services said.

"Ray said he didn't murder Dr. King," Mr. Bevel said.

"We're not going to allow Ray to be lynched under the

guise of justice. If necessary, I will seek justice in the streets by organizing a movement to that end."

Mr. Bevel said he will seek a lawyer's license in an effort to join in Ray's courtroom defense. Ray is scheduled to go on trial before Judge W. Preston Battle March 3.

In Atlanta Dr. Ralph David Abernathy, who succeeded Dr. King as SCLC head, said Negro leaders in Memphis have information leading them to believe that persons besides Ray knew of the plan to kill Dr. King.

None of several Memphis Negro leaders contacted here last night said they had such information. Typical were Squire Jesse Turner, former Memphis head of the NAACP, and James A. McDaniel, Memphis Urban League head.

"I have heard rumors of

such information," Mr. McDaniel said. "But when you pin them down they know no more than you or I do."

Dr. Abernathy cited as a reason for believing that others than Ray were aware of the plan to kill Dr. King that Negro firemen and a Negro policeman were removed from the area of the Lorraine Motel, on the balcony of which Dr. King was shot, the day of the assassination.

Since the time of the assassination it has been known that two Negro firemen were transferred from a fire station on Main overlooking the Lorraine Motel. A fire department spokesman said, at the time, that they were transferred to assure that information as to strategy in controlling possible demonstrations was not passed to Negro militants.

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

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COMMERCIAL APPEAL

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(Mount Clipping in Space Below)

Foreman, Huie Confer Again

Author Pays Ray's Counsel
\$5,000 For Client's
Manuscript

Percy Foreman, counsel for James Earl Ray, met here yesterday with author William Bradford Huie and received Mr. Huie's check for \$5,000, made out to Ray, as final payment for a longhand manuscript written in the prisoner's cell in the Shelby County Jail.

Mr. Huie earlier made payments for Ray's manuscript to Arthur Hanes of Birmingham, the defense attorney Ray fired on the eve of his Nov. 12 trial. The writer said he paid "more than \$30,000" to Mr. Hanes in behalf of Ray.

Mr. Foreman met Mr. Huie at the Sheraton-Peabody and expressed satisfaction over the conference. It was Mr. Foreman's second meeting with Mr. Huie in five days. They met for two hours at the Huntsville, Ala., Airport, near Mr. Huie's home, Friday.

Both conferences, it was learned, covered evidence Mr. Huie says he has obtained showing the murder of Dr. Martin Luther King Jr., of which Ray is accused, was not the work of one man but of a conspiracy.

Mr. Huie, who has followed Ray's directions in retracing the accused man's steps following the King assassination, told Mr. Foreman he believed Ray was in a South Main Street rooming house overlooking the Lorraine Motel, where Dr. King was staying, at the time of the murder and had a rifle with a telescopic sight with him.

But he added that others than Ray conspired in killing the Negro leader. Mr. Huie has been quoted as saying he can name two or more conspirators besides Ray.

Mr. Huie conferred by telephone yesterday for 15 minutes with Atty. Gen. Phil M. Canale, who had expected a personal visit.

Mr. Canale declined to comment on the conference but there were indications he did not consider he had received any new evidence of value. The attorney general's office, it was learned, adheres at least for the present to its original stand that Dr. King's slaying was the work of one man.

Mr. Canale declined to say whether he will subpoena the 20,000-word manuscript Mr. Huie says Ray sent him from his jail cell, or ask for a photostatic copy.

Mr. Hanes is understood to have had a lien to take over the checks and use them toward his attorney's fees.

After a conference with Judge Battle yesterday, Mr. Foreman appeared much improved from a recent bout with flu and pneumonia. He would not say whether he will seek another continuance.

"I've been working steadily on the case since I was able to leave the bed and expect to be here working on it till March 3," he said.

Asked how he felt about the move of the Rev. James Bevel, an associate of Dr. King in the Southern Christian Leadership Conference, to be named co-counsel for Ray, Mr. Foreman said nothing. He only smiled.

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

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COMMERCIAL APPEAL

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Abernathy Says Of King's Death:

SCLC Not Playing Lawyer Or Detective

(By United Press International)

Dr. Ralph Abernathy said Tuesday that the Southern Christian Leadership Conference was not trying to play "lawyers or detectives" in the James Earl Ray case.

Abernathy, who returned Saturday from the Virgin Islands, where he was recuperating from pneumonia, said that the SCLC did not have evidence that Ray did not pull the trigger of the gun that felled Dr. Martin Luther King Jr.

He said this to clarify an official stand in the wake of an SCLC lieutenant's statement that he knew Ray was "not guilty."

"I don't think Rev. James Bevel is saying that Mr. Ray did not pull the trigger," Abernathy said. "Possibly what he's saying is that there was a conspiracy."

Abernathy said "more than one person was guilty in the death of Dr. King," but said "we do not have any evidence whatsoever of who else may be guilty."

"SCLC has not been in the business of serving as lawyers, or detectives," Abernathy said, adding, "nor do we intend to begin."

At the same time, Abernathy said, some black leaders in Memphis, specifically the Rev. James Lawson, had advised him that there were suspicious happenings the day of the murder, April 4, 1968.

He said that he had heard two

black firemen in the area were removed from a station, leaving equipment unmanned, and moved to a fully manned station.

Negro policemen on the beat in the area of the murder also were removed that day, after having received threatening telephone calls, Abernathy said he had learned.

Abernathy stressed that his information had not been checked out with authorities and that his knowledge of the incidents was second hand.

Abernathy blamed a "sick society" for King's death, but he would not say what kind of conspiracy he believed killed the Nobel Peace Prize winner.

He said that he had been subpoenaed for the Ray trial, which begins March 3 and could not discuss the issue further.

Abernathy said that Bevel, although a "high official" of SCLC, "was not the president of the Board of Directors." Abernathy is president and Bevel heads a department known as "nonviolent action."

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SCLC LEADERS FIGURE IN RAY STATEMENTS—The Rev. Jesse Jackson (L) and the Rev. Ralph Abernathy shown in candid moment in Atlanta this week. Rev. Jackson, director of Operation Breadbasket, backed recent statement of Rev. James Bevel who said he had evidence to free James Earl Ray, accused assassin of Dr. Martin Luther King, Jr. Rev. Abernathy later said Rev. Bevel has no evidence.—(Lens-News Service Photo by Perry)

(Mount Clipping in Space Below)

Trial For Ray May Have Up To 3 Alternate Jurors

From The Commercial Appeal Nashville Bureau

NASHVILLE, Feb. 1. — If a recommendation by the Tennessee Judicial Council gets favorable legislative action, up to three alternate jurors may be selected for the James Earl Ray murder trial in Memphis.

At present, state law permits only one alternate juror in criminal cases.

The theory behind the request is that more than one juror on the regular panel might become ill or otherwise incapacitated during a lengthy trial, thus resulting in a mistrial at great expense.

Additionally, the judicial council recommended that the membership of the state Court of Criminal Appeals be boosted from three to seven.

Appeals Judge Wayne Oliver of Maryville said the entire court, if it is enlarged, probably would sit as a unit to hear the appeal of Ray if he should be convicted of murdering Dr. Martin Luther King.

The aim of expanding the court is to relieve a docket that is becoming increasingly congested.

Ray's trial is scheduled to start March 3 and it is anticipated a strenuous effort will be made to gain legislative approval of the alternate jurors bill in time for Criminal Court Judge Preston Battle to make use of it if he chooses. The legislature convenes Feb. 25.

Criminal Court Judge Raymond Leathers of Nashville emphasized the need for extra alternate jurors by citing the recent trial here of three Negroes accused of murdering a Nashville policeman.

The hearing lasted several weeks and during the course of it one of the jurors became ill. The alternate took his place. Had another juror fallen ill, Judge Leathers said, a mistrial would have been declared and the entire proceedings

would have had to start again.

Judge Charles Galbreath of Nashville, a member of the Criminal Appeals Court, said the Court of Appeals might be given jurisdiction in criminal cases to help relieve congestion and the criminal panel might be given similar authority to hear civil cases.

Judge Oliver said at least seven members would be required if the court is to dispose of its backlog of cases and keep up with new ones. Between July 1, 1967, when the court began functioning, and last Jan. 20 the docket contained 443 undecided cases.

Representative Pay Lynch (D-Winchester) said he would try to push for speedy approval of the alternate jurors bill but he had doubts about enlarging the appeals court to seven members.

"The present legislature is very cost-conscious," he said. "I think we will have trouble going to seven."

Representative Larry Cole (D-Nashville) called attention to the lack of uniformity in the court system in Tennessee, saying the quality of justice depends more upon where you are than who you are.

For example, he noted that some drunk drivers are let off with a \$50 fine while in other courts the same offender might be sent to jail.

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