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Nagging Doubts Remaining That Dr. King Was Killed As Result Of Conspiracy

By JAMES KILLPATRICK

James Earl Ray is safely locked away in a maximum security cell in the Tennessee state penitentiary in Nashville, but the nagging doubts that he acted alone in killing Dr. Martin Luther King Jr. are not so easy to lock up.

Especially in the black communities of Memphis and the nation there is an almost universal belief that the assassination of Dr. King here last April 4 was the work of some sort of conspiracy.

Most seemed to agree with Dr. King's widow, who said in Atlanta: "This plea of guilty cannot be allowed to close the case or to end the search for many fingers which helped pull the trigger. All concerned people must press the state of Tennessee and the U.S. government to continue until all who are responsible for this crime have been ap-

Ray entered a plea of guilty Monday and received an agreed-on sentence of 99 years.

The script for the 2½-hour court session obviously was designed to lay to rest speculation about a conspiracy. Both the prosecution and defense counsel Percy Foreman told the jury there was no conclusive evidence of a conspiracy. But Ray nullified all that when he leaped to his feet and said that he didn't agree with the various theories that he acted alone.

The Rev. S. B. Kyles, pastor of Monumental Baptist Church, was in an unusual position. He was one of five witnesses called by the state to prove its case to the jury affirming the sentence.

"I looked at James Earl Ray sitting there in the courtroom and I don't think a man like that could plan and execute such a crime by himself."

The Rev. Mr. Kyles said his presence in the courtroom and his opportunity to discuss the case frankly with the prosecutors made him much more willing to go along with the guilty plea procedure a procedure which has been criticized by many Negroes who thought a full-scale trial would bring out more of the facts.

"I don't think there was anything which could have been brought out which would have changed the verdict or solved all the questions." He said he also thought the state had done a thorough job of investigating. I don't feel the attorney general has tried to hide anything."

The minister, a friend of Dr. King for 10 years who was standing only a few feet away when he was shot, said he also believed Atty. Gen. Phil M. Canale and Robert K. Dwyer, Canale's executive assistant, when they said would vigorously pursue any information about a conspiracy they are given.

"But still I'm not satisfied," the Rev. Mr. Kyles said. I can't see a man like Ray executing it himself. Maybe he's so awkward that everything just turned out right."

As for Ray's outburst in the courtroom in support of the conspiracy theory, the minister said, "I don't know why he did it."

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

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The attorney general said after the trial that race was the motive, the Rev. Mr. Kyles agreed that "Ray may be a racist, he probably is."

He said Mr. Dwyer had told him in confidence about several incidents which seemed to support the racist theory. "There were certain events in his life which had to do with color. Hewas a Wallace type." The Rev. Mr. Kyles also said that the "bad press" Dr. King received could well have led Ray to think he would be lionized for killing him. "Iwas told he was very disappointed that white society did not come to his rescue."

Several other Negroes were less pleased with the judicial process used.

"No, it wasn't justice," said Mrs. Corrine McWilliams, assistant manager of the Afro Lunch Room at 926 Kerr. "It looked like they had it already made up."

"There should be more of an explanation given to the public," said Allen Sims, 37, of 533 West Mitchell. "The public, particularly the black people, have been shortchanged by what has taken place in the Ray trial."

"I don't like the way he went out because it was a conspiracy and everybody knows that," said another woman in the lunchroom. She whispered so that a well-dressed white man at the end of the counter wouldn't hear.

Mrs. Maxine Smith, executive secretary of the local chapter of the NAACP, said, "It was not the 99-year sentence, but how he got it. It leaves a lot of questions unanswered and they may remain forever unanswered. Ppersonally I don't believe he did it by himself."

Mrs. Smith said the negotiated settlement might have been an effort to prevent tension in the community during a long trial. In expressing her approval of the sentence, but not

the procedure, Mrs. Smith said she was completely opposed to capital punishment. This echoed the statement of Dr. King's widow, Mrs. Coretta King, who said the death penalty would be contrary to the teachings of her late husband. "The execution of Mr. Ray, who has not yet told the full story, would not serve the ends of justice."

It was learned that the attorney general consulted with Mrs. King and leaders of the Southern Christian Leadership Conference about the compromise sentence. He was told they did not wish a death penalty, but would reserve judgement about the conspiracy angle.

There was surprisingly little dissatisfaction with the length of the penalty, although several Negroes said they never had expected Ray to get what he deserved.

"I don't think that many people were concerned with what happened to Ray. What they really wanted to know was who else was involved in the killing," said Mr. Sims.

Ray's attorney, Mr. Foreman, who told the court he had never expected to do more than save Ray from the electric chair, said he was convinced there was no conspiracy. He said Ray's statement in court about the conspiracy was intended to keep that angle alive so that stories he could swill would be more valuable. "He didn't want to kill the golden goose."

William Bradford Huie, the author who paid \$35,000 for Ray's story and has converted the handwritten notes into a magazine series, with a book and possible a movie in the future, said he was not surprised at Ray's statement.

"He always has contended there was another person in the rooming house with him (a statement which apparently will appear in Huie's third and final magazine article)."

Ray himself was having nothing more to say at present.

A court attachment was issued yesterday on the rifle and the automobile James Earl Ray used in the murder of Dr. Martin Luther King Jr.

Renfro T. Hays, a private investigator who worked on the case for Ray's former attorney, Arthur J. Hanes Sr. of Birmingham, Ala., got the attachment from Chancellor Charles Nearn.

The attachment is the latest development in all \$11,000 lawsuit Mr. Hays has filed to fees he claims were owing when Ray fired Hanes last November and hired Percy Foreman, the famed Houston trial lawyer.

Chancellor Nearn said the attachment against a 30.06 Remington pump action rifle, a 1966 white Mustang and also \$7,500 in cash which is deposited in Union Planters National Bank.

The bulk of the money is the last installment of \$35,000 author William Bradford Huie paid Ray for information about the crime.

Ray's brothers, Gerald Ray and John Ray, both of St. Louis, were at the hearing yesterday but did not participate.

Assistant public defender Hugh Stanton Jr. stood in for Foreman.

Chancellor Nearn told Mr. Stanton he could file a motion to quash the attachment. Mr. Stanton said he would confer with Foreman.

Mr. Hays attorney, C. M. Murphy, argued that since the \$7,500 was in an account which Mr. Foreman has access to there was danger of it being removed.

The attorney general's office has the rifle. The car is being held in a Fire Department building but the attorney general has not disclosed the exact location.

(Mount Clipping in Space Below)

Ray's Leaving Marks End To Extended Precautions

James Earl Ray got plenty of exercise during the 7 months and 19 days he spent in the Shelby County Jail—often walking the 35-foot length of his cell block and back on his hands.

Sheriff William N. Morris, who gave newsmen their first peek at Ray's maximum security quarters yesterday afternoon, said Ray also did 75-100 pushups at a time and stood on his head, in addition to countless walking trips up and down the long, narrow cell.

To anyone expecting a plush layout, the cellblock would have been a bit of a disappointment. It was a regular maximum security block, consisting of six individual cells, a long bullpen area and a narrow barred walkway along the outside wall. Only a few minor changes had been made.

A row of glass-covered safety bulbs hardly the glaring floodlights mentioned in several petitions from one of Ray's lawyers—had been installed in the barred walkway. A TV set also was in the walkway, visible through the bars to Ray and the two guards who were in the cell with him at all times.

"He watched a lot of TV," said Capt. B. J. Smith, the man in charge of the special guard detail for Ray. "His favorite was 'The FBI' on Sunday nights. He had some pretty good comments about the crimes."

Two closed circuit TV cameras were mounted in the cell, one through the end wall and the other in the middle of the long wall. One covered the bullpen area and the other focused on the center pair of the six individual cells. Ray used either of these cells. Each of the six cells has a metal bunk attached to the wall and a metal combination commode and wash basin. A test of the TV cameras showed only an indistinct image of anyone using one of the toilets. A shower stall at the end of the bullpen had a curtain which hid the occupant from view of the camera.

The furnishings were simple—a built-in table and bench along the long side, three chairs and a card table at which Ray sat to confer with lawyers Arthur Hanes and Percy Foreman. Sheriff Morris said the microphones on the TV cameras would not pick up conversations from the card table, but were turned off for good measure when one of the lawyers was in the cell.

A black wall-type telephone affixed to the bars in the center of the cell connected the guards to a small office outside the area. A supervisor was on duty there at all times, watching the two TV monitors. There also was a monitor in the sheriff's office.

The sheriff said the security precautions also included welding up windows and food slots in each of the six cells and putting steel plates over the windows. The addition of the plates made an air-conditioning system necessary.

The security was planned at a series of conferences between state, federal and local officials, the sheriff said, and he was reluctant to give any one person credit for the various ideas.

He said Lt. John Brown of the Federal Bureau of Prisons had been assigned to the jail on a regular basis since last July. "He also has given us a lot of advice and help on the rest of the jail," and J. J. Clark, a federal prisons supervisor from Washington has been a frequent visitor.

Captain Smith and 12 men—half deputies and the rest city policemen—were assigned to the guard detail. In almost all cases, one policeman and one deputy were in the cell together with Ray. The guards, who worked eight-hour shifts, stripped and put on special coveralls before entering the cell.

Ray and his guards ate the same food as the rest of the prisoners, three trays being brought to the cell in a special locked steel box. "There was no way to know who would get which tray," the sheriff said.

The guards kept a minutely detailed record of Ray's activities—when he ate, what he ate, how he liked what he ate, when he slept and for how long, as well as what visitors he had.

The log also showed Ray's comments on things he read and watched on TV. He was allowed newspapers and magazines which told about his case.

"He expressed displeasure

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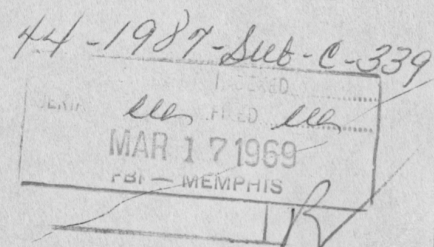
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with a lot of stories," said Captain Smith, "especially those that dealt with his family or his previous crimes."

The log showed Ray was a good eater (he gained about 13 pounds in jail despite his regular exercise) and averaged better than eight hours sleep a night.

Captain Smith said Ray talked a little bit about his escape from prison in Missouri. "He said this was one place he sure couldn't escape from."

"We had a written procedure for everything, for shaving, for taking a shower, just everything," Sheriff Morris said. "Ray seemed to adjust well to this. He seemed to like doing things the same way. Of course life in confinement wasn't new to him."

Captain Smith said Ray was sometimes moody, but rarely a discipline problem.

"When he was unruly, when he wouldn't do what he was told, we'd confine him to one of the individual cells, but without the door being locked. Or we'd cut him off from the commissary wagon (which sells ice cream, sandwiches and other items) or take away his newspapers and magazines. He wasn't much of a problem; his chief complaint was that he missed the sunshine (the car trip to Nashville yesterday was the first time Ray had seen sunlight since last July)."

There was no writing on the cream-colored walls.

"He was a very neat prisoner," the sheriff said.

The sheriff said the total cost of the special cell was low. He said the TV cameras and monitors cost less than \$3,000, the metal plates on the windows \$440, the central air-conditioning about \$1,300 and the locked food server \$35.

With Ray gone, what will happen to the cellblock?

The sheriff said it may be used as a quarantine area or for special medical care of inmates on a limited basis. In any event, the plates will remain on the window, just in case.

With his famous prisoner safely in Nashville, Sheriff Morris was willing to talk about Ray's return from London. Ray was flown nonstop from London to the Millington Navy Base in a U.S. Air Force jet transport. He was whisked to the jail in the Jackson, Miss., Police Department's armored car, escorted by carloads of machinegun-toting officers. This was in marked contrast to his departure early yesterday in a single police car, wearing a deputy's helmet and jacket to successfully fool cameramen.

The sheriff said he didn't remember just who thought up using Thompson's Tank (so named for Jackson Mayor Allen Thompson). It was driven to Memphis and serviced at J. Tom Moore and Co. on Airways, where it was built.

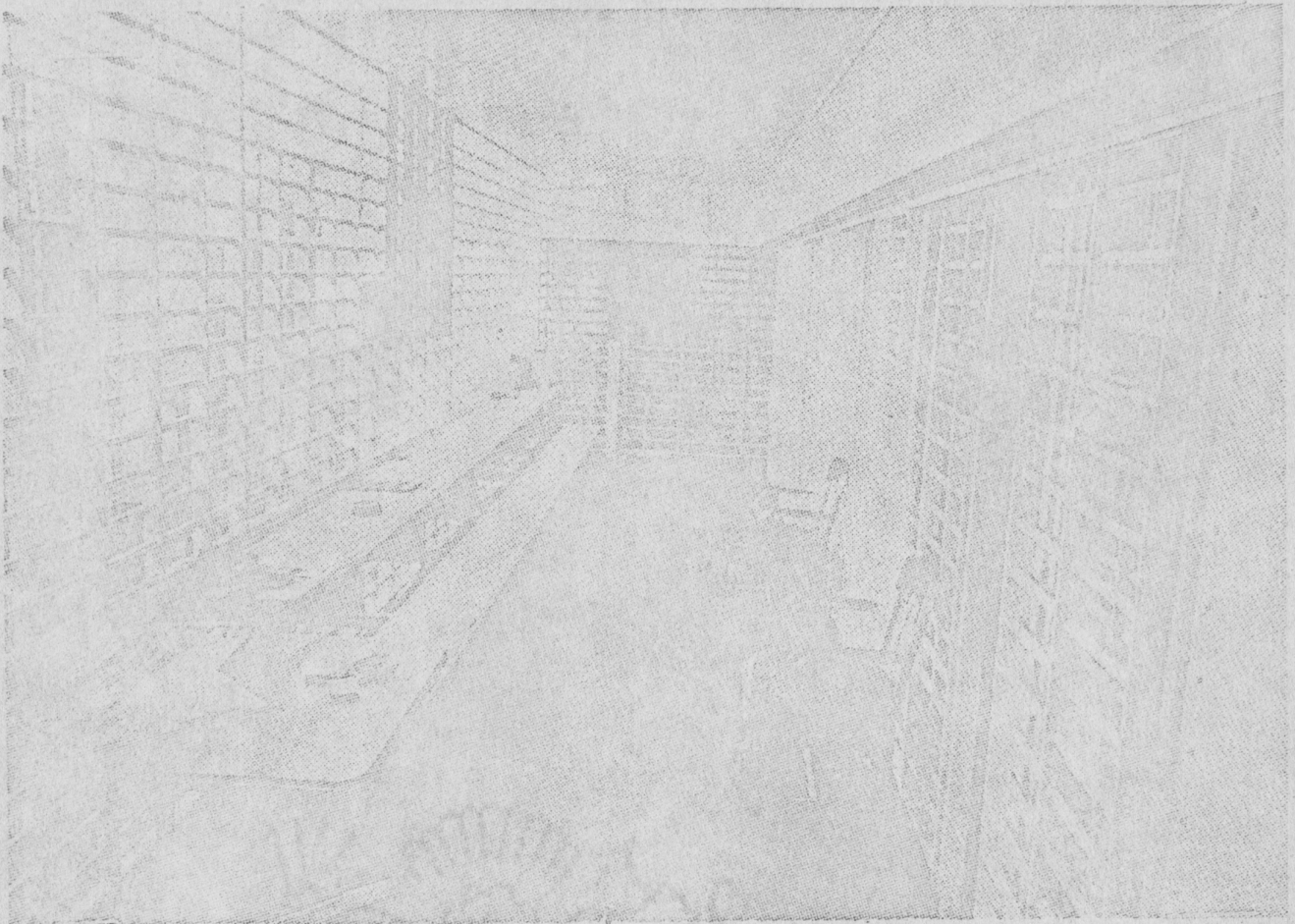
"It cost us \$16, and they drove it all over the south end of town, but nobody noticed I had fear of that jet landing and all the military standing by us and there was a dead battery in Thompson's Tank"

The sheriff said the arrival of the plane and the caravan was closely timed. "We had been in radio contact with the plane for hours and they had figured the prevailing winds and everything."

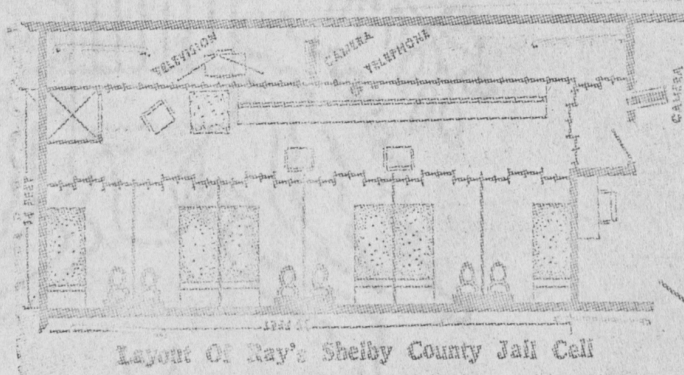
When the plane landed, Morris and other officers boarded and the charges were read to Ray. A card advising him of his rights was then read, and recorded in case there was ever any question that Ray had not been warned. Two doctors, one who had accompanied Ray on the plane and the other who had gone to Millington with the sheriff, compared notes. Ray was dressed in bullet resistant pants and vest and hustled to the armored car. Nine minutes had elapsed.

There were three alternate routes for the trip to the jail and no one but the sheriff knew which one would be used until the last minute. The most direct route, Navy Road to Highway 51 and right onto Second Street to the jail, was the choice.

The spotlights atop Thompson's Tank which blinded spectators and masked Ray's entry into the jail were an afterthought. "We didn't even know it had them," the sheriff said. "About 45 minutes before we went to Millington somebody suggested we use them. It turned out to be the most effective thing we had."



James Earl Ray's Cell -- Minus Its Famous Prisoner -- Looking Toward Door



Layout Of Ray's Shelby County Jail Cell

(Mount Clipping in Space Below)

Senate Launches Conspiracy Study Into King's Death

Ray Now In Cell

By GREGORY JAYNES

The Senate Internal Security Subcommittee has launched an investigation into whether the assassination of Dr. Martin Luther King Jr. was the result of a conspiracy.

"We are collecting all of the information on this subject we can," Chairman James O. Eastland (D-Miss.) told Morris Cunningham, chief of The Commercial Appeal's Washington Bureau yesterday.

"There always has been and there is now a question in my mind as to whether this killing was the work of one man," said Eastland. "We are securing all available information."

Ray pleaded guilty Monday and was sentenced to 99 years in prison. His attorneys denied the possibility of a conspiracy.

Federal investigative agencies long have contended that Ray acted alone. However, it was reported Tuesday that the Justice Department is taking another look at the case, in the light of Ray's courtroom hint that he did not agree with the theories of former Atty. Gen. Ramsey Clark and J. Edgar Hoover that there was no conspiracy in the case.

Atty. Gen. Phil Canale said Monday Ray's motive for killing Dr. King was essentially a question of racism. "We have no proof other than James Earl Ray acting alone killed Martin Luther King," said Mr. Canale.

Ray had nothing to say yesterday. Wearing chains, he ignored shouted questions from newsmen and entered the Tennessee State Prison at Nashville, trying to hide his face with manipulated hands.

Ray left Shelby County under conditions so different from his heavily armed arrival last July that he was able to ride right by newsmen without being noticed.

Wearing a sheriff's deputy's helmet and jacket, Ray walked from the back door of the Shelby County Jail at 12:50 a. m. yesterday, loitered on the back steps a minute while a deputy finished his cigaret then got into a regular patrol car. The car had arrived minutes earlier and three of the four men entered the jail. Ray switched places with one of them, was handcuffed to a deputy and moved out.

Sheriff William N. Morris Jr. said Ray seemed to enjoy playing the role. He waved to a local TV cameraman as the car drove out and newsmen waved back. "Don't get cold out there," Ray yelled as he passed by unnoticed.

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

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The car was met by another sheriff's unit at Third and North Parkway. Sheriff Morris left a few minutes later and caught up with the caravan near Southwestern. Ray was taken to the sheriff's substation on Hemcrest Lane and waited there until nearly 5 a. m. talking with officers. He then was taken to the highway patrol station on Highway 70 where he was given into state custody at 5:20 a. m.

Ray rode to Nashville in an unmarked car with state Safety Commissioner Greg O'Rear, TBI chief W. E. 'Bud' Hopton and two other officers. Seven cars of heavily armed state troopers escorted them.

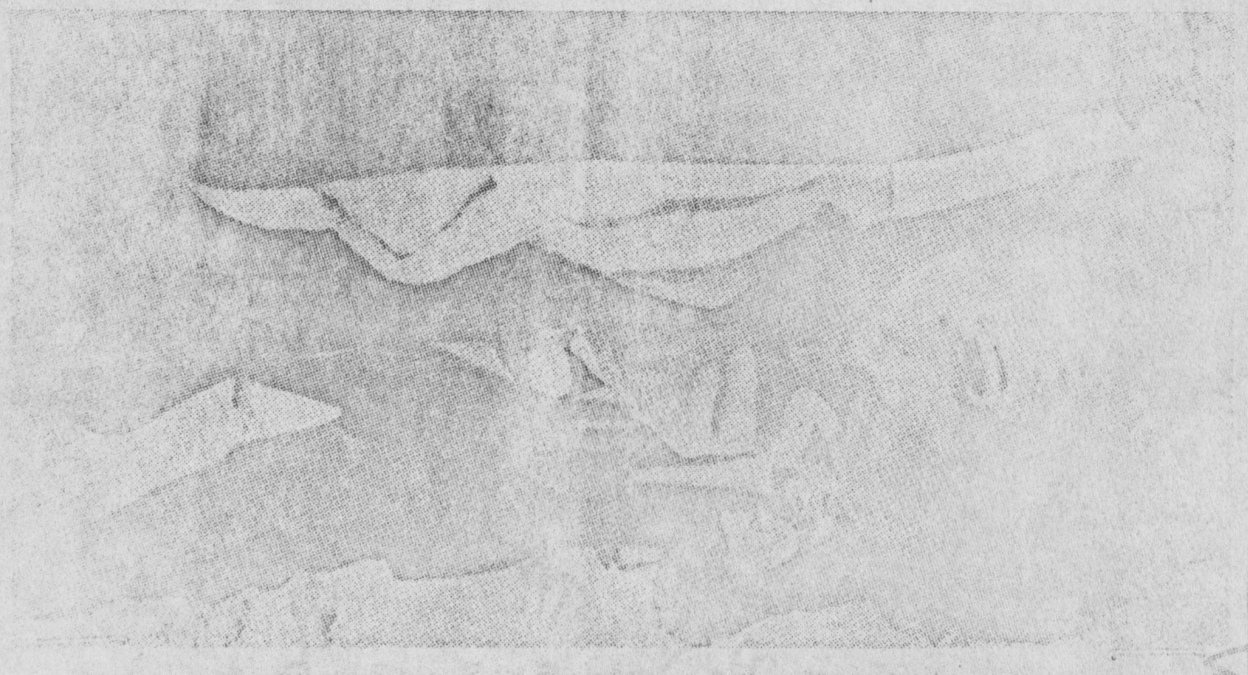
For the confessed killer, the sound of a cell door slamming was nothing new. He has been in and out of prisons all his adult life.

On the heels of that, William Bradford Huie said last night he now believed there was no conspiracy and that Ray acted alone.

In a television interview with NBC Mr. Huie said: "The first story that Ray told (wrote) me was that he was sitting in the Mustang, parked on Main Street. He said that Raoul (the mystery blond Cuban mentioned in previous Huie articles) fired the shot, ran down the stairs and dropped the gun and jumped into the backseat of the car, covering himself up with a sheet."

Mr. Huie also said that Ray had insisted that Raoul had made the decision to kill Dr. King. The Alabama author said he was convinced for a long time that Ray had been a hired participant in the conspiracy, but that he was unable to verify many of the things Ray told him.

Ray Arrives At Prison, Hunted By Greg O'Rear And High-Way Patrol Together With McQuire.



(Mount Clipping in Space Below)

'5,000 Pages Of State Evidence Convinced Ray To Plead Guilty

By JAMES KILLPATRICK

The tightly woven net of evidence responsible for convincing James Earl Ray to plead guilty was gleaned from a staggering mound of investigative reports which began to arrive at the prosecutors office shortly after the crime.

There is no doubt the circumstantial case was strong enough to convict Ray of being the man who pulled the trigger on Dr. Martin Luther King Jr. here last April 4. Whether it will prove, in the end, strong enough to quiet fears of a conspiracy is uncertain. In light of the widespread criticism found around the world which followed Ray's guilty plea and 99-year sentence last Monday, this appears doubtful.

The man most responsible for compiling the state's case, Asst. Atty. Gen. James Beasley, is satisfied the matter has been explored as thoroughly as humanly possible.

Mr. Beasley, a tall, strong-jawed man who normally works with Exec. Asst. Atty. Gen. Robert K. Dwyer as the attorney general's top courtroom team, has lived with the Ray case for nearly a year. His tiny office on the third



James Killpatrick

This report was prepared after a detailed study of the court transcript and interviews with the attorney general's office.

floor of the Shelby County Office Building became the center of the prosecution effort. Behind a door fitted with special security equipment the reports from police officers and FBI agents began to pile up. The total was to pass 5,000 pages and some reports on minor points are still arriving.

When it became apparent that Ray was willing to

guilty plea for a 99-year term, Mr. Beasley wrote the long stipulation of evidence — facts that the defense agreed the prosecution could prove — which he read to the jury which approved the sentence. But in the earlier stages, everything was aimed at a full-scale trial.

As the reports mounted — and a glance at the bulging filing cabinet sustains the FBI's reputation for painstaking thoroughness — Mr. Beasley's secretary began a numbering system. The names of persons mentioned in the reports were transferred to a card file. The page number of any subsequent reference was added, giving the prosecution instant access to information about any individual who had figured in the investigation.

This system also figured in the check on any conspiracy, an aspect which hung over the whole case like a shroud.

"We kept our eyes open for any pattern of associations," Mr. Beasley said. "We checked to see whether any of the same people kept popping up — either meeting Ray, or

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even being registered at the same hotel or motel, or in the same town."

No such pattern developed.

What did develop was a picture of Ray as a man who did not have a normal relationship with any other person — a loner.

Does this jibe with the picture of a man who took dancing lessons and zipped around the country in a sporty Mustang?

"We talked with one of the dance instructors in Los Angeles and she said that when they had their get-togethers he kind of sat off in the corner by himself. He just didn't mix," Mr. Beasley said.

"As for the Mustang, the boy who sold it to him in Birmingham said he used to see it parked in front of that rooming house for a week at a time. He didn't seem to use it around town at all."

Ray did read a lot, including a paperback novel called "The Ninth Dimension" about a political assassin who wrapped the weapon in a green bed cover, strangely like the spread around the weapon dropped on Main Street after Dr. King was shot. He also read a lot of cheap magazines — and ordered items from the ads.

"If there's one thing he did, he did write letters," Mr. Beasley said. "His handwriting was like chicken scratches, but he turned them out." Some camera equipment is an example.

"He ordered this stuff out of a magazine, but when it arrived at the rooming house in Birmingham it was the wrong camera. He had left Birmingham by the time the right stuff was sent and Mr. Cherpes (the landlord) returned it. Then Ray wrote the company from Mexico, asking that his refund be sent there. He wrote them again from Los Angeles and asked for the refund again."

He also ordered a cheap set of Japanese handcuffs, a \$1 sample of something called EZ Do, which makes mirrors of ordinary glass, and faithfully kept up installment payments on a correspondence course in locksmithing. All his payments were in cash or money orders.

Mr. Beasley is quite willing to believe that somebody, somewhere may have influenced Ray to kill Dr. King, but suggestions of an international Communist conspiracy, such as raised by Ray's first attorney, Arthur J. Hanes, are something else.

And hints that the FBI, former U.S. Atty. Gen. Ramsey Clark and even the local prosecutor's office are in some way covering this up are enough to shatter Mr. Beasley's calm demeanor, at least momentarily. "I resent the hell out of that," he said, the volume of his voice rising.

Mr. Beasley is willing to believe that someone may have convinced Ray that whoever killed Dr. King would be "a big man" — maybe somebody in a bar, or maybe even in the Missouri State Prison before Ray's escape.

"But under Tennessee law it takes more than talk to constitute a conspiracy there has to be an overt act. Of this there is no evidence," Mr. Beasley said.

"I do know he was disappointed at the lack of response from white society — no great outpouring of defense funds. I think he finally came to realize that we (the attorney general's office) took a very dim view of him coming here and killing Dr. King."

A national news service has made great capital of three points which it says will be the "grassy knoll" of the King assassination, referring to the persistent questioning of the Kennedy killing in Dallas. These are that Ray had a suit shipped from Montreal to a rooming house in Birmingham, that there were unexplained cigaret butts in the Mustang when it was found in Atlanta (Ray did not smoke) and that someone ordered a duplicate Alabama driver's license in the name of Eric S. Galt while Ray was known to still be in California.

Two of these points can be quickly answered by Mr. Beasley.

Writers have wondered how Ray could have known about the sleazy rooming house in Birmingham in advance. He didn't. Ray went to Birmingham, rented the room, then wrote to the tailor in Canada telling him where to ship the suit.

The mysterious cigaret butts apparently do not exist. A news story at the time the car was found mentioned them, although Mr. Beasley said he had no recollection of any. To be sure, he checked the FBI report on the car. Agents had literally taken it apart. There was a list of all the items found — trash on the floor, a Personna razor blade on the dashboard, an old windshield wiper blade in the trunk. (There was even a scrap of Kleenex in the trunk on which had been written the names of two prostitutes. The FBI tracked the women down in the Midwest. They had been in

Los Angeles when Ray was there, although both denied knowing him.)

But no cigaret butts.

The driver's license question remains unanswered. Ray was definitely in Los Angeles when someone called the state office in Montgomery, Ala., and asked that a duplicate license be mailed to the Birmingham rooming house, at 2608 South Highland. Ray at that time was preparing to leave California — he already had filled out change of address cards for the Post Office, giving a new address as General Delivery, Atlanta — and Mr. Beasley said Ray could have made the call himself by long distance. It is not known who picked up the license at the Birmingham address and mailed the 25 cent handling fee to the state.

Back at the prosecutor's office, as Ray's original trial date of Nov. 12 approached, the staff started checking out some of the potential witnesses. Mr. Beasley, Mr. Dwyer and John Carlisle, chief investigator for the attorney general's office, went to Birmingham, Atlanta, Los Angeles — then to Canada, London and Lisbon, Portugal — all points on the trail of James Earl Ray.

Mr. Beasley said these trips allowed the prosecution to decide which of the many potential witnesses should actually be called — how to present all the evidence, but without duplication. Many of the witnesses were reluctant to testify and had to be cajoled.

Shortly after Ray fired Mr. Hanes, the former Birmingham mayor who had made much of his Communist conspiracy theory, and hired Percy Foreman, on the eve of the trial, the strategy changed toward a possible plea of guilty. There is some difference of opinion as to just how this arose.

Atty. Gen. Phil M. Canale said he brought up the matter in a telephone call to the Justice Department on Dec. 19 and asked for the department's views. Mr. Canale said he acted alone and that "from the standpoint of a prosecutor seeking a compromise plea and punishment is the custom instead of the exception (better than 90 per cent of criminal cases in Shelby County are handled in that manner)."

Hugh Stanton Sr., the county public defender who was named co-counsel by Judge W. Preston Battle on Dec. 12, said he discussed a guilty plea with Mr. Foreman on that day and several days later approached the attorney general (The Commercial Appeal reported the meeting at the time, although both parties officially denied it). Mr. Foreman was convinced that no prosecutor would be able to resist the spotlight a trial would bring. "You'll never be able to plead this case. There's too damn much publicity." But he told Mr. Stanton to give it a try anyway.

Mr. Stanton said Mr. Canale promised to discuss the possibility with Mr. Dwyer and Mr. Beasley and that several weeks later he was informed that Mr. Canale would accept a plea, but only if Ray would take a 99-year sentence and only if the request came from the defense.

"He (Canale) couldn't afford to be in a position of offering a deal because of all this publicity," Mr. Stanton said.

The day after Christmas, Mr. Stanton called Mr. Foreman in Houston and told him about the proposition. Mr. Foreman said he doubted that Ray would go along and when he first broached the subject to Ray that is what happened. "Mr. Foreman, you don't know the facts. I'd rather take my chances with a trial," Ray said.

Meanwhile, Mr. Canale had contacted Gov. Buford Ellington and Dr. King's widow. The governor had no objection. Word was received from Mrs. King that there was no desire to see Ray executed, but that they would reserve judgment on whether there was a conspiracy.

Judge Battle said that Mr. Foreman approached him sometime in February.

"He asked me then, infor-

mally, for information regarding a guilty plea. He also asked whether a guilty plea could be settled with a life sentence. I said, "Whoa, that's only 13 years in this state and the very least I'd consider is 99 years." I told him that before anything could be done there would have to be a waiver of the defense motions and that examination of Ray would have to take place in open court at which time Ray would have to make clear that he understood what the plea meant."

Time was running short, with Ray's trial scheduled to start on March 3. On Feb. 14, the judge granted a five-week postponement, to April 7. A week later, on Feb. 21, Mr. Foreman shambled into Mr. Canale's office with a formal offer of a guilty plea. He carried a letter signed by Ray.

Mr. Beasley set to work writing the stipulation. Briefly this is what it said the state could prove:

That Ray checked into the rooming house at 422½ South Main on the afternoon of April 4 under the name of John Willard and that Mrs. Bessie Brewer could identify him. That Ray selected a room overlooking the Lorraine Motel, where Dr. King was staying. That shortly afterward he purchased a pair of binoculars from Ralph Carpenter at York Arms Co., a few blocks north on Main. That Mrs. Elizabeth Copeland and Mrs. Peggy Hurley who worked across the street, would identify a white Mustang which had been parked near the rooming house.

That Charles Q. Stephens, a tenant at the rooming house, had seen Ray when he checked in and later heard furniture being moved in Ray's room. That Willie Anchutz, another roomer, had tried to use the bathroom and found the door locked. That Mr. Stephens heard a shot from the bathroom at about 6 p.m. and looked out to see Ray hurrying down the hall with a package in his arms. That Guy Canipe, owner of Canipe Amusement Co. at 424 South Main, and two customers, Bernell Finley and Julius Graham, saw a man drop a package in the doorway there (it contained the rifle and a small zipper bag wrapped in a green bedspread) and then drive off in a white Mustang which had been parked in front.

That police officers who had been at Fire Station No. 2, at Main and Butler, heard the shot and ran toward the motel — and that some searched the brushy area behind the motel (a report by Dr. King's chauffeur, Solomon Jones, that he saw a man "with something white over his face" run from this area had been a key point).

That officers entered the room Ray had rented and found a chest had been moved away from a window which offered a view of the Lorraine and that straps from the binoculars (they were in the bag dropped on Main Street) were in the room. That a check of the bathroom showed scuff marks in the bathtub where someone had been standing and that an indentation on the window sill — which was cut away and sent to the FBI laboratory — matched marks on the barrel of the rifle found on Main.

That a check of motel records showed a man using the name Eric S. Galt had stayed at the Rebel Motel on Lamar the previous night and that Galt had been driving a white Mustang with Birmingham, Ala., license.

That the rifle, a 30.06 Remington pump with telescope sight, had been purchased at Aeromarine Supply Co. in Birmingham on March 30, with a trade-in of another rifle purchased the previous day by a man using the name Harvey

Lowmeyer and that clerks in the store and Capt. John DeShazo, an Army doctor stationed now in Japan, would identify Ray as Lowmeyer.

That the white Mustang had been purchased from William D. Paisley in Birmingham, for \$1,995 cash, by Ray, using the name Eric S. Galt and an address of 2608 South Highland and that Ray subsequently got a driver's license and license plates under that name.

That Ray left Birmingham about Oct. 5, 1967, and went to Mexico, staying there about five weeks and then moving to Los Angeles. That Ray became friendly with Miss Marie Martin, a waitress at the Sultan Room (here again Mr. Beasley pointed out the lack of a normal relationship. Ray would sit at the bar for hours and talk to Miss Martin when she wasn't busy, but he never took her out to dinner or to a movie, or anywhere.)

That through Miss Martin he met her cousin, Charles Stein, and that on Dec. 15 Ray drove Charles Stein to New Orleans, returning on Dec. 19 with Charles Stein, his wife, Rita, and two children.

From Los Angeles, the stipulation said, the state could call a laundry owner to identify marks on underwear dropped at the murder scene, a dance studio proprietor and a bartending school owner, Thomas Reyes Lau, to identify Ray as Eric S. Galt and a plastic surgeon, Dr. Russell C. Hadley, to tell about corrective surgery on Ray's distinctively pointed nose.

The stipulation also said the state could prove that:

On his way back from California stopped on March 22 at the Flamingo Motel in Selma, Ala., near where Dr. King was supposed to make a speech. That he rented a room in an Atlanta rooming house on March 24 and that a city map found in the room had Dr. King's home, office and church circled. That on April 5 residents of the Capitol Homes area in Atlanta saw a man park a white Mustang and walk away and that on the same morning Ray picked up laundry at the Piedmont Laundry. That six days later the FBI was called about the car and that human hair found on items in the car later was matched with samples taken

from Ray when he was given a haircut in the Shelby County Jail.

The stipulation then moved to Toronto, Canada, where Ray used the names Paul Bridgeman and Ramon George Sneyd, obtaining a Canadian passport under the latter name.

Mr. Beasley does not discount the possibility that Ray may have had some help in obtaining the passport, although all the information he used in getting duplicate birth certificates under the two names was readily available in newspaper files in the public library. "He spent a lot of time in waterfront bars and if there's one thing a con can spot it's another con. Maybe somebody told him how to go about it."

The stipulation then traced Ray's trail to London, to Lisbon, Portugal, and back to London where he was arrested.

Mr. Beasley's document said that George Bonebrake, an FBI fingerprint expert, would testify that Ray's prints were on the rifle, on the binoculars, on a can of Schlitz beer, on a bottle of shaving lotion purchased at a Rexall store in Whitehaven (no great detective story there, a sticker on the bottle identified the store) and on an April 4 issue of The Commercial Appeal, all found in the bundle dropped in front of Canipe's store.

This mass of evidence apparently is what persuaded Ray to plead guilty. Two or three days after Foreman received Mr. Beasley's stipulation he said Ray would agree to it. For insurance, the approval of Ray's brothers, John and Jerry, was obtained too.

Up to the last minute, Ray continued to waiver and Mr. Foreman went over the document again with him last Sunday, after the special hearing had already been set.

Mr. Stanton said that investigators for the defense — and William Bradford Huie, the author who had bought Ray's handwritten story — found they could not verify many of the things they had been told. "We quickly established that all of this so-called favorable testimony — like the man in the bushes — just didn't exist."

Mr. Beasley has his own ideas.

"I think he came to realize that his conspiracy story wouldn't stand up under intense cross-examination. I feel sure he planned to take the stand, I think that's one of the reasons he fired Hanes. Hanes didn't want him to. I think he figured that by pleading guilty and making a statement in court like he did he would keep the conspiracy story alive."

There was plenty of ammunition for the cross-examination, a special skill of the more fiery Mr. Dwyer.

After Ray bought the first rifle, a 243-caliber bolt action, he called Aeromarine Supply and said he wanted to trade it in for a 30.06 weapon, saying his brother thought the 243 wasn't the right rifle. (This mention of a brother, incident-

tally, is the basis for the original federal conspiracy charge, which is still open.) When FBI agents picked up the 243 at the store later, they found that a flaw in the bolt prevented it closing on a cartridge. The rifle could not have been fired.

"If he'd got on the stand and said his co-conspirator told him to switch rifles, we would have asked him something like: 'Isn't it true that the first rifle wouldn't operate and you didn't want to admit you were not such a big man by letting the store know you couldn't figure out what was the matter?' Mr. Beasley suggested.

But it was the little things with which the prosecutors intended to impress the jury.

A styrofoam box was found in the trunk of the Mustang. FBI experts did a little comparison shopping and concluded

it looked like a box in which the Polaroid 220 cameras were packed. When Ray was arrested in London he had a Polaroid 220 camera in his suitcase. It fit the box perfectly.

And then there was the transistor radio found in the bag he dropped in Memphis. One spot on the plastic case had been scraped away. The FBI lab was able to bring out the numbers "00416" but nobody could make any sense out of it.

Then, on April 19, FBI agents going through the 53,000 fingerprints in the bureau's fugitive file matched the prints found in Memphis and Atlanta with those of a Missouri prison escapee named James Earl Ray.

"The number then became another link in the chain," Mr. Beasley said. "James Earl Ray's prison number was 00416."



Jim Beasley (left) And Robert K. Dwyer

—Staff Photo

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"It's The James Earl Ray Case!"



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Full Truth In Ray Case Still Mystery To Judge

By BERNARD GAVZER

Associated Press Writer

Judge W. Preston Battle said yesterday that he believes the full truth still is not known about James Earl Ray and the assassination of Dr. Martin Luther King Jr.

The judge, in whose court Ray pleaded guilty to the slaying of King and where the case would have been heard had it gone to trial, said that like many other Americans, he remained puzzled about several unanswered questions.

But he said he is convinced that a trial would not have produced the answers.

"Like others, I would truly like to know how Ray actually found the spot from which to fire. How did Ray know where Dr. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?"

"Most puzzling of all, is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

Dr. King was shot to death April 4 as he stood on the balcony of the Lorraine Motel. The killer was reported to have fled in a white Mustang.

The judge said there is much speculation about possible answers, but nothing based on fact and evidence.

"I'd like the full proof," he said. "And as I said on March 10 when the agreement was reached to permit Ray to change his plea to guilty, there is no end to our interest or to the law's responsibility and determination."

"There has been much talk of a conspiracy, but no one's saying so has yet produced a single shred of evidence or named an associate or conspirator."

With these questions puzzling him, why did Battle concur in the defense-prosecution agreement to allow Ray to change his plea and take a 99-year sentence? Ray could have have been sentenced to death if he had been found guilty.

"I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer," the judge said.

"It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King.

"That assumes Ray would have taken the stand. I doubt very seriously that defense counsel would have risked placing Ray in such a position. In fact, as I understand it, this all along has been one of the main problems between Ray and various men who have acted for the defense. They counseled against it, and he kept wanting to take the risk.

"Suppose he had taken the stand, the public should understand that this would not guarantee that this would have cast light upon these puzzling questions. In an adversary proceeding, each side tries to make the best case, and so some things might be exagger-

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PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

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ated, some minimized or obscured.

"Had there been a trial, there could always have been the possibility, in such an emotionally charged case, of a hung jury. Or, though it may appear far fetched now, he could have perhaps been acquitted by a jury."

Battle said he thinks that some of the unanswered questions ultimately will be answered by Ray. He said he thinks that Ray has enjoyed the notoriety and will periodically explain various details of the crime.

The record indicates a rather careful proceeding in which Battle attempted to avoid any happenstance that could be interpreted as judicial error or seized upon as grounds for abrogating the agreement.

He repeatedly examined Ray as to Ray's understanding of the agreement and whether he was doing this of his free choice.

"The law requires only two things in such a proceeding," the judge said. "One is that we present the body of the corpus delicti, and the second is that evidence be presented establishing that the defendant was involved with the crime."

"This was accomplished through the witnesses who appeared and testified to the last living moments of Dr. King and to the nature and cause of death. The evidence relating Ray to the slaying was stipulated and read in open court by the state, and this described the chain of evidence which would have been introduced in a trial."

(Mount Clipping in Space Below)

Canale Says Ray Eyeing Short Term

Phil M. Canale, Shelby County attorney general, said yesterday James Earl Ray admitted killing Dr. Martin Luther King Jr. and accepted a 99-year prison term because he thinks he will be out of prison in two years.

Mr. Canale said defense attorney Percy Foreman told him Ray said he would be free in two years, but did not specify whether he intended to gain freedom through court action or a prison break.

There have been reports from the Tennessee State Prison in Nashville where Ray is confined in the maximum security unit, that he is having second thoughts about his deal and may try to have the sentence overturned.

Mr. Canale said on WHBQ-TV's Press Conference the only legal way Ray could do this would be through a writ of habeas corpus, which would

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COMMERCIAL APPEAL

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BELL AND LAWSON RAP RAY'S SPEEDY TRIAL!

Two of Memphis' leading civil rights leaders, both ministers, were critical of the swift trial Monday that made it possible for a 99 year sentence to be imposed on James Earl Ray, confessed slayer of Dr. Martin Luther King.

The Rev. James L. Lawson Jr., pastor of Centenary United Methodist Church and a close friend of the late Dr. King, said "Once a-

gain, one of our institutions, the Court, has proved unable to give black people a basis for hope."

In a special statement to the Memphis World, he said: "Before the trial I was told on good authority that much of the evidence would be presented in the trial showing where Ray got the money and connecting him directly with

the murder. This did not happen. What it means is that most black people will have massive unsolved questions.

"The white people may now be able to put aside their guilt. They have a sacrificial lamb serving 99 years. But, for those of us who seek to follow the dream of Martin King, the city and society are

both diseased by the cancer-like virus of racism.

"The legal apparatus has in no way spoken to this issue with its swift conviction of Ray."

THE REV. EZEKIEL BELL, pastor of Parkway Gardens Presbyterian Church and newly elected president of the Memphis branch of

Continued on Page Four

Bell And Lawson

(Continued from Page One)

the NAACP, said "I felt the man would be found guilty but didn't expect it in the manner in which it was done.

"He (Ray) must have some help all the way from Memphis to around the world. A trial would have brought this out."

Asked to comment on the calm that existed in Memphis, especially among Negroes, following the quick trial, Rev. Mr. Bell said "I am sure the town (Memphis) is heavily guarded. I understand National Guardsmen were brought in there Sunday. I would hope our people will not act violently."

He added: "I had hoped for an open trial so all the evidence could be brought out. I believe he (Ray) had help, but this may remain buried unless he decides to tell what happened."

Jesse Turner, vice president of Tri-State Bank and No. 1 vice president during his long presidency of the Memphis NAACP, said he had no comment.

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NAACP Official Hits Handling Of Ray Case

The handling of the case of James Earl Ray came under fire yesterday from the president of the Nashville chapter of the NAACP.

"Wrong rules the land while waiting justice sleeps," said the Rev. Peter Crawford, who also is pastor of Nashville's St. John AME church. "The average Negro feels disappointment with the manner in which they dealt with this case."

Ray pleaded guilty last week to the assassination of Dr. Martin Luther King Jr. last year in Memphis. Some contend his plea, and acceptance of a 99-year prison term, stifled a fuller presentation of facts that might have come out of a court trial of the case.

THERE WERE indications during and after Ray's court appearance that he was sorry he had made the plea. There has been much controversy surrounding the possibility Ray may have been only one of several persons involved in the murder.

"I think it's about time we think about people," the Rev. Mr. Crawford said last night in response to a question as to whether he thought the handling of the case may have aroused sympathy for Ray among Negroes.

"If there is a possibility he had to take the rap for somebody else, why shouldn't he win the sympathy of everybody — not just Negroes?" the Rev. Crawford said.

"Why shouldn't Negroes feel as sorry for him as everybody else?"

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

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NASHVILLE
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NASHVILLE, TENN.

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Assassination Investigation Asked by Unit

The Tennessee Council on Human Relations called yesterday for appointment of a presidential commission to investigate the assassination last April of Dr. Martin Luther King Jr.

In a resolution unanimously approved by those attending a quarterly meeting of the board of directors here, the council noted "lingering questions of conspiracy in the assassination."

JAMES EARL Ray pleaded guilty last week to King's assassination in Memphis and was sentenced to 99 years in prison.

In other action yesterday the council named Ed Hamlett of Jackson, Tenn., as administrative assistant to Baxton Bryant, executive director. The Rev. Riggins Earl, Nashville, was named assistant director to work with Negro ministers here in developing "Operation Breadbasket."

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NASHVILLE
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NASHVILLE, TENN.

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Strong NAACP, AME Statement On Ray Seen

By ROBERT CHURCHWELL

The Rev. Peter G. Crawford, president of the Nashville Chapter of the NAACP and pastor of the oldest congregation of the African Methodist Episcopal Church here, said today he expects the NAACP and the AME's annual conference to issue "strong statements" next week on "the disappointment of Negroes in the handling of the James Earl Ray Case."

The Rev. Mr. Crawford, pastor of St. John AME Church, 1822 Formosa St., said he felt the two organizations would act to express feelings not only of Negroes but of "others disturbed by the case."

Wrong Rules

"Wrong rules the land while waiting justice sleeps," said the NAACP president, adding that "the average Negro feels disappointment with the manner in which they dealt with this case."

Ray pleaded guilty Monday and quickly was sentenced to 99 years in prison for the slaying of Dr. Martin Luther King. Ray stated he did agree with opinions that no conspiracy was involved in the assassination of Dr. King.

The Rev. Mr. Crawford noted that an AME department head, Dr. H. Ralph Jackson, one of the leaders of the Memphis garbage strike that preceded Dr. King's assassination, "and others of our Memphis ministers," will attend the special conference Tuesday through Thursday at Bethel AME Church.

Dr. Jackson, former pastor of the host church, will address the conference Wednesday morning.

"I know these Memphis men will want to act and along with Dr. Jackson and myself we will probably get a strong statement out of the conference," the veteran AME minister said.

The Rev. Mr. Crawford said

the "quickie" trial aroused speculation that a fuller presentation of the facts in the case might have been stifled, and that Ray might have been only one of several involved in the slaying.

He said he will ask the local NAACP executive committee to name a committee to draw a statement making this position

clear in the strongest terms possible. The executive committee meets Tuesday at 7:30 p.m. at the NAACP Branch office, 1308 Jefferson St.

The Rev. Mr. Crawford said that if Ray "had to take the rap" for other assassins, Negroes, as well as white persons, should regard his conviction

with sympathy.

"If there is a possibility he had to take the rap for somebody else, why shouldn't he win the sympathy of everybody — not just Negroes?" the Rev. Mr. Crawford said.

"Why shouldn't Negroes feel as sorry for him as everybody else?"

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NASHVILLE BANNER

NASHVILLE,
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The Guest Writer

Justice In Memphis

From The Minneapolis Star

The cause of justice and the public welfare were served by the deal, or "negotiated plea" as the American Bar Association calls such settlements, that saved James Earl Ray from possible death.

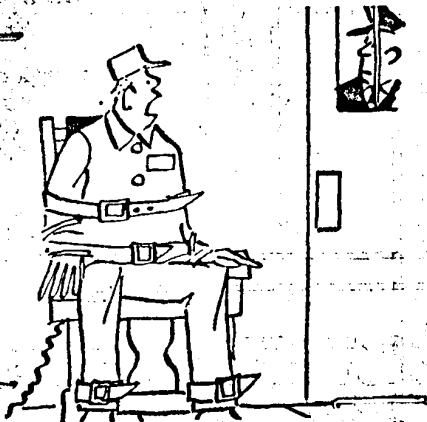
As Judge W. Preston Battle noted, there has been growing revulsion against capital punishment. The arguments against the death penalty are as valid for Ray as for anyone . . . even though his crime in the broadest sense was against the best qualities of our society, so beautifully symbolized by his victim, the late Dr. Martin Luther King Jr.

Both Mrs. Coretta King and the Rev. Ralph D. Abernathy, who succeeded her husband, oppose the death penalty, and she recalled it was contrary to Dr. King's deep own moral and religious faith. But what of the "conspiracy" that Ray himself hinted at?

If Ray was the hired killer for a conspiracy ring, and Mrs. King and Mr. Abernathy think he was, then Judge Battle's quotation from Hamlet sums up succinctly the reason why Ray's 99-year sentence makes sense: "For murder though it have no tongue, will speak with most miraculous organ."

Despite great pressure, the trial was a model of scrupulous fairness. The prosecution simply lacked sufficient evidence to win a conspiracy case. While the Justice Department's investigation matched that into President Kennedy's assassination, it, too, took a "no conspiracy" position. But apart from what Tennessee can do, a FBI "conspiracy warrant" is still out, and federal investigation continues.

First Call



"Hold it! It was a conspiracy."

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COMMERCIAL APPEAL

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Ray Did Not Want New Hearing Is Fled As Routine Matter

James Earl Ray, the man charged with the assassination of Dr. Martin Luther King, Jr., has fled from a hearing in the federal court in Memphis, Tenn., today.

Ray had asked in a letter to Judge W. Preston Battle to have his sentence reduced from 99 years to 30 years for the assassination of Dr. Martin Luther King, Jr., last April.

The action was not unexpected.

Everybody, defense counsel and Judge Battle, had expected Ray to come to court for a brief vacation. He obviously had referred to the increasing number of people who had fled Tennessee in the last few years. He also had anticipated the action of the court.

At a pre-trial press conference, Judge Battle was reluctant to talk about the case. "It is a very important case to me and I don't want to get too much involved in it," he said. Ray was back before the court on a post-conviction motion. "I understand this man's a very poor jailhouse lawyer," he said. "I might as well refuse myself and let some other poor judge handle it. I have for the last year and a half. I couldn't do it on any other day."

The hearing was a bit fast. Ray had been in the state prison at Nashville less than a week when he wrote a letter to the judge.

New York, Percy Foreman, defense counsel, said he had anticipated Ray's trying to reduce the case, "but not about a year or two."

Ray's lawyer, he is now in the court, said the case is for the court as the law. But Mr. Foreman was another version. He said his employment ended when Ray was sentenced last week.

In regards to the possible conspiracy, Mr. Foreman said he was an Associated Press writer. In my view, there was no conspiracy. In my view, James Earl Ray decided, and he alone decided, to kill Martin Luther King so that he could claim the glory. I think that James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race."

It was learned yesterday that Ray has been in contact with Arthur Hanes, the lawyer he fired on the eve of his scheduled trial last June 12. Mr. Hanes is still the most vocal believer that Ray was the duke of an international Communist conspiracy. Mr. Hanes, who lived at his home in Birmingham, affirmed that Ray had contacted him, but

Ray's lawyer, he is now in the court, said the case is for the court as the law. But Mr. Foreman was another version. He said his employment ended when Ray was sentenced last week.

In regards to the possible conspiracy, Mr. Foreman said he was an Associated Press writer. In my view, there was no conspiracy. In my view, James Earl Ray decided, and he alone decided, to kill Martin Luther King so that he could claim the glory. I think that James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race."

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said it was too early to say whether he would again represent Ray.

Meanwhile, another lawyer, Russell X. Thompson, arrived back in Memphis from New York and said he would continue an investigation into the conspiracy. He said the National Association for the Advancement of Colored People, with which he discussed the case in New York, is backing his inquiry as are "several other groups."

Mr. Thompson, who discussed the case several times with Mr. Hanes but never became an attorney of record for Ray, said he was aware that Ray had been in contact with Mr. Hanes. Mr. Thompson refused to disclose any of the information he has about a conspiracy, except to say that he has "a suitcase full" and that it includes several tape recordings. He was accompanied to New York by Paul Mitchell, a private investigator.

To get his case reopened, Ray must file a petition for a post-conviction hearing with the Criminal Court clerk. In practice, almost any kind of a written plea is considered—it does not have to meet all the legal niceties as far as spelling and form are concerned. But it must cite specific instances in which his rights were damaged to the extent that a new trial is warranted.

If Ray is granted a new trial, he will have to serve perhaps another 10 years before he is free again.

The petition would come up before Judge Battle. If the judge should rule that Ray has not shown sufficient cause to merit a new trial, the decision could be appealed to the higher state courts. It could eventually be taken into federal court, but only after all state remedies are tried.

Perhaps the most expressive comment yesterday came from Sheriff William N. Morris Jr., who was charged with keeping Ray safely confined during the more than seven months he was in Shelby County.

"Oh, no..." said the sheriff, throwing up his hands.

(Mount Clipping in Space Below)

Ray Tries Gambit To Re-Enter Court

James Earl Ray has moved for a new day in court, it was learned yesterday, by telling Judge W. Preston Battle that he wants a post-conviction hearing, naming Percy Foreman as his lawyer and by making contact with his former lawyer, Arthur J. Hanes.

Judge Battle, who confirmed he received the letter from Ray on Tuesday, said he was "not surprised" at any of the actions, including the possible move back to Mr. Hanes. It had been predicted at a post-trial press conference last Monday that Ray, even though he waived the right of appeal in pleading guilty to the murder of Dr. Martin Luther King Jr. and accepting a 99-year sentence, would try some sort of post-conviction action.

To get back before the court, Ray would have to file a petition with the criminal court clerk here citing errors which would merit reversing his conviction and ordering a new trial.

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March 25, 1969

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Ray Regretted Plea Before Prison Trip

Sheriff William N. Morris yesterday said James Earl Ray talked about changing his mind about his guilty plea even before he left Shelby County on the way to the state prison.

The sheriff said Ray talked about a post-conviction hearing while Morris and the prisoner waited for state prison officials at the sheriff's substation on Hemcrest Road early March 11.

"He told me he wished he hadn't pleaded guilty, that he had not intended to plead guilty and that he was sorry he took that route," the sheriff said. He said Ray then told him he would file for a reversal under the post-conviction processes.

"When I told him I was glad to see him leave, he told me, 'Oh, I'm planning on coming back,'" the sheriff said. Ray never said he was innocent, only expressed his displeasure with the legal process which had been used.

Ray, in his letter to Judge Preston Battle, said he was dismissing Percy Foreman as his lawyer. Arthur Hanes, the former Birmingham mayor whom Ray fired on the eve of his scheduled trial last Nov. 12, confirmed Wednesday that he has been contacted by Ray from the prison.

Criminal Court Clerk James A. Blackwell said more than 100 post-conviction proceedings are filed each year in Shelby County.

A petition from Ray, which would have to allege how his rights had been violated by earlier proceedings, would be docketed in the division where he was tried, before Judge Battle. If the judge turned down the petition, Ray would then be able to appeal that decision through the higher state courts and the federal courts.

If Ray should be granted a new trial under the post-conviction process, he would be liable to all the possible penalties for murder in the first degree, including death in the electric chair.

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

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COMMERCIAL APPEAL

MEMPHIS, TENN.

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Editor:

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(Mount Clipping in Space Below)

New Legal Role Takes Shape In Ray Case

By ROBERT KELLER

A Savannah, Ga., attorney long associated with anti-Negro and anti-Jewish causes was reported on his way to Nashville last night to talk to James Earl Ray while another attorney who once represented the man convicted of killing Dr. Martin Luther King expressed renewed interest in the case.

J. B. Stoner, linked in the past with the Ku Klux Klan and the National States Rights Party, said he will talk to Ray about the possibility of filing a libel suit against a magazine, but that he would represent Ray in a criminal proceeding if he were asked.



J. B. Stoner
—UPI Telephoto

Former Birmingham Mayor Arthur Hanes, who represented Ray until he was replaced by Percy Foreman of Houston, Texas, Nov. 1, said he had "received a very nice letter from Mr. Ray."

"I don't have any firm plans to go to Nashville, however. I have never had any intentions of getting back into the case in an active way, although I thought, of course, I would like to talk to him."

In Nashville, prison authorities said they knew of no appointment scheduled for Ray today, but if Mr. Stoner, or anyone else, can show he has been retained by Ray he should have no difficulty in seeing him, Warden Lake Russell said.

Mr. Stoner stopped in Chattanooga to visit an attorney friend, Robert Hill Jr., and one source later said Mr. Hill was

going with Mr. Stoner to Nashville.

"I don't think Mr. Ray is guilty," said Mr. Stoner. "That's one reason we plan to bring a libel suit. On the criminal matter, I'm not in a position to say anything about it now because I haven't reached the stage yet where I can."

Mr. Hanes, who was assisted by his son, Arthur Hanes Jr., when he represented Ray, said his client at one stage talked of possible civil actions.

"Some months ago — in Shelby County — Mr. Ray mentioned that he wanted to sue some national publications, but I told him I was not interested," said the elder Hanes.

Criminal Court Judge W. Preston Battle, who presided when Ray pleaded guilty March 10, sentenced him to 99 years in prison and Wednesday was notified that Ray was planning new legal moves, was out of the city and was not expected to return until late next week.

No writ or motion could be considered in the case until he returns, although one could be

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

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COMMERCIAL APPEAL

MEMPHIS, TENN.

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filed at any time with the Criminal Court clerk.

Observers agree that Ray could file a writ of habeas corpus claiming his conviction was invalid, but they differ as to whether he can file a motion for a new trial. Such a motion would have to be filed within 30 days from the time of conviction.

There appeared little likelihood that Mr. Stoner and Mr. Hanes would be associated in legal representation of Ray.

Mr. Stoner first conferred with Ray in his Shelby County jail cell Sept. 28 and soon afterward Mr. Hanes told Judge Battle there was a possibility he would withdraw from the case because he "would not let that man Stoner be associated in any case I was involved in."

Although declining to tell what was in the "very friendly letter" he received from Ray, Mr. Hanes said it did not mention Mr. Stoner.

"I don't want to criticize anybody," said Mr. Hanes. "But I said I don't want to work with him (Mr. Stoner) and that still goes."

(Mount Clipping in Space Below)

Stoner Visits With Ray, Says Plea Was Pressured

James Earl Ray's third attorney emerged from a two-hour visit in Ray's maximum security cell in Nashville yesterday saying the convicted killer of Dr. Martin Luther King Jr. was pressured into pleading guilty.

J. B. Stoner, once the vice president of the National States Rights Party and a Savannah, Ga., lawyer long associated with the Ku Klux Klan, visited Ray at the Tennessee State Prison. He said he had new information in the Ray case.

Stoner would not discuss his new information. He refused comment when asked if he would help Ray in his bid for a new trial, though he had said earlier that he would.

The attorney added that "the National States Rights Party didn't like Martin Luther (sic) King and I didn't like Martin Luther (sic) King, and I've never shed any tears about what happened to him." He said he didn't think his association with the Klan or his party would hurt Ray's case.

Stoner said, at the moment, he is only representing Ray in suits that Ray intends to file against several national magazines for "false and defamatory" charges against

him. "He (Ray) is not guilty," Stoner said. "I think Mr. Ray is the victim of a conspiracy."

Ray has written Criminal Court Judge W. Preston Battle asking for a post-conviction hearing — to which he is entitled under Tennessee law — but a hearing cannot be held until the judge returns from a vacation later this week.

Ray has not said Stoner would be employed in an appeal for a new trial, but he wrote a letter to his former attorney, Arthur J. Hanes of Birmingham, asking for assistance.

Hanes said he "might sometime go up and talk with James Earl Ray, but I've never had any intentions of getting back in the case."

Ray dropped Hanes Nov. 10, the night before he was first scheduled to come to trial, and hired Houston attorney Percy Foreman, who was representing him March 10, when Ray pleaded guilty and was sentenced to 99 years in prison.

In Memphis yesterday, Russell X. Thompson, local attorney who helped Hanes investigate the murder, said he had turned over his file on the King assassination to the F.B.I. He said his investigation indicated the possibility of a conspiracy, but declined to elaborate.

Stoner's visit was followed almost immediately by a visit from Ray's brother Percy, from St. Louis, Mo.

Stoner said he had seen Ray in a cell in the prison and that he seemed to be in good health. He said he had seen Ray for a man in this particular hotel.

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

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COMMERCIAL APPEAL

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MAR 26 1969
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Percy Foreman: He Makes A

The Commercial Appeal-Chicago
Daily News Service

HOUSTON, TEXAS, March 22.—As long as we have a Percy Foreman to rear up in defense of murderers, lofty thoughts of abstract justice will have to take a back seat to showmanship and entertain-

ment. That is why courtroom buffs and newsmen who had reserved seats to the James Earl Ray trial are now going about downtown. Foreman is a spell-binder, a great lawyer and a Goliath of a man with the dramatic instincts of a Barrymore.

He may have acted in the best interest of the man who pleaded guilty to the murder of Dr. Martin Luther King Jr. last week in Memphis, but it was a low blow to the fans of courtroom theatrics.

After 41 years of defending all manner of accused, Foreman's reputation has transcended the bounds of Texas, where, the saying goes, if you shoot someone down in cold blood at noon on a street crowded with witnesses, the very next thing you do is call Percy.

In 1952, Foreman had defended 70 accused murderers. Of those, only 1 had been executed and only 52 had been sent to prison. The other 705 went free. No one has bothered to keep an accurate count since, but Foreman himself estimates he has defended perhaps 100 more murder cases. Only one of the clients was convicted.

Killing In The Murder Game

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

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— COMMERCIAL APPEAL

— MEMPHIS, TENN.

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Foreman, 65, improves with age, and, despite a bad back, handles something like 40 criminal cases a week.

It isn't that Foreman needs the money. He entered the ranks of the millionaires more than a decade ago, and he often takes cases for nothing. ("I won't make a dime on the Ray Case," he remarked not long ago.) But he has a terrible fee for cases that have more than their share.

Perhaps the biggest fee Foreman has ever earned was from Mrs. Cecil Blaffer Hudson in a divorce suit several years ago. Foreman won for Mrs. Hudson custody of her two children and a settlement of six and one-half million dollars from the unfortunate husband.

"We're satisfied with the settlement," Foreman said after the trial. "At least it's more

than Bobo (the first Mrs. Winthrop Rockefeller) got. That is what Mrs. Hudson said she wanted — more than Bobo."

The Houston newspapers printed reports that his fee was a million dollars.

Foreman once was asked to compare himself with Clarence Darrow, Chicago's great criminal lawyer of the '20s and '30s. He replied:

"He and I are both interested in the same things — the rights of the poor and oppressed. If they're not poor when I meet 'em, they are when I'm through with them."

He will haggle over the smallest fee. Once he talked a pathologist client out of his microscope and a musician out of



Percy Foreman
—Staff Photo

her harpsichord. He will accept anything in lieu of a cash fee.

That is why he owns dozens of little houses and lots all over Texas, 2½ pounds of diamonds and storage sheds around Houston packed with stoves and refrigerators, furniture and antiques and heaven knows what else.

"I just don't have time to mess with all that stuff and practice law too," he says. "Maybe if I retire, I'll get time to look after it all."

Prosecutors and peace officers pray every day for Percy's retirement. The story that shows how lacerating he can be to the prosecution happened in 1950. Foreman, in defending a man accused of murder, so maddened Harris County Sheriff Buster Kern and Texas Ranger Capt. Johnny Klevenhagen that when the jury foreman said "not guilty," Kern and Klevenhagen — normally two taciturn, rock-faced men — emitted cries of rage, leaped the courtroom railing, pounced on Foreman and pummeled him until they were restrained.

"See," one later exclaimed triumphantly to another, "I told you the sheriff did it."

As usual, Percy had tried the officers in defense of his client.

His technique is nearly always the same.

First, he is always prepared. "He is a very thorough lawyer," says William Walsh, a former partner (Foreman and his partners never last long together). "He knows what the evidence will be."

Secondly, he goes for a jury trial (the Ray case was a rare exception), because, as he points out, "I'm pretty good with juries." He never picks people to serve on juries who work as scientists or accountants. "I want people who work with other people and know human frailty," he says. "I like social workers and teachers and bartenders on my juries."

And once the trial is under way, Foreman tries his best to keep the attention off his client. "You should never allow the defendant to be tried," he says. "Try someone else — the husband, the lover, the police, or if the case has social implications, society in general."

Percy Foreman was born in a log cabin in the piney woods of East Texas. His daddy was a sheriff and Percy picked up

his love of the law by hanging around the courthouse. He dropped out of high school, but finally worked his way through the University of Texas Law School.

Even then, he had the Midas touch. He managed to save \$67,000 while a law student. "How did you do that?" someone once asked him, and he replied, "I sold cars, worked as a booking agent for the Marine Band and made speeches as a Chautauqua lecturer."

Of this initial capital, he blew \$18,000 on a terrible binge in Chicago in 1927.

"I decided I had better get back home before they took it all," he said. "So I went back to Houston and put the rest into my first law office. That was the beginning."

The end is nowhere in sight. He has 50 murder cases in various stages of preparation, 40 divorce suits, and he doesn't know how many other assorted

criminal matters hanging fire. On the facade of his office building is a two-story high

goddess of justice, executed in a gold mosaic, standing above the Golden Rule written in tile

over the door.

"I was completely tight when I agreed to this," he says sheepishly. "I may have to change it to the goddess of liberty. My clients don't want justice, they want liberty."

(Mount Clipping in Space Below)

Ray Wants To Void Guilty Plea

James Earl Ray, confessed killer of Dr. Martin Luther King Jr., wants to void his guilty plea and get a new trial in Memphis.

Ray's intention to seek a new hearing was stated in a letter he wrote from his cell in State Penitentiary to Judge W. Preston Battle, who on March 10 accepted the guilty plea and imposed a 99-year sentence.

Petition

"He said he's going to file a post-conviction petition and get a lawyer," Judge Battle said Wednesday in disclosing receipt of the letter. "If he does, then we'll have an evidentiary hearing."

Such a hearing would give Ray a chance to show that his legal rights were impaired to the extent that a new start in the case is warranted.

Expressing no surprise at Ray's move, Judge Battle commented: "Everybody does it." Petitions from prisoners have flooded the courts in recent years in the wake of Supreme Court decisions more sharply delineating the pretrial rights of accused persons.

Percy Foreman, the lawyer who advised Ray to plead guilty and who says his connection with the prisoner is now ended, said in New York:

"I think that James Earl Ray enjoys the spotlight and any way he can keep the center of the stage he will do it. I wish him well. I don't think it advisable."

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

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NASHVILLE BANNER

NASHVILLE, TENN.

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"but that's his responsibility, not mine."

Foreman Opinion

Foreman reiterated his personal conviction that contrary to the views of many who suspect a conspiracy, Ray acted alone.

"James Earl Ray decided, and he alone decided, to kill Martin Luther King so that he could claim the glory," Foreman declared.

"I think James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race."

Only a day after his guilty plea Ray told officers taking him from Memphis to the Nashville penitentiary:

"I was convinced if I didn't plead guilty I was going to the electric chair. I wish the hell I hadn't now because with what they had on me I believe the worst I'd gotten would have been life."

Under a 99-year sentence, Ray, now 41, is ineligible to seek parole until he has served 30 years. With a life sentence he would be eligible in 13 years 7 months.

Ellington

Meanwhile Gov. Buford Ellington of Tennessee, referring to the theory that Ray was part of a conspiracy, said he wonders now "one man alone could do all the things he did."

Ellington saw the bulk of the evidence against Ray before signing papers for his extradition from London after his arrest there last June.

Meanwhile, author Clay Blair Jr. stated dozens of questions were left unanswered by the swift proceedings in Memphis. Blair has listed 19 of these questions in the first chapter of his book, "The Strange Case of James Earl Ray—The Man Who Murdered Martin Luther King Jr.," published today by Bantam Books.

Questions

Blair has raised additional questions since the book went to press and today has called for the appointment of a blue-ribbon Federal investigating committee, similar to the Warren Commission, to investigate the Ray case. Among the questions this commission should answer, he stated were:

- Why did James Earl Ray elect to escape from prison at Jefferson City, Mo., only four days before he was scheduled for a hearing before the Missouri Supreme Court which might have resulted in a motion to set him free?

- Who was the accomplice Warden Swenson says helped Ray escape in a bread box? What action has been taken against him?

- If Ray earned substantial

sums of money inside prison by selling drugs, as Memphis authorities assert, how did he smuggle the money out of prison and who kept it for him?

- Who was the "friend" who helped Ray in East St. Louis immediately after he escaped?

- Who were the "friends" he looked up in Quincy, Ill., following his escape?

- Did any of these "friends" give him a pistol?

- Did Ray rob or help rob the Alton, Ill., bank on July 13, 1967?

- Why did Ray, a fugitive with money stashed away, hang around boyhood haunts for weeks?

- Why did Ray, a fugitive with money stashed away, go to Chicago and take a job in a restaurant, the Indian Trail in Winnetka?

- Who was the mysterious visitor at the restaurant?

- In Canada, who provided Ray with the alias Eric S. Galt, a living person resembling Ray and with scars matching Ray's?

- Why did Ray, as Galt, splurge six hundred-odd dollars on clothes and a lark in the Laurentian Mountains, when for that money, he could have bought forged seaman's papers, or a passport, or both?

- Who is the mysterious girl Ray met in the Laurentians?

- Did Ray meet a blonde Latin named Raoul? Why would Raoul, a stranger, and presumably an underworld figure, entrust Ray with thousands of dollars?

(Mount Clipping in Space Below)

Arrest Rewards In King Slaying Lack Recipients

By CHARLES EDMUNDSON

More than \$55,000 in rewards offered for information leading to the arrest and conviction of the slayer of Dr. Martin Luther King Jr. will go unclaimed, it appeared last night.

Exec. Asst. Atty. Gen. Robert K. Dwyer said that in his opinion the FBI would be entitled to the rewards if anyone were. But the FBI has a strict rule against accepting rewards.

Frank C. Holloman, director of the Memphis fire and police departments, said the Memphis police have the same rule.

The Commercial Appeal offered a \$25,000 reward in the case. The Scripps-Howard organization, including the Memphis Press-Scimitar, offered another \$25,000.

The City Council on April 5, the day after Dr. King's assassination, adopted a resolution pledging to underwrite a total reward of \$100,000 including that of the newspapers. But the city attorney notified the council the next day that it is forbidden by law to pay a reward exceeding \$5,000.

Miss Dorothy Osrader, council secretary, said no significant amounts had been offered, to her knowledge, beyond those of the newspapers and the City Council.

Arrested in London June 8, Ray pleaded guilty in Criminal Court here March 10 and was sentenced to 99 years in the state prison. From his cell in Nashville Ray has written that he wants to change his plea and is reported to have hired a new chief counsel, his third.

Stoner Steers Clear Of New Trial Bid

SAVANNAH, Ga., March 25. — (UPI) — National States Rights Party attorney J. B. Stoner said Tuesday he would not represent James Earl Ray in any action seeking a new trial in the assassination case of Dr. Martin Luther King Jr.

Stoner said his only interest was in representing Ray in civil action against "national figures." He had said earlier he would file libel suits against some of the news media, but Tuesday he said that the suits, to be filed by next week, "will involve national figures but won't mention any national organizations at this time."

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

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COMMERCIAL APPEAL

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(Mount Clipping in Space Below)

Prison Balks at Meeting Between Ray, Memphian

FROM PRESS DISPATCHES

NASHVILLE. — James Earl Ray, who wants to disavow his admission of guilt in the murder of Dr. Martin Luther King Jr., has been denied a meeting with a Memphis attorney at the state prison here.

HERE. P. Harry S. Avery, Harry S. Avery, Tennessee commissioner of corrections, said Richard J. Ryan was turned away by prison officials yesterday because he had not been officially retained as Ray's lawyer.

IN OTHER developments Wednesday, the Tennessee Supreme Court handed down a decision which could become a major hurdle for Ray in his bid to gain a new trial and overturn his 99-year sentence.

The court, in an opinion by Justice Allison B. Humphreys dealing with a burglary conviction, ruled that a convicted criminal cannot seek to invalidate a prison sentence on grounds he was misadvised by his attorney to plead guilty.

Jerry Ray, James Earl's brother, said last week after visiting the prison, that his brother would ask for a new trial on grounds he was "pressured" by his former attorney, Percy Foreman, into entering a guilty plea in King's death.

RAY'S BROTHER also said a Memphis lawyer had been contacted to work on the new trial. He identified the attorney as "A. J. Ryman."

Ryman indicated to prison officials that he had been contacted. Prison officials said, however, he did not present a letter or other proof of the contact when he arrived at the prison Wednesday.

Avery said prison regulations allow only the prison-

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

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MEMPHIS PRESS-
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MEMPHIS, TENN.

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er's immediate family to visit during an initial six-week "Classification period." That would mean Ray would not be able to have other visitors until sometime next month.

THE ONE PERSON, other than his brother, who has been permitted to visit with Ray is Georgia attorney J. B. Stoner. He was allowed to visit because, Avery said, he traveled here at Ray's request and has been retained by Ray since last September.

Stoner, who has said his own association with the Ku Klux Klan will help him in his work for Ray, said he is filing libel suits on Ray's behalf against some national publications but is not connected with criminal proceedings in the case.

Meanwhile, an inmate who was confined close to Ray in the state prison said Ray has been upset by newspaper accounts linking Stoner with the Klan.

JAMES POWER, who was freed yesterday, had been confined to a cell near

Ray's in the prison's maximum security building.

"This is what I need," Powers quoted Ray as saying sarcastically when he read the accounts. "This will really help me." Powers said Ray was confident, however, that he will be returned to Memphis for a hearing on his planned appeal for a new trial.

"He told us that he didn't expect to be in prison very long," Powers said. "That jail cell in Memphis is just like I left it," Powers quoted Ray as saying.

POWERS SAID Ray talked with him as well as two Negroes confined to the maximum security building. The two, William Garvin Allen and Steve Parker, both described by police as black power advocates, are serving 99-year sentences on conviction of the slaying of a white Nashville policeman.

Powers said the Negroes made no attempt to harass Ray and none of the prisoners had asked Ray about the King case.

(Mount Clipping in Space Below)

Ray Looks To Developments In Politics To Bring Release

James Earl Ray expects certain "political developments" in this country will free him from prison in two to four years, according to an article by William Bradford Huie, Ray's biographer, in this week's Look magazine.

Ray, writes Huie, "believed that George C. Wallace would be elected president . . . and that President Wallace would promptly pardon the murderer of Dr. King."

The article says that Ray eventually took comfort in the Republican victory and that his brother Jerry Ray told Huie: "Jimmy's friends are just bound to have more power after Nixon becomes president."

The confessed killer, now serving a 99-year term in the Tennessee State Prison, "took what he regards as a political action approved by millions of Americans," wrote Huie.

"Ray thinks he fired the first shot in a social or racial conflict, a second Civil War, which will eventually result in his being freed. He therefore feels fulfilled; he believes he is liked, respected, even admired."

"And he is confident that political developments in the United States will cause him to be freed in two to four years."

In the article, Huie says his own conclusions point to the likelihood that Ray acted alone despite some lingering doubt that Ray was involved in a conspiracy.

In the same issue of the magazine, which goes on sale Tuesday, Birmingham attorney Arthur J. Haynes, hired by Ray and fired last Nov. 11, assesses the case and says he believes "that Ray killed Dr. King because he was directed to do it."

An attorney Percy Foreman, who got Ray to plead guilty and take the 99-year

sentence, offers his reflections: "When a man accused of murder sends for Percy Foreman, I show him the courtesy of assuming he is guilty . . .

King Memorial Planned Today In Washington

The first of a series of memorial services in observance of the anniversary of the death of Dr. Martin Luther King Jr. will be held today in the Washington Cathedral about an hour after the body of President Eisenhower is taken from the cathedral to the Capitol.

Members of the Southern Christian Leadership Conference, which Dr. King headed, are sponsoring the 4 p.m. services.

They were planned several months ago to coincide with the weekend closest to, but not after, Dr. King's death (April 4) and were in no way intended to be linked with the Eisenhower death honors, a cathedral spokesman said.

The SCLC has estimated 18,000 marchers are expected to participate in a memorial march in Memphis Friday. A local march planner said yesterday the march is estimated to cost \$25,000. The money is expected to come from contributions from several organizations, individuals and the National Council of Churches.

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FBI - MEMPHIS

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Judge W. Preston Battle Found Fatally Stricken, Victim Of Heart Attack



Judge Preston Battle
—Staff Photo

Drama's Sequel

**Jurist Claimed National
Attention By Conducting
James Earl Ray Case**

By WOODROW PAIGE JR.

Criminal Court Judge W. Preston Battle, who gained national attention in conducting the trial of James Earl Ray for the sniper-slaving of Dr. Martin Luther King, was found slumped over his desk at 5:25 p.m. yesterday. He was dead when he arrived at Methodist Hospital at 6:02 p.m.

Capt. A. C. Gilles of the Sheriff's Department homicide squad said the judge died of a heart attack. A physician who attended the judge at the hospital said there were no outward indications of the cause of death.

The doctor said he knew Judge Battle had a mild diabetic condition and was being treated for a "neck condition" by an arthritis specialist.

Judge Battle had apparently been writing at his desk just before he was stricken. A pen was found beside his desk. Friends said he had no history of heart trouble.

Chief Deputy Sheriff Roy C. Nixon said an immediate autopsy was ordered and performed at John Gaston Hospital morgue.

Capt. R. A. Cochran of the Homicide Bureau said the autopsy completed at 9:50 p.m. by Dr. Jerry T. Francisco, county medical examiner, showed Judge Battle died of a heart attack.

Judge Battle was found by Asst. Atty. Gen. Jim Beasley, who had tried unsuccessfully to find him earlier in the afternoon.

"I called him several times today. I called his secretary and she said he was apparently with someone else because she hadn't been able to get him either," Mr. Beasley said.

"She checked with Sheriff (William) Morris about 3 p.m. and found he wasn't with him. I left a message with her for him to call me, and checked with her later."

Mr. Beasley said that he was not sure what time he had tried to call the judge, but that he had seen him between 12:30 and 1 p.m.

Leaving the Criminal Courts Building to go home late yesterday, Mr. Beasley saw lights on in Judge Battle's office.

"I don't normally go into judges' offices, but I just thought something might be wrong," he said.

An ambulance took the judge, seemingly dead, to the hospital from his office in the west end of the building's second floor, only a few steps from the courtroom where Ray had pleaded guilty March 10 and was sentenced by Judge Battle to 99 years in prison.

Mr. Beasley, one of the chief investigators for the attorney general's office in the Ray case, said Judge Battle had taken a week's vacation and had a physical checkup just before the final hearing.

The judge, obviously keeping himself clear for future hearings concerning the case, had said little about it publicly. James A. Blackwell, Criminal Court clerk, said the judge had signed the minutes of the trial in which Ray pleaded guilty, however.

Mr. Beasley said law enforcement officials and the attorney general's office had

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COMMERCIAL APPEAL

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asked other judges to take charge of all material concerning the case.

The papers from the Ray Case and others were gathered together and taken to the office of Criminal Court Clerk James Blackwell and locked up.

"We don't want Ray to tell us later he wrote something to Judge Battle and it disappeared," he said.

Judge Battle was reluctant to talk about the Ray case after the sentencing. He said that "if I discussed the case I might have to recuse myself and make some other poor judge go through what I have for the past year. Gentlemen, I wouldn't wish that on anybody."

During the numerous preliminary hearings and the final session, Judge Battle insisted on strong controls, following exacting procedure and limiting publicity about the case as much as possible.

Leo Bearman Jr. of the amicus curia committee named by Judge Battle to assist him in applying his order limiting publicity in the Ray case, said the judge's death may render contempt proceedings against six persons moot.

In September, Judge Battle found two reporters, an attorney and a private detective guilty of contempt but delayed sentencing them, saying that by their future conduct they might purge themselves.

He had also cited on contempt charges a fingerprint expert for the Federal Bureau of Investigation, George Bonebrake, and magazine writer William Bradford Huie. Hearings for them was set for April 11.

"A contempt proceeding was a very personal matter with the judge," said Mr. Bearman. "Judge Battle's death could make the prosecutions moot. But I just don't know. I don't think anybody would know until he has gone to a law library and read the precedents."

Judge Battle had said he would not be available to hear any new motions in the Ray case until after a planned march Friday in memory of Dr. King.

Chief Justice Hamilton Burnett of the Tennessee Supreme Court said Judge Battle's death would have no effect on any request Ray might make for a new trial.

"It makes no difference at all," he said, adding that any Criminal Court judge could rule on a petition for a new trial.

"It's normal for a case to be referred to its original location because of the availability of witnesses," the justice said, "but there is no legal basis requiring the same judge who

heard the original case to hear an appeal."

Judge Battle became a Criminal Court judge in 1959 when he was appointed to a newly created court. He was re-elected in 1966 for a term which would have ended in 1974.

Gov. Buford Ellington will name a successor, but may ask the local bar association for recommendations.

Services will be at 3:30 p.m. tomorrow at Grace-St. Luke's Episcopal Church with burial in Elmwood Cemetery. Memphis Funeral Home on Union is in charge.

Judge Battle leaves his wife, the former Florence Warfield Boyce; a daughter, Mrs. E. R. Kinnebrew III of 269 Conlee; a son, W. Preston Battle Jr. of 1422 Lamar; a step-daughter, Mrs. E. Frank King of 8123 Dogwood Road, Germantown, and a stepson, W. J. Britton III of 189 Wallace Road.

He would have been 61 May 6. Born in Memphis, he attended Memphis public schools, Memphis University School, Woodberry Forest School in Orange, Va.; Washington & Lee University and the University of Memphis Law School.

An assistant attorney general in Shelby County from 1934 until 1945, he practiced law in Memphis from 1945 until 1959, when he was appointed to the new court.

(Mount Clipping in Space Below)

Ray Case Provided Classicist A Climactic Role

By CHARLES EDMUNDSON
Criminal Court Judge W. Preston Battle considered the James Earl Ray case the crowning event of his career and was able to see it to a conclusion only because Ray pleaded guilty four weeks before his trial was set.

Ray pleaded guilty March 10. The trial was set for April 7. Judge Battle was found dead, slumped over the office table where he had spent hours studying and conferring over the Ray case, just a week before the trial would have begun.

The man who killed Dr. Martin Luther King Jr. is expected to move for a new trial, file a writ of habeas corpus and take every other legal step within his means to reverse his conviction. Most observers think Judge Battle left no loopholes.

Some of the judge's friends said that, because of his sense of drama, he was disappointed there was not a full-dress trial. Even without that, it appears that Judge Battle's name will go down in the case books. This seems assured by his stern attempt to closely limit pretrial publicity in the Ray case.

His conviction of two reporters for contempt on a charge of violating the pretrial publicity order is on appeal to the United States Supreme Court. However decided, it will plow new ground on the issue of a free press versus a fair trial.

The case may well determine whether American courts will follow the British policy of suppressing many facts of a crime until the accused is tried, or will consider an unfettered press an indispensable ally of justice.

Judge Battle deplored the quirk of fate that let the King tragedy happen in Memphis. He detested, just as much, any attempt to demean Memphis because it happened to be the city where the criminal caught up with his intended victim.

A lover of classics, one of his favorite authors was Winston Churchill. In passing sentence on Ray, Judge Battle paraphrased Churchill's retort to Adolf Hitler's threat to "wring England's neck like a chicken." "Some chicken — some neck," replied Churchill.

A national news magazine, writing of the King murder, termed Memphis a "decaying Mississippi River town." From the bench, Judge Battle replied: "Some river, some town."

Ray's first attorney, Arthur Hanes, former Birmingham mayor, alluded to the hometown devotion when told in New York last night of Judge Battle's death. "He was sincere and he was conscientious," said Mr. Hanes. "He loved his city and defended it. He was thinking of the welfare of his city and state throughout

the case. I'm sure he had a terrific strain."

Mr. Hanes was found in contempt of court for discussing portions of the legal proceedings in the trial, and had been scheduled to appear for sentencing April 11.

Judge Battle had the quiet, firm presence — the natural gift of command — to hold the most expansive or exuberant attorneys in bounds. This may have been one reason why a courtroom showman like Houston's Percy Foreman chose to plead his client guilty rather than go to trial.

"He ran his court with a taut string and both the defense and the prosecution knew at all times where they stood," Atty. Gen. Phil M. Canale said last night.

Judge Battle belonged to an old Virginia family whose members included legislators, judges and a fairly recent governor, John S. Battle. His home in the Continental Apartments showed patrician tastes.

On the bookshelves the classics predominated. But his library of records extended from the classic to rock-and-roll and jazz. His pedigreed

bulldog Punky usually sat at his master's side.

The judge was a man of determined views. He once confessed to Public Defender Hugh Stanton Sr. that in a murder trial he allowed in the record evidence he knew could — and in fact did — cause a reversal on appeal. "I just wasn't going to be a party to turning that man loose on society again."

When he was assistant attorney general he would go to great pains to gather evidence or get a confession. In one famous Shelby County case, he took a Bible to an accused man's cell, read him the commandment, "Thou shalt not kill," and pleaded for a confession. He got the confession. But the United States Supreme Court found duress. The case was reversed.

In some cases in which he was reversed, he announced from the bench, "I am of the same opinion still." Then he would cite chapter and verse.

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

PAGE 15

COMMERCIAL APPEAL

MEMPHIS, TENN

Date:

Edition:

Author:

Editor:

Title:

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Classification:

Submitting Office: MEMPHIS

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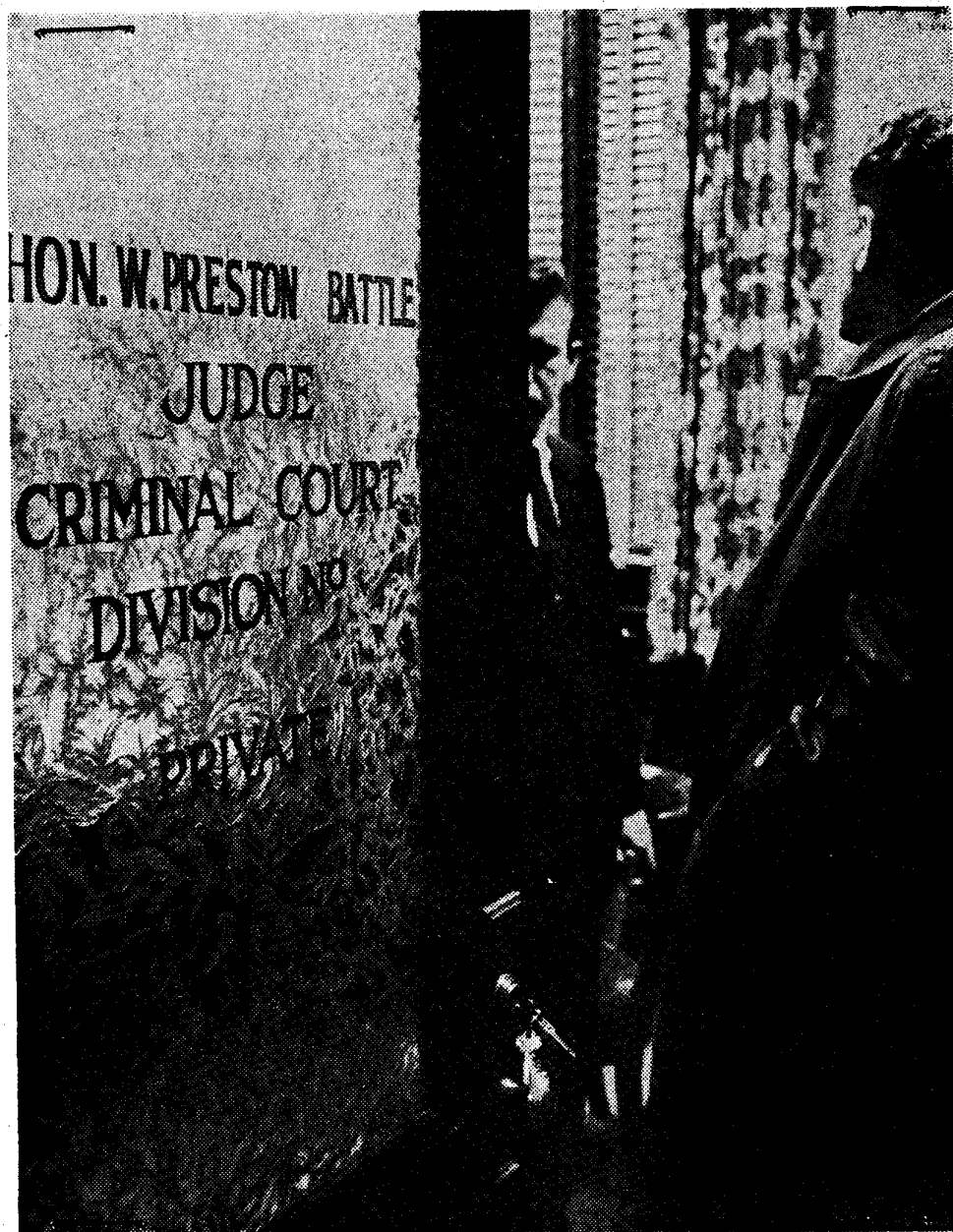
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In the Montesi trial, a reporter wrote, "If the principals had been typecast by Hollywood, they could have gotten no better man to preside than Judge Battle."

He savored every nuance of the testimony, but his face never betrayed the fact. Where there was direct conflict of testimony, one of the two witnesses was clearly lying. Judge Battle was known to say bluntly, "This is an issue of credibility. The court believes Mr. X."

In early middle-age Judge Battle had a liquor problem. Many friends considered his victory over this the greatest proof of his character. To very close friends, he sometimes referred to himself as "an arrested alcoholic."

In discussing the Greek classics, the judge liked to recall the passage from Plato quoting Socrates as preferring to obey Athens' laws and drink the cup of hemlock rather than flee prison. In a certain sense the James Earl Ray case turned out to be Judge Battle's cup of hemlock.



Judge's Door Ajar After Discovery

(Mount Clipping in Space Below)

Ruling Of State High Court Tightens Ray's Prison Cell

By CHARLES EDMUNDSON

A top prosecutor in the James Earl Ray case last night hailed a new decision by the Tennessee Supreme Court as "assuring more than ever that Ray's conviction was solid."

In the case of Robert E. Richmond, convicted of burglary at Winchester, Tenn., the Supreme Court held the conviction could not be overturned on Richmond's plea that he was pressured by his attorney to plead guilty. Justice Allison B. Humphreys, who wrote the opinion, said, "Incompetency of counsel, to be a denial of due process, must be such as to make the trial a farce, a sham, a mockery of justice."

The Supreme Court's opinion came on reversal of a Tennessee Court of Criminal Appeals order overturning Richmond's conviction in the Franklin County Circuit Court.

Exec. Asst. Atty. Gen. Robert K. Dwyer said the high court's opinion sets no new doctrine applicable to the man convicted of the murder of Dr. Martin Luther King Jr.

"It makes us rejoice, of course," Mr. Dwyer said. "But we were confident Ray's rights had been safeguarded."

Mr. Dwyer said there still is nothing to keep Ray from filing a writ of habeas corpus in federal court, which is where

a lot of them are filed anyway."

After pleading guilty March 10 Ray was sentenced to 99 years in state prison. In Nashville yesterday a newly released prisoner who occupied a maximum security cell near Ray quoted him as saying, "I'll be going back to Memphis (for an appeal) before long."

Another source in Nashville said Memphis lawyer Richard J. Ryan went to the prison yesterday to see Ray but was refused permission by prison officials.

Mr. Ryan was quoted as saying he would be back because he was Ray's new lawyer and will be filing the appeal.

Mr. Ryan's home confirmed last night that he had gone to Nashville to the prison.

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

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 3-27-69

Edition:

Author: GORDON BAXNA

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Classification: MEMPHIS

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Nashville March Will Honor King On Date Of Death

A 20-block march in tribute to the late Dr. Martin Luther King Jr. will be sponsored here Friday by the Nashville NAACP Youth Council.

Edward Covington, council president, said the march, coming on the first anniversary of Dr. King's Memphis assassination, will begin at Hadley Park at 11:30 a.m. and move to the State Capitol Building where a memorial service will be held on the steps of the building.

An earlier memorial service for Dr. King will be held at 8 a.m. Friday at the Fisk University athletic stadium.

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PAGE 12

NASHVILLE BANNER

NASHVILLE, TENN.

Date:

3-31-69

Edition:

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King Case Costliest Ever for Police

by **MENNO DUERKSEN**
Press-Scimitar Staff Writer

When a rifle shot rang out on the evening of April 4, 1968, bringing death to Dr. Martin Luther King Jr., the result was the most expensive murder case in the history of the police department, it was revealed today.

Chief Henry Lux released figures showing that the homicide squad devoted 3,144 man hours to the investigation, at a cost of \$14,677.

Then the department assigned men to the guard detail assisting the sheriff's department, in the 24-hour

day guarding of James Earl Ray in the county jail, at a cost of 13,872 man hours and \$57,934.

Another guard detail had to be assigned to the guarding of a key witness, Charles Stevens, for a total of 7,580 man hours between Aug. 24, 1968, until March 11, 1969, at a money cost of \$31,684.

Cost of overtime during the last few days prior to the trial when police were mobilized on an overtime basis to guard against any possible trouble, was \$64,428.

Total cost of the homicide investigation and the various

guard details added up to \$163,177.

These figures do not include the money spent by the sheriff's department in the guard detail, alteration of the jail to accommodate Ray or costs of preparation for the trial.

Police have estimated that it cost the department

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PAGE 3

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MEMPHIS, TENN.

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King Bureau 4-3-69

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guard details added up to \$168,776.

These figures do not include the money spent by the sheriff's department in the guard detail, alteration of the jail to accommodate Ray or costs of preparation for the trial.

Police have estimated that it cost the department

\$501,491 in overtime and expenses for police officers in the handling of the riots and civil disorders resulting from the garbage strike and the marches and riots at the time of Dr. King's slaying.

Costs given here by Chief Lux do not, of course, include the vast sum of money spent by the FBI and the

federal government in tracking down James Earl Ray, convicted slayer of Dr. King.

(Mount Clipping in Space Below)

Judge Battle's Death Could Get Ray New Trial



W. PRESTON BATTLE

nary insufficiency, "a form of heart disease in which emotions can cause a fatal outcome."

An inventory of Battle's papers and correspondence left on his desk and in his chambers was completed by James A. Blackwell, Criminal Court clerk, and turned over to the remaining four criminal court judges.

BLACKWELL WAS in conference with Judges Perry Sellers, Odell Horton, Arthur Faquin and John Colton. They may get additional advice as to whether or not any letters would qualify as a motion and whether or not the motion should be filed.

The decision of the judges will determine whether the

HE SAID IF the letter is construed as a motion for a new trial, the state would have to give Ray one.

Blackwell said the letter Ray sent to Battle was never filed in the clerk's office and as of the moment was not a part of the court records.

THERE IS NO motion for a new trial or a habeas corpus writ on file in the clerk's office, Blackwell

said. He said, however, that Judge Battle had signed the minutes of the March 10 hearing where Ray's guilty plea was made.

If the judge hadn't signed the minutes, Ray, under Tennessee law, would have been entitled to a new trial.

Shelby County's four criminal court judges today were wrestling with a legal problem which could result in a new trial for James Earl Ray, convicted slayer of Dr. Martin Luther King Jr., following death of the trial judge.

Key to a new trial is in the contents of a letter mailed by Ray to Criminal Court Judge W. Preston Battle, 60, who collapsed in his chambers and died of a heart attack yesterday.

There was speculation the pressure of the James Earl Ray case may have hastened Judge Battle's death. Dr. Jerry Bracke, county medical examiner, said Judge Battle died of coro-

letter from Ray is filed in the Criminal Court clerk's office by Blackwell.

After Ray pleaded guilty to King's slaying and was sentenced to a 99-year prison sentence, he had second thoughts. He wrote Battle apparently asking for a new trial. Battle's office confirmed receipt of the letter, but contents were not divulged.

Judge Charles Galbreath of the state Court of Criminal Appeals said in Nashville that Tennessee law provides any motions for a new trial pending before a deceased judge must be granted. The law does not define a motion, or how it must be filed, he said.

In the case of a petition for a writ of habeas corpus — where a prisoner claims his rights were denied — Tennessee Supreme Court Chief Justice Hamilton Burnett said Battle's death would have no effect on the case.

"IT MAKES NO difference at all," Burnett said, adding that a petition of this kind could be filed with another judge.

Gov. Buford Ellington will name a successor to Battle, but is expected to ask Memphis and Shelby County Bar Association for recommendations.

Leo Bearman Jr. of the amicus curiae committee named by Battle to assist

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MEMPHIS, TENN.

Date:

Edition: CRAS. N. SCIMITAR

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him in applying his order limiting publicity in the Ray case, said the judge's death may render contempt proceedings against six persons moot. But he said, the law must be researched concerning this.

THESE INCLUDE Press-Scimitar reporter Roy B. Hamilton and Commercial Appeal reporter Charles Edmundson. Battle delayed sentencing them on conviction of contempt, saying by their future conduct they might purge themselves.

The State Supreme Court last week dealt a blow to Ray's hopes for a new trial, ruling in a case similar to Ray's a defendant cannot get a new trial on grounds he was talked into pleading guilty by his attorney. Ray is reported to contend that Foreman pressured him into a guilty plea.

Battle, of 1422 Lamar, was found unconscious at 9:41 a.m., slumped over his desk in his chambers, by Gen. James Beasley. The three prosecutors in the Ray trial last month.

A Fire Department ambulance took Battle to Methodist Hospital, where he was pronounced dead on arrival at 9:52.

A SHERIFF'S spokesman said Battle did not have a history of heart disease. Dr. Jerry T. Francisco, county coroner, confirmed, after an autopsy that death was caused by a heart attack.

Battle had returned from a Florida vacation March 10 the day that Ray pleaded guilty to the assassination of Dr. Martin Luther King Jr., and took another rest after that, said the spokesman. He had a physical checkup just before the trial.

Beasley said he saw Battle between 12:30 and 1 p.m. yesterday, and attempted to telephone him later.

He found Battle's secretary likewise could not find the judge, and she called sheriff's Lt. N. Morris at 2 p.m.

She found Morris at the home of Battle, Beasley said, and with her for the night.

BATTLE DID NOT return the call and, in late afternoon, as Beasley was leaving, he saw lights on in Battle's office.

It was then Beasley entered Battle's chambers.

Battle had been a Criminal Court judge since 1959.

He was born in Memphis, and attended Idlewild School, Memphis University School, Woodberry Forest School at Orange, Va., Washington & Lee University, and the old University of Memphis law school. He received his law license in 1933. He served as assistant district attorney from 1934 to 1945.

BATTLE WAS IN private law practice from 1945 until 1959, when he won election to fill the newly created court bench he served until his death. Battle was appointed to the post by Gov. Buford Ellington after the Memphis

Services for Judge Battle will be held at 3:30 p.m. tomorrow at Grace-St. Luke's Episcopal Church, with burial in Elmwood Cemetery.

Memphis and Shelby County Bar Association will hold a memorial service for Judge Battle at 9:30 a.m. Thursday in his Courtroom, Div. 3 of the Criminal Courts.

& Shelby County Bar Association primary.

Battle was shy, timid and diffident in his younger days, which he said led him to a career in law. He recalled in 1960 that his aversion to public speaking caused him to join the literary society at MUS, so that he would be forced to speak.

He was a member of Grace-St. Luke's Episcopal Church.

His hobby was deep sea fishing.

BATTLE MARRIED the former Florence Warfield Boyce of Memphis in 1941.

He is also survived by four children: Miss R. Frank King of Germantown, W. J. Britton III, Miss J. R. Kincaid III, and Walter Preston Battle Jr., all of Memphis, three grandchildren and a brother, John Battle, of Kingston, Tenn.

Battle was the judge in both trials of Lou E. Montesi, grocery executive accused of slaying his wife.

Battle was a short, stocky man who was serious — almost scowling — on the bench. He had a reputation for conducting a "no-nonsense" courtroom.

SEVERAL OF HIS decisions had been reversed by higher courts, but attorneys noted that was the mark of a judge who heard many cases and was not afraid to blaze new trails.

He ruled his court with great dignity and courage.

The Tennessee Supreme Court, handing down a decision in one of his cases in February, 1969, recognized his rare ability as a jurist and commended him, saying, "In all the annals concerning the application of criminal law in this state, or any other state, there is seldom to be found a multi-party and complex criminal trial which has been conducted with such judicial restraint, patience and excellent legal discrimination as that reflected in this enormous record. What has been done here in the trial court is, indeed, a lasting tribute to the trial judiciary of this state."

Battle was a stickler for legal technicalities, and often dismissed court to research a point of law.

He showed patience with defendants or witnesses who appeared nervous or did not understand legal procedures, but he often had sharp words for attorneys who attempted grandstand tactics in his courtroom.

Battle was picked by lot from among the five Crimi-

nal Court judges to preside over the trial.

CRIMINAL COURT judge Battle presided over the trial of the state's attorney general.

to police the national news media with laws that would protect the state's attorney general from being accused of slaying his wife.

speech, under a microscope, is tried as fairly as I can have it."

The three-hour trial of the state's attorney general in a federal court was the climax of an illustrious career of Battle.