

PAGE 1

BULLETIN

U.S. District Court Judge William E. Miller today ordered the "personal presence" of James Earl Ray at a Dec. 29 evidentiary hearing into the convicted killer's injunction petition seeking release from the State Prison's maximum security cellblock. Ray, serving a 99-year prison sentence in the 1968 killing of Dr. Martin Luther King, has alleged his civil rights are being violated by prison officials in keeping him in maximum security confinement.

THE NASHVILLE
BANNER

NASHVILLE, TENN.

12/9/69

ALVAND C.
DUNKLEBERGER

44-1987-

44-1987-Sub-C-439 MEMPHIS

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Boyle GB

(Mount Clipping in Space Below)

Security To Be Tight At Ray Court Hearing

By NELLIE KENYON

When James Earl Ray appears in U.S. District Court here Jan. 29, the courtroom will be under its tightest security measures since James R. Hoffa got shot with a pellet gun in 1962.

Judge William E. Miller ordered yesterday that Ray be physically present for an evidentiary hearing on his plea to be released from solitary confinement at the state penitentiary. Miller directed that provision be made for Ray's appearance "under proper security precautions."

RAY, SERVING 99 years for the confessed slaying of Dr. Martin Luther King Jr., has filed a motion for an injunction against State Corrections Commissioner Lake Russell and Warden William S. Neil, charging that his continuous confinement in maximum security quarters since March 11 is a violation of his civil rights.

Hoffa, Teamsters International Union president, was on trial on charges of accepting a payoff to insure labor peace for a Detroit trucking firm when a young

man pulled a pellet gun and fired several shots. Hoffa leaped from his seat at the defense table and began punching the attacker before a U.S. marshal clothed the young man to the floor with a pistol.

Hoffa was only stung by the pellets, but U.S. marshals began searching spectators and newsmen before letting them enter the courtroom during the trial.

WHEN RAY appears for his hearing, penitentiary guards will bring him handcuffed to the courthouse by car. His security will be augmented by several U.S. marshals assigned to courtroom duty throughout the hearing.

Miller said in his order yesterday that "the principal issue raised by petitioner is whether his present incarceration in a state of solitary confinement constitutes the sort of cruel and unusual punishment which is prohibited by the Eighth Amendment to the Constitution of the United States."

The judge said that in order to expedite the "resolution of this issue," he was ordering

an evidentiary hearing "on the nature of and the reasons for petitioner's solitary confinement . . ."

PRISON OFFICIALS have indicated privately they would be pleased to release Ray from maximum security but would not do so unless a court order was issued relieving them of responsibility if Ray is wounded or killed within the prison walls.

In his petition for injunctive relief, Ray alleged that beginning

on March 13 he began legal action to set aside his guilty plea on grounds "that it was not a voluntary plea."

He further alleged that upon his arrival in Nashville from Memphis following his sentencing he was placed in "maximum security, solitary confinement," where he has been ever since, "under maximum security guard and observation . . ."

HE ALLEGED that this treatment "is an unusual

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

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NASHVILLE TEN
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~~treatment~~ in that he has not violated in any sense by word or deed any rules of the prison, statutes or ordinances of the state."

A provision of the state code was cited providing solitary confinement for violation of rules. It provides for solitary confinement for a period not exceeding 30 days for each offense, at discretion of the warden, or a person acting for him.

~~The code~~ says solitary confinement

may be imposed for wilfully injuring materials, implements, or tools, or where a prisoner engages in conversation with other convicts or in any other manner violates any or the regulations.

RAY ALLEGED that the prison officials had made statements that he would be under maximum security until ~~he stops~~ appealing his conviction.

Ray charged that officials had said there was a plot against him and that he was placed in maximum security for his own protection.

If there is a plot against his life, Ray said, it should be brought out in the open and dealt with; that concern

by officials is causing him "untold anxiety, apprehension, ill health," and that he believes he cannot intelligently cope with it further.

He is in a small cell with no opportunity to exercise, the petition alleged.

(Mount Clipping in Space Below)

James Earl Ray Physical Denied By Judge Miller

BY LARRY BRINTON

U. S. district Court Judge William E. Miller today denied a motion by state attorneys seeking to have convicted sniper slayer James Earl Ray undergo a physical examination prior to a Dec. 29 hearing in which Ray is trying to force his release from maximum security at State Prison.

Miller also denied a request by Assistant State Attorney Bart Durham that Ray's hearing be postponed to allow for medical examinations.

Durham, accompanied by State Deputy Attorney General Thomas E. Fox, appeared before Judge Miller today during the brief session and argued that since Ray's present health "is a matter of dispute" he should be examined by an independent physician.

Ray, serving a 99-year prison term in the 1968 slaying of civil rights Dr. Martin Luther King, has asked in a federal court petition that he be freed from his maximum security building cell where he has been confined since April 1969.

Violated

The prisoner has contended his civil rights are being violated by the solitary confinement and it is impairing his health.

State officials are opposing the transfer of Ray from the maximum security cell to the regular convict population, claiming his life might be in jeopardy.

In the motion denied by Judge Miller, Durham said the state will deny Ray's health has been affected by his close supervision at present and claim the convict is "presently in excellent health."

The motion asked the deferal judge to "appoint a qualified physician to examine the petitioner and appear at the hearing in this cause and give testimony as to the health of petitioner."

It also asks that the Dec. 29 hearing be "reset to allow time" for the examination nad report.

No Reason

In denying the state's request, Judge Miller said he saw no reason "at tthis time" for the medical examination.

Meanwhile, U.S. Marshall Leon Campbell met today with State Corrections Commissioner Lake Russell and Warden William S. Neil to confer on security procedures to follow in the transportation of Ray from

the West Nashville penitentiary to Judge Miller's courtroom.

Campbell reportedly will "personally" take charge of the prisoner's transfer and along with deputy marshalls will accompany the prisoner, pleaded guilt in Shelby County earlier this year to the rifle death of the civil rights leader.

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

PAGE 10

NASHVILLE BANNER

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(Mount Clipping in Space Below)

Miller Denies Delay For Ray Hearing

By NELLIE KENYON

U.S. Dist. Judge William E. Miller denied a state motion yesterday to postpone James Earl Ray's Dec. 29 hearing so he could be examined by a private physician.

In making the motion, Asst. State Atty. Gen. Bart Durham said the reason for requesting the examination was that Ray's counsel might seek a long evidentiary hearing over his physical condition. Durham asked that the court appoint the doctor to examine Ray.

"THE BURDEN of proof is on the petitioner (Ray) to establish its case," Miller said in denying the motion. "I don't know why the court should appoint anyone to examine the petitioner."

He noted that Ray had not requested such an examination.

The hearing next week is on Ray's request that the court enjoin state prison officials from continuing to keep

him in a maximum security cell. Ray, serving a 99-year sentence in the State Penitentiary for the confessed slaying of Dr. Martin Luther King Jr., said in his petition he has been in solitary confinement since last March.

Durham said he understood that Ray's attorneys might attempt to subpoena Gov. Buford Ellington, and if this was done he wanted to file a motion to quash the subpoena. The court said that no such subpoena had been received and this would be dealt with when it was.

CHIEF DEPUTY Court Clerk Guy Cooper said that Ray's attorneys had requested subpoenas for two prison physicians and the matter had been turned over to the U.S. marshal's office for service.

Ray is represented by attorneys C. J. Ryan, Memphis, Robert W. Hill Jr., Chattanooga, and J. B. Stoner, Huntsville, Ala.

Durham, who was accompanied to court by Thomas E. Fox, state deputy attorney general, told the court that he had contacted Ray's attorneys by long distance telephone and that they had no objections to the appointment of an independent physician to examine Ray.

The motion for an injunction asserted that Ray's health was being affected by what was referred to as "solitary confinement" in a maximum security cell.

The state denied this in answer to the petition, asserting that "solitary confinement" was not used at the state prisons, as the term is defined.

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

PAGE 1

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(Mount Clipping in Space Below)

Ray Begins Working Outside His Cell

NASHVILLE, Tenn. — (AP) — State prison officials have James Earl Ray working on odd jobs outside his maximum security cell in the state prison in Nashville pending federal court approval of a plan for greater freedom in the institution for the admitted slayer of Martin Luther King Jr.

Warden W. S. Neil said Ray began the work outside his cell Thursday. He had been held in the maximum security unit since he pleaded guilty to the Memphis sniper-slaying of King last March 10.

Ray recently petitioned for greater freedom in the prison saying his health was damaged by the tight confinement in his cell and it was "cruel and unusual punishment" forbidden by the U.S. Constitution.

U.S. Dist. Court Judge William E. Miller refused to order Ray released into the general population of the prison, but did direct prison officials to come up with a plan for work and exercise for him.

Neil said the program was submitted to Miller Thursday and Ray was allowed

to start working with Miller's approval "because if the judge does not approve we can always try something else."

The warden said Ray's work will include painting jobs, cleanup and serving meals to fellow prisoners in the maximum security unit.

State officials had contended that Ray's life would be in danger if he were out in the general prison population because of the notoriety of his case.

Ray is serving a 99-year sentence for the slaying of King, and lost an appeal bid before the Tennessee Supreme Court Thursday.

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

PAGE 11

MEMPHIS PRESS
SCIMITAR

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Work for Ray Is Approved

NASHVILLE, Tenn. — (AP) — A program under which James Earl Ray will have more opportunity for work and recreation in his maximum-security cell at Tennessee State Prison was approved here today.

U.S. Dist. Court Judge William E. Miller termed the work-recreation program reasonable and said it complies with his Dec. 29 order to state authorities.

Under the program, Ray, the admitted killer of Dr. Martin Luther King Jr., will serve meals to other inmates in maximum security, paint the interior of the building and take two hours of exercise daily.

Miller had ordered prison officials to give Ray something to do after a hearing last month.

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

PAGE 1

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U.S. Judge Gives Approval To Ray's New Work Program

From The Commercial Appeal Nashville Bureau

NASHVILLE, Jan. 12. — Federal Dist. Judge William E. Miller approved a prison work program Monday for James Earl Ray, four days after the convicted slayer of Dr. Martin Luther King Jr. started his new chores.

The program is built heavily around Ray's painting the state penitentiary's maximum security building interior, but he also will help guards clean the building and serve food to other prisoners.

Judge Miller approved the program after a five-minute review hearing attended by state corrections commissioner Lake Russell, penitentiary warden W. S. Neil and Bart Durham, an assistant state attorney general, among others.

The judge called the plan reasonable and said it con-
~~formed to his order for prison~~

officials to come up with a suitable program of work, exercise and recreation following a hearing Dec. 29.

Judge Miller took under study the question of whether he will retain Ray under the court's jurisdiction. Ray, serving a 99-year sentence, had asked in a petition that he be freed from maximum security and placed in the general prison population.

Neil said after Monday's brief court session that Ray began his chores in maximum security last Thursday. It is expected to take Ray about two years to complete the painting job.

He pointed out that, including daily exercise periods, Ray will be busy outside his cell from about 6 a.m. to 4:30 p.m., though the schedule will vary from time to time.

Judge Miller refused to order the release of Ray from maximum security after officials strongly suggested an attempt would be made on his life if he were released into the general prison population.

It was the position of Ray's attorneys that his mental powers are suffering as a result of his being kept in a maximum security cell with practically nothing to do but read and watch television.

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

PAGE 1

THE COMMERCIAL
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JAMES EARL RAY

DENIED NEW

TRIAL

Guilty Plea Held Valid By Jurists

Opinion Stated
He Waived All
Appeal Rights

KNOXVILLE, Tenn. —
(UPI) — Saying it could not
sit idly by while "mounting
murder and violence stalk
the land," the Tennessee Su-
preme Court refused a new
trial today to James Earl
Ray, convicted killer of Dr.
Martin Luther King Jr.

(Indicate page, name of
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page 1

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SCIMITAR,

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The sharply-worded opinion said Ray had knowingly pleaded guilty in Criminal Court at Memphis to the slaying of the civil rights leader. The eight-page decision added that Ray had been represented by competent and nationally prominent counsel, and that he had waived all rights of appeal in entering his plea.

"The court finds that the defendant willingly, knowingly and intelligently with the advice of competent counsel entered a plea of guilty to murder in the first degree by lying in wait, and this court cannot sit idly by while deepening disorder, disrespect for constituted authority, and mounting violence and murder stalk the land and let waiting justice sleep," the Supreme Court said.

Ray is serving 99 years in the state penitentiary for the April 4, 1968, sniper slaying of King in Memphis. His bid for a new trial had been rejected by the state Court of Criminal Appeals and it was this decision that was appealed to the Supreme Court.

Today's decision traced the history of the Ray case through Tennessee courts, from his guilty plea at Memphis March 10, to his letter to the late Judge Preston Battle stating his intention to seek a new trial, through his subsequent appeals.

It said that Ray had waived his right of appeal. "... It is well settled in Tennessee that when a defendant pleads guilty and fully understands what he is doing, as we believe this defendant did, there can be no ground to justify the granting of a new trial," the court said.

"Otherwise, the doors of our state prisons would remain ever ajar to those who are incarcerated therein on pleas of guilty, and who become dissatisfied, seek relief on motions for a new trial."

The court rejected Ray's contention that his letter to Judge Battle two days after his imprisonment at Nashville constituted an automatic motion for a new trial which, because of Battle's death shortly afterward, must be automatically granted under Tennessee law.

The high court decision closed the door on efforts through the state court system for a new trial in the Ray case.

There are other possible avenues open, however.

Ray's attorneys have hinted that he might carry the fight into the federal courts.

At the time he pleaded guilty to the King slaying, Ray was represented by Percy Foreman, a nationally known attorney from Houston, Tex.

Foreman entered the case after Arthur Hanes, former Birmingham, Ala., mayor, had been dismissed by Ray.

Ray has carried on a running court battle with both Foreman and Hanes since his trial, petitioning federal court to declare invalid contracts with Ray for publication of a book about his involvement in the King murder.

William Bradford Huie, the author, also was involved in the suits but federal rulings in these petitions also have gone against Ray.

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Judge To Hear Ray's Request On Data Return

A hearing will be held Feb. 20 in Criminal Court on a petition by James Earl Ray for an order to require his former attorney, Percy Foreman, to surrender some material to Ray's new lawyer.

Criminal Court Judge Arthur C. Faquin Jr. set the hearing after he received a letter from Ray, serving a 99-year sentence in Nashville for the murder of Dr. Martin Luther King Jr.

Ray's petition said Foreman has personal and legal mail sent to Ray while he was held at Shelby County Jail, "and the petitioner needs this material in order to prepare for his post-conviction hearing."

The Texas lawyer refused to turn over the material to Ray's present attorney, Richard J. Ryan of Memphis, "indicating the material would somehow be used against him," the convict's letter said.

Judge Faquin said Ray will not be returned to Memphis for the hearing.

Federal Dist. Robert M. McRae in Memphis has granted Ray a 50-day extension on filing an appeal in a suit to prohibit Foreman, Arthur Hanes of Birmingham, another former attorney for Ray, and Alabama author William Bradford Huie from publishing accounts in connection with the King murder.

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

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THE COMMERCIAL
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James Earl Ray

Veil On Ray Case Is Lifting Slightly

By JAMES CHISUM

Where did James Earl Ray get his money? Why did he expose himself in so many places before shooting Dr. Martin Luther King Jr. in Memphis on April 4, 1968?

Police officials, who once held answers to such questions in official files or behind locked lips, are opening up, and John L. Carlisle, an investigator with the attorney general's office, talked freely about evidence and theories in the case at yesterday's Memphis Sertoma Club luncheon at the Sheraton-Peabody.

Although Ray asked for a new trial, he pleaded guilty to murdering Dr. King in 1968 and was sentenced to 99 years in prison. But questions from Sertoma Club members showed that intense curiosity still surrounds the case.

Why did Ray, if he was planning a murder, show himself in so many places — buying a rifle and a car which could be traced to him, for instance?

"My personal idea is that he had no one else to do it for him," said Mr. Carlisle.

Where did Ray's money come from if not from conspirators?

Mr. Carlisle said Ray was a trusty in prison and had a chance to sell magazines and earn money in other ways, and he sent money orders out of prison. Furthermore, he bought a pistol in Birmingham in August, 1967, and could have kept himself going with robberies, he said.

"James Earl Ray was a man who lived very cheaply," he said, recalling that food had been found in his car to indicate that Ray practically lived in the vehicle. He said a needle and thread also found indicated that Ray mended his own clothes.

With slides, Mr. Carlisle showed the direct line of fire from a boarding house window to the balcony of the Lorraine Motel where Dr. King was shot. Another slide showed the contents of a bundle dropped by a man who hurried out of the building a few minutes after the shooting and fled in a white Mustang.

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

PAGE 33

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Fingerprints on the contents of the bundle — a rifle, a pair of binoculars, a shaving kit and other items — identified Ray, Mr. Carlisle said. Laundry marks in an undershirt and a pair of shorts were traced to a laundry in Los Angeles, and employees there would have identified Ray at a jury trial, he said.

One slide showed the shattered rifle bullet that killed Dr. King. Mr. Carlisle said it was damaged beyond being definitely traced to the rifle that Ray dropped, but that experts would have testified that it was similar to one fired from it.

The investigator said hair with the same characteristics as Ray's were found in a brush and in the bed at the boarding house. And a bedspread in which the objects were wrapped contained fibers from Ray's car trunk and the boarding house bed.

He showed a picture of the more than 400 pieces of evidence, and said: "I've touched on things here in a few minutes that we lived with for over a year."

But when he had finished, there was still doubt, reflected in the questions from the civic club audience.

Was anyone else involved?

"We are of the opinion it was his sole idea and we have no evidence whatsoever that any other person was involved," said Mr. Carlisle, a note of finality in his voice.

(Mount Clipping in Space Below)

Detective Wins Fee From Ray

**But Renfro Hays May Find
Collection Difficult On
\$6,625 Judgment**

By CHARLES EDMUNDSON

Renfro Hays, a private investigator once employed to gather evidence to defend James Earl Ray in the slaying of Dr. Martin Luther King Jr., was awarded a judgment of \$6,625 yesterday in Chancery Court for his services.

In the Courthouse corridor immediately afterward, Richard Ryan, Ray's attorney, taunted Hays, "Now try to collect!" Ray is serving a 99-year term in the state penitentiary at Nashville after pleading guilty.

Charles M. 'Pat' Murphy, Hays' attorney, conceded that the only immediate chance of collecting is to attach the 1966 white Mustang Ray drove to Memphis and escaped in the night of April 4, 1968, just after Dr. King was slain.

Mr. Murphy delayed asking Chancellor Charles Nearn for an attachment order, saying he wanted to see if Mr. Ryan appeals. Mr. Ryan did not say last night whether he would. He indicated he would first need to get in touch with Ray in his maximum security prison cell in Nashville.

The court record yesterday showed Ray claims only a minor share in the Mustang. But no evidence was brought out to show who owns the rest. A handwritten affidavit from Ray says he paid a small part with proceeds from the sale of a cheap used car he bought while working in a Winnetka, Ill., restaurant a few months before Dr. King was killed.

which he paid \$1,995 in Birmingham in August 1967. But he has been quoted by reporter William B. Huie of Hartselle, Ala., as saying most of the purchase price was advanced by a Latin-looking man known to him only as "Raoul."

The only other known property Mr. Hays might try to attach is a 30.06 Remington pump action rifle, which police say is the murder weapon. It was found on the sidewalk near 422½ South Main a few minutes after the slaying.

Chancellor Nearn indicated he would refuse an attachment order for the gun. A Tennessee law, he pointed out, leaves such a weapon in the custody of the Criminal Court clerk, who has the right to destroy it when it is no longer needed as evidence.

"My client and I contend this is not the murder weapon, but a decoy," Mr. Murphy said after the hearing. "At the proper time we will ask for a hearing to present evidence that this is not the murder

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PAGE 1

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Private Eye Wins Ray Case 'Fee'

Renfro Hays, a private detective, won a \$6,625 judgment against James Earl Ray — but collecting it is going to be a problem.

Chancellor Charles Nearn ruled yesterday that Hays was entitled to a "reasonable" fee of \$4,850, plus \$1,775 expenses, for services rendered as a defense investigator on the Ray case.

Hays, hired by one of Ray's former attorneys, Arthur J. Hanes of Birmingham, contended he worked a total of 1,139 hours on the case between July 7 and Nov. 12, 1968.

He said he interviewed between 200 and 300 witnesses, drove almost 7,000 miles and turned up evidence that would have acquitted Ray — but all he has ever received was \$610 expense money from Hanes.

Hays asked \$6,834, computing his time as being worth \$6 an hour, and expenses of about \$5,000.

Ray, now serving a 99-year sentence on a guilty plea in the murder of Dr.

Martin Luther King, was represented by his Memphis attorney, Richard Ryan.

Ryan charged that Hays had refused to make the evidence available to Ray's new lawyers, who are now trying to reverse the conviction and get him a new trial.

Hays' lawyer, C. M. "Pat" Murphy, introduced a letter written by Ray to Hays last March 27, in which the prisoner said he felt that Hays "should be paid for whatever services" he had performed.

The chancellor asked Ryan for comment on the letter.

The attorney hesitated. Then he replied, "I think it was an error on his (Ray's) part."

Although Hays won the suit, his lawyer concedes he will have a hard time getting the money. Ray says he is penniless, that Hanes and Percy Foreman got all the money he received from William Bradford Huie for publication rights to his story.

Hays has asked the court to settle the debt by attaching and selling at public auction the rifle and Ray's 1965 white Mustang. But both the car and the gun are being held by the attorney general's office for possible future use should Ray get a new trial, and are likely to be tied up for some time.

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

PAGE 4

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Miller Dismisses Ray Suit

By NELLIE KENYON

U.S. Dist. Judge William E. Miller yesterday dismissed the complaint of James Earl Ray that his constitutional rights were violated, and refused to retain jurisdiction.

Miller, however, gave his formal approval to a "work plan" designed to give the prisoner more exercise and recreation.

RAY, WHO is serving a 99-year sentence in the state penitentiary for the admitted killing of the Rev. Martin Luther King, has asked the court for injunctive relief and to retain jurisdiction.

Ray complained that he was being subjected to cruel and inhuman treatment at the maximum security building of the Tennessee State Penitentiary. This, he alleged, was a violation of his rights under the 8th Amendment to the U.S. Constitution.

Ray filed a petition in federal court Dec. 9 asking for injunctive relief. At a Dec. 29 hearing Miller suggested to the prison authorities that the warden "devise a plan, in conjunction with other state officials, which would provide plaintiff with additional opportunities for work, recreation and exercise, thereby relieving the harshness of his enforced idleness."

Miller said in his order yesterday that the state officials had filed a supplemental answer, "incorporating such a plan, on Jan. 8, 1970, and the plan was placed in operation without a court order." A hearing was held on the matter Jan. 12.

"THE COURT is of the opinion the plan submitted by the defendants is satisfactory in all respects and provides plaintiff with reasonable opportunities for work, exercise and recreation."

The plan submitted eased restrictions on Ray's movements within the maximum security area and assigned him to some custodial and maintenance duties.

The prison warden, said Miller, testified that the plan is in operation and that Ray "seems satisfied with it."

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

Page 6

The Nashville
Tennessean

Nashville, Tenn.

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One Of Ray's Lawyers May Leave Case

A smouldering rift between the three lawyers representing James Earl Ray could result, possibly today, in at least one of the attorneys no longer being connected with the case, THE BANNER learned today.

J. B. Stoner, a lawyer of Savannah, Ga., reportedly was slated to visit late today with the convicted slayer to discuss the case and a possible change in the attorneys representing him.

Ray, serving a 99-year sentence in the 1968 sniper-death of Dr. Martin Luther King, has been represented during the past 10 months by Stoner, Richard J. Ryan of Memphis and Robert W. Hill Jr. of Chattanooga.

It was learned, however, that both Ryan and Stoner have discussed withdrawing from further participation in the case unless Hill is no longer connected with the defense.

Although Ryan declined to comment on the reported "split" in the defense team, a source close to the case stated that it was one of the major topics to be covered during the meeting between Stoner and Ray.

Stoner could not be reached for comment. Ryan, located at his Memphis law office, said he was aware that Stoner was slated to talk with Ray, but the attorney would not discuss any particulars surrounding the meeting.

Ray, before being represented by Stoner, Ryan and Hill, had been represented by Houston lawyer Percy Foreman, who was fired after Ray pleaded guilty in Shelby County Criminal Court to the death of the civil rights leader. He previously had been represented by Arthur J. Hanes Sr. and his son, both of Birmingham, but they also were discharged by the prisoner.

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

Page 28

Nashville
Banner

Nashville, Tenn.

Date: 2/10/70

Edition:

Author:

Editor: Alvand C.

Title: Dunkleberger

Character: 44-1987-
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Classification:

Submitting Office: Memphis

☐ Being InvestigatedFEB 16 1970
FBI - MEMPHIS

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(Mount Clipping in Space Below)

Ray Lawyer Hints U. S. 'Conspiracy'

NASHVILLE, Feb. 11. — (UPI) — One of the three attorneys for James Earl Ray emerged from a three-hour visit with the confessed killer of Dr. Martin Luther King Jr. Wednesday and said he believes both King and his brother were killed by "a federal conspiracy."

Attorney J. B. Stoner of Savannah, Ga., said he was traveling to Memphis Wednesday night to discuss the matter with another of Ray's lawyers, Richard J. Ryan.

"I don't think King's brother died an accidental death at all," Stoner said, in an interview with a television station at the Tennessee state prison. "I think that was also a case of murder."

The Rev. A. D. King's partially clad body was found floating in the swimming pool of his suburban Atlanta home last summer about a year and a half after the assassination of his brother in Memphis.

Authorities ruled the death as a result of drowning and said an autopsy report showed that King apparently was intoxicated.

Stoner said he was gathering evidence to return to court and prove that Ray was not the man who killed the well-known civil rights leader with a rifle bullet in April, 1968.

He said he believes the King brothers were killed as the result of a "federal conspiracy," but refused to give any reasons for such an opinion.

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

PAGE 60
THE COMMERCIAL
APPEAL
MEMPHIS, TENNESSEE

Date: 2/12/70
Edition:
Author: GORDON HANNA
Editor:
Title:

Character: 44-1987-
or
Classification:
Submitting Office: MEMPHIS
☐ Being Investigated

44-1987-Sub-C-453

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R

(Mount Clipping in Space Below)

Suit Seeks To Hold Ray's Car And Rifle

If private investigator Renfro Hays gets the Mustang automobile and deer rifle that figured in the slaying of Dr. Martin Luther King, Jr. it will be over the legal opposition of Atty. Gen. Phil M. Canale and Criminal Court Clerk James A. Blackwell.

Mr. Blackwell and Mr. Canale sued in Chancery Court yesterday for an injunction to keep Mr. Hays from prosecuting a Circuit Court suit to obtain possession of the automobile and gun. Mr. Hays says James Earl Ray, confessed slayer of Dr. King, has deeded the two items to him. He claims he is entitled to them to satisfy a judgment granted him in Chancery Court in the sum of \$6,015 for professional services to Ray before he decided to plead guilty.

Mr. Canale and Mr. Blackwell term the suit against them harassment. Their petition claims they are duty-bound to retain the car and rifle against the possibility Ray might succeed in overturning his 99-year prison sentence and obtain a new trial.

Chancellor Charles Nearn will hear the injunction suit at 2 p.m. Monday.

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

PAGE 21

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 2/27/70

Edition:

Author:

Editor: GORDON HANNA

Title:

Character: 44-1987-Sub-C-454
or

Classification:

Submitting Office: MEMPHIS

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44-1987

(Mount Clipping in Space Below)

Judge Is Asked To Block Suit By Renfro Hays

Atty. Gen. Phil Canale and Criminal Court Clerk James A. Blackwell have asked Chancellor Charles Nearn to enjoin Renfro Hays, private investigator, from proceeding with a lawsuit against them in Circuit Court.

Nearn recently awarded Hays a \$6,015 judgment against James Earl Ray for his services as a defense investigator. Hays thereupon sued in Circuit Court to get Ray's 1966 Mustang and .30-06 Remington rifle to satisfy the claim. Hays says Ray deeded these to him.

The attorney general and Blackwell are holding the car and weapon as evidence for a retrial should Ray succeed in overturning his conviction and 99-year sentence for the Martin Luther King slaying.

The officials' petition charges that the Circuit Court bill "is an interference with the jurisdiction" of Nearn's court. It points out that the evidence is being held in compliance with an order from Nearn. Hays has also asked \$50,000 damages against the defendants for refusing to release the Mustang and rifle to him.

Chancellor Nearn set a hearing for 2 p.m. Monday on the injunction request.

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

PAGE 15

MEMPHIS PRESS
SCIMITAR

MEMPHIS, TENN.

Date:

2/27/70

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification: MEMPHIS

Submitting Office:

☐ Being Investigated

*Orig. sent 40
3-9-70*

44-1987-Sub-C-455

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(Mount Clipping in Space Below)

Grumbling Ray Goes on Sit-Down Strike, Refuses To Work

By HARRY DAUGHTERREY

Convicted killer Earl Ray, grumbling about his confinement at the Tennessee State Prison, has started a sit-down strike — refusing to clean hallways, sweep or paint walks.

The convicted killer of Dr. Martin Luther King is still taking his daily exercise, not

and had worked since Feb. 20, Warden W. S. Neil said yesterday.

RAY ALSO has written a nine-page letter to state officials, complaining about the food, Neil and his treatment in general. In the letter, he threatened to return to federal court to continue his battle against solitary confinement.

The work and recreation program Ray was ordered by U.S. Dist. Judge William A. Miller after a January hearing here. The plan called for Ray to paint the interior of the maximum security building, help serve food to other prisoners and keep the building clean.

After about 20 minutes of this the warden's sideshow moved on. Then about 10

hours later, while I was taking the daily walk, I was again

taken to a cell for a repeat performance.

"THESE TYPE games have been the rule since my arrival

at the prison. As an example, every time I enter or leave

the prison the press is let

outside the prison grounds, I am then chained up, officials

assume their junior G-men poses, with me in tow, while the picture crew goes into action."

Ray also charged that "distorted information" has been given reporters by prison officials, but did not specify what information he meant.

"I personally have no objections, or a right to object, to the press doing what they have a legal right to do. But let's don't try to fool anyone, we all know what these

managed news stories and sordid pictures and newsreels emanating from the prison are calculated to achieve," Ray said.

RAY POINTED out that he had removed his brother from the list of visitors he will receive because his brother

quoted him to the press.

"I thought you indicated at the hearing before Judge Miller that my isolation would terminate after the post conviction hearing in Memphis," Ray continued to Russell.

"However, if my case has been turned over to Warden Neil, and since head softening is no longer in style, I assume he will apply his kill you with kindness philosophy of doing every thing for 'my own good' and proceed to hold me in isolation thinking my physical or mental health will become so impaired that I will make another Public type statement or confirm some other fairy tale for the prosecution."

"HE DID a lot of painting before he quit. Our maintenance engineer tells me he did a good job."

Ray's nine-page letter, apparently written the week before he quit work, went to Corrections Commissioner Lake Russell, Gov. Buford Ellington and the U.S. Senate Judiciary Committee.

Much of the letter was devoted to criticism of the press, and particularly a press tour of the prison Feb. 6. When reporters approached his cell, Ray hid under a blanket.

"I TOLD Mr. Neil I did not want to see or talk with the press. It's been my opinion, this far, that anything I might have to say should be said in court."

"I was then locked in a cell, the reporters were called in, and while the cameras were grinding away in a zoo-like atmosphere Warden Neil expounded on how long 'he' was going to keep me in there."

"After about 20 minutes of this the warden's sideshow moved on. Then about 10 hours later, while I was taking the daily walk, I was again taken to a cell for a repeat performance."

"THESE TYPE games have been the rule since my arrival at the prison. As an example, every time I enter or leave the prison the press is let outside the prison grounds, I am then chained up, officials

assume their junior G-men poses, with me in tow, while the picture crew goes into action."

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"However, if my case has been turned over to Warden Neil, and since head softening is no longer in style, I assume he will apply his kill you with kindness philosophy of doing every thing for 'my own good' and proceed to hold me in isolation thinking my physical or mental health will become so impaired that I will make another Public type statement or confirm some other fairy tale for the prosecution."

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

PAGE 1

NASHVILLE
TENNESSEAN

NASHVILLE, TENN.

Date: 3/5/70

Edition:

Author:

Editor: JOHN SEIGENTHALER

Title:

Character:

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MEMPHIS

☐ Being Investigated

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44-1987-Sub-C-456

RAY SAID he has lived under "fish bowl conditions" for two years and has had no trouble with other prisoners.

"In concluding, it's my opinion that, although I don't rate as high on the prison social ladder with some offi-

cials as molesters and stool pigeons I should not be singled out for any harsher confinement unless a judge and jury recommend such."

"Russell said no decision has been reached on what, if

anything, will be done about Ray's sit-down strike.

"I'm sorry he doesn't like the warden," Russell said, "but every prison has to have one, and the prisoners don't elect him."

(Mount Clipping in Space Below)

Ray Moves To Brushy Prison

PETROS, Tenn.— (UPI) — James Earl Ray, after an embattled year at the state penitentiary at Nashville, moved today to the state's maximum security facility at Brushy Mountain here.

"He arrived by car about 6:30 a.m. (EST)" said Wallace Flood, assistant correction commissioner for adult programs.

"He will be housed in a single cell in one of the cell blocs," Flood said. "He will get exactly the same treatment as any other prisoner here. And we plan to work out a work program for him, but we don't know yet just what that will involve."

"Actually he will be better off here than in Nashville," Flood added. "He'll have more opportunity for recreation and exercise, because of the smaller number of prisoners here. There's a big difference between three thousand inmates and 325."

In Memphis, Richard J. Ryan, one of Ray's attorneys, said:

"If it will accord James Earl Ray more freedom of movement within the prison population, my reaction is one of approval. I have already discussed with James Earl Ray the possibility of a transfer to Brushy Mountain and this is his reaction also."

"Certainly at all times James Earl Ray will abide by the prison rules and regulations pertaining to custodial care of the inmates."

Ray is serving 99 years for the slaying of Dr. Martin Luther King Jr., at Memphis, two years ago.

State Correction Department officials in Nashville said that the transfer was made in a department transfer vehicle and that no unusual security precautions were made.

He was housed at Nashville for about one year, during which time he complained of his close confinement, the lack of a work and recreation program, and wanted a number of attempts at getting a new trial.

He won a federal court order giving him work to do in prison, but later complained to state officials that this work was not satisfactorily carried out.

He was generally kept away from other prisoners at the state penitentiary. Prison officials said that his isolation was aimed at protecting his own safety and life.

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

Page 37
Memphis Press-
Scimitar
Memphis, Tennessee

Date: 3-25-70
Edition: FINAL
Author:
Editor: CHARLES SCHNEIDER
Title: MURKIN

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Classification:
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☐ Being Investigated

44-1987-Sub-C-457

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FBI — MEMPHIS	

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Brushy Mountain State prison became a maximum security unit for the state last September, and Flood says that plans are being formulated to set up some kind of prison industry at the facility.

At present, there is little available for the prisoners except work in the laundry, and work details in the dining room, the prison library, and doing maintenance work around the prison.

Flood said that a shoe manufacturing industry is being considered for the Petros facility.

U.S. District Court Judge William E. Miller ordered the liberalized work program for Ray after the prisoner complained bitterly about his treatment. He said, among other things, that his treatment constituted cruel and inhuman punishment.

Ray quit the program March 4 and sent a series of blistering letters to state officials complaining of harassment.

Among his duties at the prison were painting the corridors and helping serve other prisoners food.

Ray complained of constant interruptions during his work. Prison officials said they could understand the complaining but that no other prisoners were allowed to be in the corridor when Ray was there.

Ray was transferred to Nashville from Memphis March 11, one day after he pleaded guilty to the King assassination.

(Mount Clipping in Space Below)

Ray Spirited To Petros, Brushy Mountain Cell

By LARRY BRINTON

James Earl Ray was secretly transferred early today to the remote Brushy Mountain State Prison from Nashville's penitentiary where he had been locked in solitary confinement for the past year.

Unlike in past transfers of the notorious convict, the State Highway Patrol or the Tennessee Bureau of Criminal Identification were not called in to assist in the pre-dawn shift of the convicted killer to the prison at Petros.

Ray, serving a 99-year sentence in the April 4, 1968, sniper-shooting of Dr. Martin Luther King Jr., was advised only 30 minutes before his 4 a.m. transfer, according to State Corrections ~~Commis-~~

sioner Lake Russell. Official news of the transfer of Ray was withheld from the news media for almost four hours after he was placed in a Brushy Mountain cellblock.

'Proper Plan'

"We thought it was time to put him in the proper place," the commissioner declared. He pointed out that the Petros institution is now the state's ~~maximum security prison~~.

Not only did prison officials keep the transfer of Ray hidden from other state law-enforcement agencies, the Brushy Mountain warden was not even advised of the situation until the admitted slayer and his seven-man guard force arrived there about 6:30 a.m., it was learned.

Russell said Ray will receive no "special" treatment, but that "we will always be extra careful with him." The commissioner did not elaborate on the statement.

No Resentment

Ray, according to Russell, did not seem resentful of the transfer.

~~Earlier~~ at a federal court hearing, Russell and Warden W. S. Neil testified they intended to keep Ray at the Nashville prison until his various court appeals had been exhausted. This was to be done, they pointed out, because of the time consumed in transferring Ray from Brushy Mountain to Nashville or Memphis, where hearings have been held in the case.

There was no explanation why there was a sudden change of plans.

Russell said Ray will be kept in an "individual" cell at the Eaststate prison, but will still be in the same area as the general convict population.

Work Assignment

Ray will be given a work assignment "to be determined later," the commissioner said.

Only two cars were used in the pre-dawn transfer, it was reported. Ray was accompanied in one of the vehicles by Warden Neil, Capt. James Vandever and Capt. Walter Howard. In the second car was Sgt. William Doss, Transportation Officer Willis Copping, Cpl. Ray Bowman and Asst. Deputy Warden R. E. Evans.

In some of the previous transfers of Ray from the Shelby County Jail to the Nashville prison, several carloads of state law enforcement officers were employed.

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

PAGE /

NASHVILLE BANNER

NASHVILLE, TENN.

Date:

3/25/70

Edition:

Author:

Editor:

Title:

ALVAND C.
DUNKLEBERGER

Character:

or

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Submitting Office:

MEMPHIS

☐ Being Investigated44-1987-Sub-C-458
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JP

Ray Leaves Nashville For New Mountain Cell

By WILLIAM BENNETT

From The Commercial Appeal
Nashville, Tenn. Bureau

NASHVILLE, March 25. — James Earl Ray was told at 3:30 a.m. Wednesday he was getting what he had sought — release from the state penitentiary's maximum security building and the cell that has been his home almost a year.

But it may not have been precisely what Ray had in mind.

Half an hour later, two cars pulled away from the big white institution in West Nashville and Ray was on his way to Brushy Mountain Prison in remote country near the little community of Petros.

The confessed slayer of Dr. Martin Luther King Jr. in Memphis, who is serving 99 years, was transferred in general secrecy. Not even the warden of Brushy Mountain knew he was coming.

Ray made the trip in a regular prison transportation car. Another auto followed, occupied by main penitentiary Warden W. S. Neil and other prison personnel.

Security for the transfer was quite limited compared to the heavy contingent of state troopers that accompanied Ray when he was sent here from Memphis last year to begin serving his sentence. No state police were used Wednesday.

Corrections Commissioner Lake Russell told newsmen the trip was uneventful and Ray "did not seem to be resentful of the move."

Russell said Ray was placed in a cell by himself at Brushy — but he stressed the cell is in the general prison population.

Throughout his stay here, Ray was kept in relative isolation in the penitentiary's maximum security building.

The commissioner said Ray will be given work at the East Tennessee institution but that the nature of the task has not yet been determined.

"He was classified for maximum security and it was time to put him in his proper place," Russell said, alluding to the designation of Brushy as

Tennessee's only maximum security facility.

Asked if security precautions at Brushy will be enlarged after Ray's assignment there, the commissioner said, "I guess we'll always be a little extra careful with him."

Russell noted there is heavy perimeter and interior security at Brushy and added if he did not consider Ray safe there he would not have approved the transfer.

Ray's attorneys were not notified of the move until after the transfer was complete.

Russell disclosed for the first time that Ray was punished for quitting the work assigned to him after Ray went into federal court to get more freedom and to be given something to occupy his time and stave off boredom.

Prison officials subsequently put him to work painting the maximum security building and helping guards with such tasks as food and janitorial service. Ray quit working Feb. 28.

The commissioner said Ray's punishment consisted mostly of being confined to his cell except for periods in the exercise yard. He was not given access to the corridors of the maximum security building.

Russell also said he and his staff are making arrangements for a thorough study of the entire system of juvenile corrections in Tennessee, to be made by non-department personnel.

He made no secret of the fact the study was prompted by recent criticism of the State Training School for Boys at Pikeville. Specifically involved was a 17-year-old marijuana

pusher, James Fentress, who was released from the school last week for his own protection.

Juvenile Court Judge Richard Jenkins of Nashville, who ordered Fentress released at the request of training school officials, called the Pikeville institution "nothing but a hell-hole." Fentress was beaten by several other youngsters.

Russell declared Jenkins was "reckless" in his description of the school and said he disagrees with those — even those in his own agency — who contend inmates of the facility cannot be protected.

The commissioner conceded Pikeville is to some extent left with hard-core juvenile offenders because the "cream of the crop" youngsters are transferred from there to facilities in Joelton and Jordon, both near Nashville.

Russell said details haven't been worked out, but he hopes the study can be made by two persons not in his department, two not in state government and one person — to serve as chairman — who does not live in Tennessee.

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

PAGE 3

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 3/26/70
Edition:
Author:
Editor: GORDON HANNA
Title:

Character: 44-1987-
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Classification:
Submitting Office: MEMPHIS
☐ Being Investigated

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APR 1 1970

FBI - MEMPHIS

44-1987-Sub-C-459

(Mount Clipping in Space Below)

Now Caretaker of C-Block at Brushy Mountain Prison

James Earl Ray Comes Out of Solitary Confinement

PETROS, Tenn. — (UPI) — After almost two years of solitary confinement, the convicted slayer of Dr. Martin Luther King Jr. has been allowed to become a part of prison society.

James Earl Ray is caretaker of C-block at Brushy Mountain Prison, the state's maximum security institution.

Brushy Mountain, a brick fortress hidden among East Tennessee's Cumberland

foothills, has been Ray's home for two weeks.

It is only the latest stop in a tumultuous two-year journey for Ray since King, struck by a 30.06 deer rifle slug, slumped to the balcony of the Lorraine Motel in Memphis on April 4, 1968.

Now 42 years old, Ray is a thinner man and pale from living in the dark shadows of solitary confinement in the state penitentiary at Nashville. He doesn't talk much, guards at the prison say.

His job is to sweep and clean the cellblock and pass out tin plates of food to transient prisoners being transferred to Nashville. The warden calls him a "roustabout."

His fellow inmates are the first men Ray has been allowed to associate with, other than attorneys, prison authorities and interviewers, in two years. Warden Lewis Tollett insists he's just another prisoner.

"The name James Earl Ray doesn't mean anything to me," he said.

One of Ray's two attorneys, Richard Ryan of Memphis, says a new appeal is in preparation to bring his client back to court and tell what he knows about King's slaying.

Ray didn't get that chance on March 10, 1969, when trial attorney Percy Foreman of Houston, Tex., advised him to plead guilty in exchange

for a 99-year sentence.

The next day he was in the state prison at Nashville, writing Criminal Court Judge W. Preston Battle that he wanted a new trial.

The letter was to be the first in two years of consistent legal defeats for Ray, marked by his angered and passionate letters asking another chance to be heard and by the recurring specter of a conspiracy.

Ray never won his retrial

motion. Judge Battle died before he could make a ruling on the request, and the state Supreme Court finally killed it in a caustic opinion which said "he made the bargain."

In 32 years, when he is 74, Ray will be eligible for parole. But his attorney has more immediate plans. "If we get this appeal," Ryan says, "He will come home a free man."

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

PAGE 9

PRESS SCIMITAR

MEMPHIS, TENN.

Date: 4/3/70

Edition:

Author:

Editor: CHARLES H.

Title: SCHNEIDER

Character:

or

Classification:

Submitting Office: MEMPHIS

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SERIALIZED	FILED
APR 4 1970	
FBI - MEMPHIS	

Orig & one fwd
Bureau
4-9-70

(Mount Clipping in Space Below)

Ray Asks New Trial in King Murder

James Earl Ray today asked for a new trial under Tennessee's Post Conviction Act, renewing his contention that he had been "pressured" into pleading guilty to the murder of Dr. Martin Luther King Jr.

In the petition for a writ of habeas corpus, filed in the criminal court clerk's office, Ray asked the court to order the warden of Brushy Mountain Prison at Petros, Lewis Tallett, to return him to Memphis for a hearing into the legality of his restraint.

Ray asked that he be allowed to withdraw his guilty plea and be granted a new trial on a plea of not guilty.

The petition was filed by Ray's present attorneys, Richard J. Ryan of Memphis and J. B. Stoner of Savannah, Ga. With them at the time was Ray's brother, Jerry Ray of St. Louis.

A hearing is expected to be

set in about 30 days or so, after the state has an opportunity to file its answer to the pleadings.

Ray is not likely to be present, however, since the initial hearing will be concerned with the merits of the allegations and whether a full hearing, with the defendant present, should be granted.

Ray charged his rights and effective representation by counsel were violated at his guilty plea trial before the late Judge W. Preston Battle March 10, 1968, when he was sentenced to 99 years.

He claimed his two prior attorneys, Arthur Haynes of Birmingham and Percy Foreman of Houston, entered into contracts with author William Bradford Huie while he was in the Shelby County Jail awaiting trial.

Under the agreements, he was to sell the publishing

and movie rights concerning his case "for substantial sums of money."

Ray maintained the contracts established "a conflict of interest" between himself and his lawyers, that there would have been no story or

movie to sell if he had been allowed to take the witness stand where his testimony would have brought out "all facts in this case" and become a matter of public record.

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

PAGE 10

PRESS SCIMITAR

MEMPHIS, TENN.

Date:

4/13/70

Edition:

Author:

Editor: CHARLES H.

Title: SCHNEIDER

Character: 44-1987-

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Bureau 4-15-70*

44-1987

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SERIALIZED ☒ FILED ☒
APR 15 1970
FBI - MEMPHIS

44-1987-Sub-C-461

(Mount Clipping in Space Below)

'Pressure' Cited In Plea By Ray

Attorneys for James Earl Ray yesterday sought a new trial for their client, who pleaded guilty March 10, 1969, to the murder of Dr. Martin Luther King Jr. and was sentenced to 99 years in the state penitentiary.

In their petition filed in the Criminal Court Clerk's office, attorneys Richard J. Ryan of Memphis and J. B. Stoner of Savannah, Ga., said Ray had been "pressured" into the guilty pleas by his former lawyers, Arthur Hanes of Birmingham and Percy Foreman of Houston.

They also maintained he had been denied due process of law and that a conflict of interest arose between Ray and his attorneys over movie and publishing rights to the story of his case.

Ray asked that his guilty plea be withdrawn and that he be allowed to enter a plea of not guilty. He made the request under Tennessee's Post Conviction Act.

In outlining Ray's arrangements with author William Bradford Huie to tell his story, the petition charged "that the said prior attorneys (Mr. Hanes and Mr. Foreman) actually represented William Bradford Huie and their own financial interests and not his."

Ray claimed Mr. Foreman told him he would be executed if his case was ever brought to trial and urged him to plead guilty because he could be pardoned "in about two years if he kept his mouth shut in the prison because he knew who the next governor would be."

The suit claims Mr. Foreman told Ray he "must not take the witness stand in his expected trial because if he did take the witness stand then he (Mr. Huie) would have no book."

"Petitioner would have no story to sell and no movies with publishing rights to convey if he were allowed to take the witness stand; that such an action on his part would allow all facts in this cause to become a matter of public record for the free use of all," the petition said.

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

PAGE 24

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date:

4/14/70

Edition:

Author:

Editor:

GORDON HANNA

Title:

Character:

44-1987-

or

Classification:

Submitting Office:

MEMPHIS

☐ Being Investigated

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44-1987-Sub-C-462

(Mount Clipping in Space Below)

Ruling Seen As Blow To Ray Plea

The motion of James Earl Ray, confessed slayer of Dr. Martin Luther King Jr., for a new trial was dealt a blow yesterday by the United States Supreme Court, in the opinion of Atty. Gen. Phil M. Canale.

In a series of 5-3 decisions the high court upheld the practice of plea bargaining between defense and prosecution and cut back the avenues of appeal open to prisoners who have pleaded guilty.

One sentence in an opinion by Justice Bryon R. White appeared to cut the ground from under one of the claims made by Ray in his motion for a new trial filed in Criminal Court here three weeks ago. Ray claimed his former defense attorney, Percy Foreman of Houston, told him he would be executed if his case were ever brought to jury trial.

Justice White's opinion said a guilty plea cannot be considered involuntary automatically because the defendant entered it to avoid the possibility of being sentenced to death by a jury.

The Supreme Court ruled also that a defendant pleading

guilty "voluntarily and intelligently" cannot later try to upset his conviction on grounds that his action was constitutionally coerced.

Mr. Canale said both the propositions expressed by the Supreme Court "have prevailed pretty generally for some time. But I don't believe the Supreme Court had ruled on them until today. I'm glad to see the Supreme Court confirm this view."

Criminal Court Judge William H. Williams has set a post conviction hearing on Ray's motion for a new trial for May 15. But if defense attorney Richard Ryan wished to have a full-dress hearing with decision on the new trial at that time, the court would be expected to agree.

Justice White wrote the majority opinion in the case of Robert M. Brady, who pleaded guilty to a federal kidnaping charge in New Mexico. Brady claimed statutory coercion into pleading guilty because in a jury trial he would have been liable to the death sentence.

Justice White held that the

coercive effect of the death penalty is not unconstitutional unless the defendant is so afraid he is no longer capable of deciding rationally, with the help of counsel, whether to plead guilty.

Washington observers saw this as a decided retreat from the previous understanding of a 1968 opinion that the death penalty provision of the Federal kidnaping Act was invalid because it imposed an impermissible burden on the exercise of the constitutional right to a jury trial.

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

PAGE 10

THE COMMERCIAL
APPEAL

MEMPHIS, TENN.

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Ray's New Petition For Rehearing Claims Foreman Promised Pardon

By CHARLES EDMUNDSON

In a 45-page amended petition for a new trial filed in Criminal Court yesterday, James Earl Ray, convicted slayer of Dr. Martin Luther King, Jr., says his onetime attorney, Percy Foreman, promised he would be released in two years if he would plead guilty.

"Mr. Foreman said he would get a pardon in a matter of two years, as he knew who the next governor would be," states a supporting affidavit from Ray's sister and brother-in-law in St. Louis.

In the petition filed by his three attorneys, Ray pictures Mr. Foreman as getting him to plead guilty by estimating his earnings from an authorized book and movie at a half million dollars.

It is alleged that on March 9, 1969, the day before Ray was given a 99-year sentence, he had decided not to plead guilty but that Mr. Foreman "spent two and a half hours arguing with him to stick to his 'guilty plea.' Because of distress and nervousness the defendant became incapable of rational decision."

Before he was extradited from London, where he was captured, Ray tried to appeal to Edward Heath, leader of the Conservative Party in the House of Commons, the petition recites, but was not permitted to do so.

Ray wanted to appeal to Mr. Heath, it is stated, to block Ray's removal to Memphis, on the ground that Britain's treaty with the United States forbids extradition for trial for political crimes.

Ray claims he was "denied due process of law" also because he was not allowed to consult, before the extradition hearing, with Arthur Hanes Sr. of Birmingham, his first attorney, who had "gone to London for that very purpose."



Percy Foreman
—Staff Photo

viction hearing law, Ray's attorneys will appear before Judge William H. Williams next Friday to make a second plea for a new trial. An earlier new trial plea was refused several months ago by Judge Arthur Faquin.

Tennessee law provides that a post-conviction hearing shall be held by a judge other than the one who had charge of any part of the original proceedings.

As further grounds for a new trial, the petition argues Ray was deprived of access to evidence which should have been placed in his hands.

Ray did not know, it is asserted, that the bullet taken from Dr. King's body was too shattered to be identifiable, or that Charles Quitman Stevens, who was to have been a key witness for the prosecution,

Under Tennessee's post-conviction figure he saw in the corridor of a South Main Street rooming house a moment after the fatal shooting.

Yesterday's new petition requests permission to see the physical evidence which, it is

alleged, was denied Ray in preparation for last year's trial.

Filed with the new petition was an affidavit from Carol and Albert Pepper of St. Louis, Ray's sister and brother-in-law, setting out that Mr. Foreman visited them in St. Louis and tried to get them to write to Ray urging him to plead guilty.

"Percy Foreman sought us out and told us he knew James Earl Ray did not kill Martin Luther King Jr.," the affidavit relates. "But he said Ray would be convicted because of the pretrial publicity and because he was an escaped convict."

"He also told us the prosecution was bribing witnesses with the promise of a large sum of money as a reward... Mr. Foreman further said that if James Earl would keep his mouth shut, he, Mr. Foreman, would get him a pardon in a matter of about two years, as he knew who the next governor would be."

The Peppers said they refused to advise Ray to plead guilty.

The new petition repeats charges heard in earlier hearings that Ray was subjected to "trial by the press. Articles written in Look magazine by William Bradford Huie warned potential witnesses there were powerful conspirators free to wreak vengeance if they said anything."

Mr. Hanes, as well as Mr. Foreman, is a target of criticism. The original agreement on division of magazine, book and movie proceeds is described as giving 40 per cent to Mr. Huie and 30 per cent each to Ray and Mr. Hanes. But this agreement, signed in London, was rewritten in Memphis, it is alleged, to give Mr. Huie 42 per cent, Mr. Hanes 42 per cent and Ray 18 per cent.

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

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Atty. Gen. Phil M. Canale is pictured as agreeing to accept a guilty plea carrying a 99-year sentence only a week or so before the plea was entered.

Attorneys filing yesterday's petition were Richard J. Ryan of Memphis; J. B. Stoner of Savannah, Ga., and Bernard Fensterwald of Washington. Mr. Fensterwald, who is 48, heads a private group called the Committee to Investigate Assassinations. He worked for the Senate Judiciary Committee from 1957 to 1968.

Mr. Ryan said Judge Williams will decide whether Ray would be brought here from Brushy Mountain State Prison at Petros for the hearing. "We will do our best to have him brought here."

Mr. Ryan said he expects the new motion, with decisions on its evidentiary requests, to delay the final hearing on a new trial at least until June 15. Earlier this week Mr. Ryan asked Judge Williams to postpone the hearing set for next Friday. Judge Williams refused, saying that session would be needed at least as a preliminary hearing.

(Mount Clipping in Space Below)

New Date Is Set For Ray Hearing

A hearing on James Earl Ray's petition for a new trial was reset to May 29 by Criminal Court Judge William H. Williams yesterday.

Arguments at the hearing will also cover a motion by Ray's attorneys to have physical evidence in the case produced for them.

The delay was necessary to give prosecutors time to file a legal answer to a 45-page amendment to Ray's appeal under the post-conviction act. Arguments on the petition had been scheduled to be heard yesterday.

Ray is serving a 99-year-sentence for the slaying of Dr. Martin Luther King Jr. He pleaded guilty to the killing in a court appearance last year.

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

**THE COMMERCIAL
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Ray May Get Hearing Copy

Press-Scimitar Bureau

WASHINGTON. — James Earl Ray apparently has won his battle to obtain records of his British extradition hearing from the U.S. Department of Justice.

Bernard ("Bud") Fensterwald, Jr., a member of Ray's present legal team, says he was permitted to view the documents and asked for copies.

The defense counsel considers these papers—mainly affidavits of witnesses presented at the hearing—vital to winning a new trial for the man convicted of the murder of Dr. Martin Luther King.

It's believed that the defense will compare the affidavits from England with testimony from Ray's murder trial.

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Motions Denied In Ray Case

Criminal Judge William Williams today turned down three motions and reserved judgment on another made by attorneys for James Earl Ray, who is seeking a new trial under the post-conviction statute after pleading guilty to fatally shooting Dr. Martin Luther King Jr. in Memphis on April 4, 1968.

Judge Williams told the defense attorneys, Richard Ryan of Memphis and Bernard (Bud) Fensterwald of Washington, D.C., that they had failed to produce proof ~~that the criminal court clerk~~

and the attorney ~~general's~~ office had failed to produce the physical evidence they were seeking.

"If such proof is produced at a later time, I will entertain a new motion."

However, Fensterwald said he was disappointed the judge turned down the motion to provide access to the late Judge Preston Battle's personal papers and records which were involved in earlier negotiations with Ray's attorney, Percy Foreman, who later advised Ray to plead guilty and accept the 99-year plea.

Judge Williams reserved judgment on a motion by Ryan to issue a declaration of indigency for Ray and said he would probably grant the motion when Ryan submits an affidavit from Ray saying he has no money and ~~is indigent.~~

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Judge Rejects Pleas By Ray

Criminal Court Judge William H. Williams yesterday rejected five motions from James Earl Ray's attorneys who said later the apparent setback actually would help them in their effort to get Ray a new trial.

Defense attorneys Richard Ryan of Memphis and Bernard Fensterwald of Washington contended during the hearing that the late Judge W. Preston Battle had improperly helped "negotiate" Ray's guilty plea in the slaying of Dr. Martin Luther King Jr., a contention denied later by Percy Foreman, Ray's former attorney.

The two lawyers' main motion asked the court to order the criminal court clerk and the attorney general to produce for their inspection the physical evidence in the case. The lawyers said under questioning from the judge that they had not yet asked for that material.

Judge Williams told them it was their right, as Ray's attorneys, to have access to the evidence but that unless it had been denied them he could not sustain the motion.

Mr. Ryan said after the hearing that the effect of the judge's ruling would be the same as his order for them to have access to the information. The state had opposed the motion, asking among other things how many times this issue would be "rehashed."

L. A. 'Dusty' Rhodes said at one point: "We can't have a man to keep coming back here and asking for his rights when he stood in the window of a rooming house and shot down one of the great leaders of our country without any rights at all."

The other motions Judge Williams rejected would have: Ordered Criminal Court Clerk J. A. Blackwell to let the defense have access to those personal effects of Judge Battle's that might be related to the Ray case.

Ordered Sheriff William N. Morris Jr. to name the persons who designed and planned the jail cell Ray occupied before his guilty plea. Ordered the sheriff to tell the lawyers dates when Mr. Foreman and Jerry Ray, Ray's brother, visited the cell.

Ordered the sheriff to allow defense psychiatrists to study the cell Ray occupied in order to get their opinion on the possible psychological effects of his incarceration.

Judge Williams said he would hear motions again if the information or evidence was denied the lawyers. He rejected completely, however, the requests for access to Judge Battle's papers. "That's not a matter of public record," he said.

Mr. Ryan said it was his contention that Judge Battle helped "negotiate" the guilty plea, which he said was "fatally improper" in that the judge should only have ruled on it.

He tried to read part of a deposition from Mr. Foreman. He said the deposition would show that Mr. Foreman and Judge Battle discussed the guilty plea. Because of technical irregularities in the deposition, it was not allowed.

Contacted in Houston later yesterday, Mr. Foreman said that only once did he talk with Judge Battle out of court about the guilty plea.

"I went into his chamber about two weeks before the plea was entered and asked him if he would accept the recommendation of the state if we reached an agreement."

"I just wanted to avoid the embarrassment of making an agreement only to have the judge not allow it. All he said was that he would honor the recommendation. There was no negotiation of any kind."

Attorneys Fensterwald and Ryan said it was their contention that Ray pleaded guilty partly because of a deteriorated state of mind induced by conditions in his special jail cell.

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FBI Releases Documents Cataloging Ray Inquiry

By MORRIS CUNNINGHAM

From The Commercial Appeal Washington Bureau

WASHINGTON, June 24. — The FBI quickly found fingerprints on the rifle, telescopic sight, and the binoculars used in the assassination of Dr. Martin Luther King Jr., but it was two weeks before the prints were identified as those of James Earl Ray.

This was disclosed Wednesday as the Justice Department released 180 pages of previously undisclosed documents in the Ray investigation.

The rifle, telescopic sight, and binoculars, which with other items had been tossed in a bundle at the doorway of 424 South Main moments after the shooting, were flown to FBI headquarters in Washington hours later by FBI special agent Robert Fitzpatrick.

Fitzpatrick also took with him a bullet recovered from Dr. King's body by Dr. J. T. Francisco, the Shelby County medical examiner, in an autopsy completed about 10:45 p.m., about five hours after the slaying on April 4, 1968.

An affidavit by George J. Bonebrake, an FBI fingerprint examiner, said the materials reached him about 5:15 a.m. April 5.

Later on April 5, Bonebrake said he "developed one latent fingerprint on the rifle, one latent fingerprint on the telescopic sight, and one latent fingerprint on the binoculars."

He said that on April 19, two weeks later, he compared the prints with those on a fingerprint card made by the Los Angeles Police Department on Oct. 11, 1949, and which was contained in the official fingerprint files of the FBI in Washington. He said that from this comparison he determined the fingerprints were those of James Earl Ray.

Other documents showed that while there was a wealth of evidence incriminating Ray as the killer, FBI experts could not prove that the bullet that killed King was fired from the presumed murder weapon.

An FBI firearms expert said, "Because of distortion due to mutilation and insufficient marks of value, I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle." But he said the bullet was similar to other unfired ones found in the bundle along with the rifle and other materials, and that other bullets fired from the same rifle produced some of the same physical characteristics.

The autopsy showed that Dr. King had been drinking at the time of his death. The autopsy report showed an alcoholic content in the blood of .01 per cent. Dr. King was 39 and weighed about 140 pounds.

The documents showed that city engineers made triangulation studies that traced the flight of the death bullet and prepared maps that assisted in the investigation.

While Ray's fingerprints were not identified until April 19, the FBI apparently was moving in on him before that time. On April 16, the documents showed, FBI agents visited the store in Birmingham where Ray bought the rifle and

telescopic sight and showed the salesman pictures of Ray which the salesman identified as those of his customer. Ray had made the purchase under the name of Harvey Lowmeyer. He paid \$248.59 for the rifle and telescopic sight,

While the documents had not previously been made public, they revealed very little new information about the investigation and slaying.

The name Eric S. Galt, the first to surface during the investigation, was the one Ray used in registering at the New Rebel Motor hotel, 3455 Lamar, where he spent the night of April 3, 1968.

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Ray Case Claim: 'New Evidence'

By ROY B. HAMILTON
Press-Scimitar Staff Writer

An attorney for James Earl Ray said today he has uncovered new evidence "that runs very contrary" to the state's theory that the bullet taken from the body of Dr. Martin Luther King was fired by the rifle found at the assassination scene.

The claim was made by Bernard Fensterwald Jr. of Washington, D.C., during a brief hearing before Criminal Court Judge William H. Williams in connection with Ray's petition for a new trial under the Tennessee Post-Conviction Relief Act.

Judge Williams set a hearing for oral arguments on the issue for Wednesday, Sept. 2.

Fensterwald told the judge that he had been unable to determine if a spectographic analysis had ever been made of the bullet that killed King. The attorney asked the judge to authorize such a test.

Fensterwald said the FBI evidence relating to the bullet presented at Ray's guilty plea trial on March 10, 1969, was "very vague."

Fensterwald did not elaborate on his new evidence claim at the hearing, but he went into some detail with reporters after the hearing.

Among the documents, he told newsmen, was a sworn statement by an FBI ballistics expert identified as Robert Frazer that the bullet recovered from King's body was so mutilated it could not be identified as having been fired by the rifle traced to Ray.

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Ray Denied Court Approval For Analysis Of Fatal Bullet

By CHARLES EDMUNDSON

Criminal Court Judge William H. Williams yesterday denied a motion by an attorney for James Earl Ray, confessed slayer of Dr. Martin Luther King Jr., for a spectographic analysis of the bullet that killed the Negro leader.

Bernard Fensterwald Jr., the 11th attorney to be employed by Ray, contended the analysis is needed to establish whether the bullet taken from Dr. King's body here in April, 1968, is of the same composition as either of two lots of bullets left on the sidewalk at 422½ Main just after the slaying.

Judge Williams denied this and other defense motions as not in order for arguments to be made before him on a defense move for a new trial under the Tennessee post-conviction relief act. Judge Williams set the new trial hearing for Sept. 2.

Atty. Gen. Phil M. Canale will contend Ray's motion for a new trial should be dismissed because it alleges no violation of Ray's constitutional rights.

Mr. Fensterwald, executive director of the Committee to Investigate Assassinations, with offices in Washington, contends Ray did not fire the shot that killed Dr. King. A spectographic analysis of the fatal bullet might show, he maintains, that it belongs to neither of two lots 30-06-caliber cartridges left on the sidewalk in front of the rooming house from the second floor of which the state contends Dr. King was shot.

Robert A. Frazier, an FBI ballistics expert, found that the bullet extracted from Dr. King's body was a 30-caliber

metal-jacketed self-point sporting type bullet. He found it identical to five unfired bullets the state claims Ray left behind but dissimilar from four others, also left behind, that had full metal jackets.

If the FBI made a spectographic analysis of the bullets, the 560 word affidavit prepared by Dr. Frazier for use at the trial does not mention it.

"This is a serious flaw in the investigation and should be corrected," Mr. Fensterwald said.

Judge Williams refused a defense request for Ray to be brought to Memphis from Brushy Mountain Penitentiary in East Tennessee for the Sept. 2 hearing.

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Envelope Is Cited By Ray Attorney

By WAYNE CHASTAIN
Press-Scimitar Staff Writer

A battered envelope, postmarked one month before James Earl Ray escaped from the Missouri State Prison, was one of the leads obtained by Ray's defense attorneys this week after they examined in detail for the first time the state's evidence against Ray, who is now serving 99 years for the slaying of Dr. Martin Luther King, one of the defense attorneys said today.

Bernard (Bud) Fensterwald, a Washington, D.C. attorney who joined Memphis attorney Richard Ryan last month in defending Ray, said the envelope was addressed to a "doctor" at a flophouse in Atlanta with a return address of a political organization.

"Marked across the top was Eric Starvo Galt," Fensterwald said. "There were some penciled notations about Galt being a man good for some odd jobs . . ."

The state contends that Galt was an alias Ray used when he registered in a Memphis motel the night before Dr. King was fatally shot on the balcony of the Lorraine Motel.

Fensterwald, who received permission from the court last month to examine the state's evidence for the first time, said the envelope was among the evidence he examined at the Memphis police department's property room where the Ray evidence is stored.

There was nothing in the state's summary of proof, Fensterwald said, about the envelope or about the individual the letter was apparently addressed to.

The attorney also said the 30 caliber metal jacketed bullet extracted from Dr. King's body was intact enough that it could be subjected to a spectrographic analysis, adding that there was no indication in the state's proof that it had ever undergone any such tests.

A new trial motion will be heard Sept. 2. Atty. Gen. Phil M. Canale will ask for dismissal of Ray's request for a new trial on the grounds that it does not allege any violations of Ray's constitutional rights.

Yesterday, Criminal Court Judge William Williams denied a defense motion by Fensterwald and Ryan for a spectrographic analysis of the bullet that killed Dr. King.

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Police Hold Ray's Brother In Shooting Of Young Nazi

SAVANNAH, Ga., July 26. — (UPI) — Police Sunday held Jerry Ray, brother of James Earl Ray and campaign manager for gubernatorial candidate J. B. Stoner, for investigation in the shooting of a 16-year-old Nazi.

Ray was held for investigation of aggravated assault. The youth was in serious condition in a local hospital but police would not, under law, divulge his name, since they had placed a hold on him for suspicion of theft.

Chatham County Supt. of Detectives Al St. Lawrence said Ray told him he shot the youth Saturday night when he discovered him trying to make off with a box of records from the headquarters of Stoner's white-supremacist National States Rights Party.

Stoner could not be reached for comment.

The detective said the youth, from Athens, Ala., was a member of the National Socialist White People's Party — one of the names used by the American Nazi Party.

St. Lawrence said he and other officers answered a call to a laundromat two doors down the street from the party headquarters and found the youth there. Upon entering the party headquarters, St. Lawrence said, they were met by Ray, who readily admitted the shooting.

He said Ray, who said he was a security man and campaign manager for Stoner, told them he had ordered the youth to leave the building. In the meantime, the youth had apparently pushed a box of party files through a window, then went out the door. Ray told police he looked out a window and saw the youth picking up the records, whereupon he opened fire out the window with a 38-caliber revolver, striking the youth in the stomach.

Ray, who has occasionally appeared with Stoner in campaign stops, is from St. Louis. He became associated with Stoner when the latter became



Jerry Ray
—UPI Telephoto

one of James Earl Ray's attorneys in the effort to get the convicted slayer of Dr. Martin Luther King Jr. another trial.

(Jerry Ray, a 34-year-old former convict, was a frequent visitor to Memphis in the months before his brother pleaded guilty to slaying King. He and another brother, John Ray, visited James Earl Ray in his jail cell and also attended the trial. Jerry Ray was arrested on a drunk charge on July 9, 1968, but the charge was dismissed because it was his first offense in Memphis.)

Stoner has based his campaign on race hatred, promising to "take control of the liquor industry away from the Jews and give it to the white Christians . . . positively encourage niggers to move out of the state." Stoner describes Hitler as "too moderate."

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Ray Case Echoes At Bolivar Hearing

By WAYNE CHASTAIN
Press-Scimitar Staff Writer

BOLIVAR, Tenn. — Charles M. "Pat" Murphy, a Memphis attorney who contends that a key witness in the slaying of Dr. Martin Luther King is illegally detained at Western State Hospital near Bolivar, today obtained a postponement of a hearing on petition for a writ of habeas corpus until he can find a "non-mental" hospital that will take the witness.

The witness, Grace E. Walden, 52, has "declined and deteriorated" after two years at Western State, said Murphy, who added: "We have documents here from Western State officials saying that Mrs. Walden would decline and deteriorate if she was not released at the time of the evaluation in early 1969 (two months before the James Earl Ray case came to trial)."

In asking for a non-suit before Circuit Judge Herman L. Reviere, Murphy introduced a medical evaluation by Dr. Antonia Rubio, Western State staff doctor, and a letter by a social worker.

Murphy read the doctor's evaluation made on Jan. 5, 1969. It said Mrs. Walden's condition did not warrant further commitment and she should be released.

Dr. Rubio also said that the longer she stayed at Western State the weaker she would become.

Murphy then read letters to social workers to Mrs. Walden's father, James A. Hays, of Paragould, Ark., saying that her mental condition did not warrant further commitment at Western State, but the institution had no authority to release her unless a relative or friend would take custody of her.

An attorney for her father wrote back saying that Hays was 90 years old and in a nursing home, and no one could authorize her release.

Murphy told Judge Reviere that his investigation indicated that there was no document that contends Mrs. Walden suffered from "mental illness" as psychiatrists use the term.

Mrs. Walden was residing at the rooming house at 422½ S. Main on April 4, 1968, when a shot was allegedly fired from the rooming house bathroom. The state contends the shot was fired by James Earl Ray and that it was the shot that killed Dr. King as he stood on the balcony of the Lorraine Motel.

Murphy said he has a deposition from Mrs. Walden who said she saw the man who came out of the bathroom after the shot was fired.

In his petition for a writ of habeas corpus to release Mrs. Walden from Western State, Murphy said:

"She alleges that said man was not James Earl Ray as the Shelby County attorney general's office represented to be the fact upon the occasion thereafter when the said James Earl Ray pleaded guilty to the crime of murdering Martin Luther King, before the Shelby County Criminal Court."

Murphy also alleged in the petition that Mrs. Walden "was unlawfully shuttled off to the psychiatric department of the City of Memphis Hospitals" and "that the Shelby County attorney gen-

eral's office removed her medical records and files from the City of Memphis Hospitals and they thereafter caused her to be committed to Western State Hospital in Bolivar."

In the petition, Murphy said the attorney general's office "illegally committed" her, "knowing that Mrs. Walden had no prior history of mental illness, because her testimony would have been unfavorable to the position taken by the Shelby attorney general and his staff."

Prior to meeting with Judge Reviere and the other officials, Murphy said he talked with Mrs. Walden early today and that she is "very weak physically."

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Time Magazine Says King Had Affairs

NEW YORK. — (AP) — Time magazine says the late Dr. Martin Luther King Jr. muted his criticism of the FBI after its director, J. Edgar Hoover, confronted him with wiretaps revealing King's alleged extramarital activities.

In an article discussing a new book about King, "The King God Didn't Save," by novelist John Williams, Time gives its version of a 1964 meeting between King and Hoover.

Time says Williams reports the FBI began tapping King's telephone and bugging his hotel rooms in 1963 and while it uncovered no subversion it "did turn up an astonishing amount of information about King's extensive and vigorous sexual activities."

Time continues: "Williams has the correct outline of the FBI tape story. What he does not have is precisely what happened at the celebrated meeting between FBI Director Hoover and King in 1964.

"Hoover, Time learned, explained to King just what damaging private detail he had on the tapes and lectured him that his morals should be those befitting a Nobel Prize winner. He also suggested that King should tone down his criticism of the FBI. King took the advice. His decline in black esteem followed, a decline scathingly narrated by Williams."

The fact that the FBI had been tapping King's telephone was disclosed last year by FBI agent Robert Nicholas in a Houston, Tex., courtroom where boxer Cassius Clay was seeking to vacate a sentence for refusal to be inducted into the Army. One of the monitored conversations was between King and Clay.

Nichols was not allowed by the judge to say why King's

phone was tapped, but he said it occurred at a time when King was attacking the FBI for assigning Southern agents, rather than Northerners, to protecting civil rights workers.

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Mrs. King, 3 Others Denounce Magazine

ATLANTA. — (UPI) — The widow and three former top aides of Dr. Martin Luther King Jr. accused the editors of Time magazine Monday of printing "gossip and innuendo" about King's alleged extramarital sex life.

"Time magazine discredits itself in seeking to throw mud on a man adored and loved by millions, black and white," said a prepared statement issued through the offices of the Southern Christian Leadership Conference (SCLC).

"It discredits itself in stooping to sensationalism through fiction and irresponsibility. We suggest that Time reread its own story on Dr. King's immortal contribution, published when he was named Time's man of the year (1964).

"We further suggest to the Time editors that before they print gossip and innuendo, they might check with those present for the facts."

The statement was signed by the Rev. Ralph D. Abernathy, King's successor as president of the SCLC, the Rev. Andrew J. Young and the Rev. Walter E. Fauntroy. All said they were present during a 1964 meeting in Washington between King and FBI director J. Edgar Hoover.

Time claims it was at this meeting that Hoover confronted King with wiretap tape recordings which purportedly revealed "extensive and vigorous sexual activities" on the part of King. The magazine article said after this meeting, the civil rights leader toned down his criticism of the FBI and, as a result, lost prestige among Negroes.

The SCLC statement said it is "blatantly untrue that ~~Dr. King~~ slowed down his activities because he felt

threatened. History is the witness here."

They recounted subsequent triumphs in the field of civil rights after 1964, including a Selma, Ala., march, and his efforts resulting in civil rights legislation in 1965 as evidence.

"These aggressive and forceful campaigns are scarcely evidence that he changed any aspects of his policy or toned down his demands for justice," the statement said.

In a separate statement, Mrs. King said, "the conversations between my husband and Mr. Hoover, which he related to me, does (SIC) not correspond at all to the Time magazine report."

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

— PAGE 2

— PRESS SCIMITAR

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(Mount Clipping in Space Below)

New Move by Ray For Another Trial

Another chapter in the Martin Luther King Jr. murder case unfolds tomorrow when Criminal Court Judge William H. Williams considers whether the man convicted of the slaying should be brought back to Memphis for a hearing on a new trial motion.

James Earl Ray, who pleaded guilty on March 10, 1969 to charges that he shot and killed King at the Lorraine Motel on Mulberry, is serving a 99-year sentence at Brushy Mountain Penitentiary in East Tennessee.

Judge Williams has previously denied defense requests that Ray be returned to Memphis. Ray has waged a continuing effort to get a new trial, contending that he was pressured into pleading guilty by attorneys, including Percy Foreman of Houston.

Ray's latest move came yesterday when he filed through his 11th attorney, Bernard Fensterwald Jr., of Washington, a seven-page document with the Criminal Court in Memphis

In the document, Ray claims that at one point, he refused a request that he point out another man as King's slayer.

The affidavit, typewritten by Ray in his jail cell at Brushy Mountain, was included in a lengthy document answering the state's motion for dismissal of Ray's petition for post conviction relief.

Ray said in the document, which contained numerous typographical and spelling errors, including the names of his attorneys and biographer, that Foreman "showed me various pictures" during

a visit to his Shelby County Jail cell during the winter of 1969.

"He said either he (Foreman) had received the pictures from the FBI or that he had received them from the novelist, William Bradford Huie, who in turn had received them from the FBI," Ray said. "He said they were pictures of people the FBI wanted to get out of circulation.

"He showed me one picture containing white males—supposedly taken in Dallas, Texas, in November, 1963. He said they were either anti-Communist Cubans or, associated with anti-Communists," Ray said.

"Foreman asked me if I would identify one of the men as the man who shot Martin Luther King if the FBI arrested him and transported him to Memphis.

"I told Mr. Foreman, no, that I didn't want to get involved in that type thing for various reasons," Ray said. "When ready to leave, and failing to convince me to follow the aforementioned advice, Mr. Foreman asked me if that was my last word on the subject. I replied, yes."

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

PAGE 24

PRESS SCIMITAR

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(Mount Clipping in Space Below)

Ray Writes 7-Page Account Of Differences With Lawyers

By JAMES CHISUM

James Earl Ray peeked yesterday from behind the curtain of silence he has maintained about the shooting of Martin Luther King Jr.

Ray pleaded guilty to the murder March 10, 1969, but has tried since for a new trial. Previous comments had come from his lawyers. But yesterday, in a seven-page, typewritten document, Ray spoke for himself.

He repeated previously publicized charges that defense attorneys Arthur Hanes Sr. and Percy Foreman and writer William Bradford Huie used financial contracts to maneuver him into pleading guilty against his will.

Bernard Fensterwald Jr., the 11th attorney to represent Ray, filed the document yesterday in criminal court, along with an answer to Atty. Gen. Phil M. Canale's request that a motion for a new trial be dismissed.

The attorney has indicated he will appeal an adverse decision to higher state courts or to federal courts.

Ray said he had intended to take the stand at his trial, but didn't want to take a chance that the information he had would reach the prosecution through his attorneys.

"I favored taking the witness stand because I had testimony to give which I didn't want the prosecution to know of until as late as possible so there would be no time to alter the records, such as phone numbers, and at this stage of the proceedings I had reasons to believe Mr. Hanes was giving all information I was giving him to novelist Huie, who in turn was forwarding it to the prosecution via the FBI," he said.

Foreman, Ray said in his affidavit, had cited the following reasons for pleading guilty:

"He said the media had already convicted me and cited the pretrial articles written in Life Magazine and the Reader's Digest with the help of government investigative agencies as examples. . . .

"Foreman suggested, specifically, that it would be in my financial interest to plead guilty.

"That the prosecution had promised a witness considerable reward money for testifying against me, that this witness had already been given a raise in a welfare check he was receiving from the government, that the prosecution was also paying his food and wine bills. . . .

"That the Chamber of Commerce was pressuring the trial judge and the attorney general's office to get a guilty plea as a long trial would have an adverse effect on business — boycotts and such. Further, that the chamber wasn't unhappy about Dr. King being removed from the scene — hence the acceptance of a guilty plea.

"That the trial judge (Judge W. Preston Battle) was concerned about the effects a trial would have on the city's image and that the judge had even dispatched his amicus curiae committee chairman, Mr. Lucius Burch, to persuade some SCLC (Southern Christian Leadership Conference) members to accept a guilty plea.

Even after this, Ray wrote, he wanted a trial. But, he said, Foreman continued to argue.

"Mr. Foreman's reply was that if I pleaded guilty he could get me a pardon, after two or three years, through the office of Nashville attorney John J. Hooker Sr., as a relative of Mr. Hooker would then be governor," he said. Mr. Foreman has since denied making such a statement.

"It was also my belief that I would only receive one trial — that appellate courts wouldn't be looking too close for technical error in case of conviction — therefore I didn't want the one trial faked.

"Considering I had no other choice at the time, I tentatively agreed to enter a guilty plea to a technical charge of homicide."

In his affidavit, Ray hinted at mysteries still known only to himself in the case.

He said his first disagreement with Mr. Hanes began with a request for money from Huie. He said he wanted to hire a Tennessee lawyer to stand by and also to hire investigators "to go to Louisiana to check on some phone numbers."

"I didn't want anyone connected with William Bradford Huie doing this since I knew then that Mr. Huie was a conveyor, an admitted conveyor, of information to the FBI — hence the prosecuting attorney," he wrote.

After Foreman became his lawyer, he said, the attorney came to his cell with pictures.

"He said they were pictures of people the FBI wanted to get out of circulation. He showed me one picture containing white males — supposedly taken in Dallas, Texas, in November, 1963. He said they were either anti-Communist Cubans or associated with anti-Communists."

"Foreman asked me if I would identify one of the men as the man who shot Martin Luther King if the FBI arrested him and transported him to Memphis.

"I told Mr. Foreman, no, that I didn't want to get involved in that type of thing for various reasons."

Ray is confined to Brushy Mountain Penitentiary in East Tennessee. The hearing before Criminal Court Judge William H. Williams tomorrow is to decide whether Ray will be brought to Memphis to testify during a hearing on whether a new trial will be held. Judge Williams previously denied a defense request that Ray be brought here for tomorrow's hearing.

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

— PAGE 9

— COMMERCIAL APPEAL

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(Mount Clipping in Space Below)

Ray Lawyers Say Foreman Disabled

Attorneys for James Earl Ray yesterday claimed that Percy Foreman, Ray's attorney when he accepted a guilty plea, was under the influence of narcotics and was "physically incapable of rendering effective counsel."

Bernard Fensterwald Jr. of Washington and Richard J. Ryan of Memphis also said that Mr. Foreman had coerced Ray into accepting the plea in the murder of Dr. Martin Luther King Jr., and that the plea was negotiated with the judge and not with the prosecution.

Mr. Foreman's Houston office yesterday said he was on another murder trial and was not available for comment.

Criminal Court Judge William H. Williams listened for almost two hours yesterday and then continued the hearing for post conviction relief until Ray's attorneys could further amend the petition and until the state could respond to the new charges.

Mr. Fensterwald said he could complete the amendments by Sept. 16.

Exec. Asst. Atty. Gen. Lloyd A. Rhodes and Asst. Atty. Gen. Clyde Mason said they would get together with Mr. Ryan and decide when the hearing could be held.

The state has filed a motion to strike Ray's petition on the ground that he pleaded guilty, thus waiving all rights to appeal under state law, that the guilty plea automatically cancels any minor legal infractions in the proceedings and

that Ray voluntarily made the plea.

Mr. Fensterwald said Mr. Foreman was "not physically capable of representing Ray" because of "heavy use of narcotics" after a whiplash accident in 1967. The attorney said "state officials in high office" tried to prevent any move by Ray to obtain a trial after the plea until the death of Judge W. Preston Battle.

Mr. Fensterwald said he had a sworn statement from Mr. Foreman that the guilty plea had been negotiated between him and the judge rather than with Atty. Gen. Phil Canale, as is the "normally accepted practice and recommended practice of the American Bar Association."

Judge Williams said he would not hear any "false accusations and innuendoes" used to defame Judge Battle, who, he said, "was one of our more distinguished judges."

Mr. Mason said the question of the negotiated plea had been settled previously in another hearing.

But Judge Williams allowed the allegation to stand in the petition, for the time being.

Judge Williams said the purpose of the hearing was to determine if Ray's constitutional rights were violated in gaining the guilty plea.

The judge instructed attorneys for Ray to be "more specific with supporting evidence" in allegations to be made challenging the plea.

Mr. Fensterwald told the judge he could have Mr. Fore-

man in court to testify if the court would allow evidence.

Judge Williams replied, however, that the hearing was to determine if an evidentiary hearing was warranted.

Mr. Fensterwald later told reporters that Mr. Foreman said the reason for the negotiation with Judge Battle was that he "had no intention" of negotiating a plea with the prosecution "and then having it thrown out by the judge as in the case of Sirhan."

(A California judge refused to accept a guilty plea in the case of Sirhan Sirhan, convicted by trial for the first-degree murder of Senator Robert F. Kennedy.)

Mr. Fensterwald said either he or Mr. Ryan would go to Houston and take a statement from Mr. Foreman regarding all the aspects of the plea.

Early in the hearing, he said Mr. Foreman's statements to the court had been a "sham, farce and mockery" of the court. He said Mr. Foreman's statement that he was not being paid for the trial was a "fraud before the court."

"In fact Mr. Foreman was to be paid \$150,000 to represent Ray and later this was changed so that he would have a claim against all future earnings of Ray and of Arthur Hanes," (Ray's attorney until Mr. Foreman took the case), Mr. Fensterwald said.

He said there are estimates that the latter agreement "would have been worth \$500,000."

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

PAGE 1

COMMERCIAL APPEAL

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(Mount Clipping in Space Below)

Court Asked For Dismissal Of Ray's Motion For Relief

The attorney general's office yesterday asked the court to strike down a motion filed by attorneys for James Earl Ray, who charged his chances for a negotiated settlement of his case had been undermined.

The motion filed by the attorneys for the convicted assassin of Dr. Martin Luther King Jr. charged that Ray's attorney at the time, Percy Foreman, said he wouldn't negotiate with the attorney general's office because he didn't want such a settlement, but then did negotiate with the trial judge.

Ray charged that when Judge W. Preston Battle in fact entered negotiations, it removed his chance for a fair determination by the judge on whether the sentence worked out was just.

Ray contended he was "pressured" into accepting the 99-year prison sentence and was threatened by Mr. Foreman into accepting the guilty plea and the sentence.

In the motion filed by the attorney general's office yesterday after officials had talked to Foreman, the state "specifically and categorically denied" defense charges that Judge Battle violated judicial ethics when he entered negotiations with Foreman.

The state also asked that the motion for post-conviction relief be dismissed because Ray's rights under neither the state constitution nor the United States Constitution were violated.

One of Ray's attorneys, Richard J. Ryan, said that he and Washington attorney Bernard Fensterwald would seek "to have Ray brought back to Memphis for a full evidentiary hearing."

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

PAGE 44

COMMERCIAL APPEAL

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<i>Hester</i>	<i>RCW</i>

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Hays' Suit Asks For \$500,000

Renfro T. Hays, private investigator active in the James Earl Ray case, has asked federal court for an award of \$500,000 damages against Phil Canale, Shelby County attorney general and James A. Blackwell, criminal court clerk.

Hays contends that he is the rightful owner of the 30.06 rifle and telescopic sight allegedly used in the Martin Luther King slaying April 4, 1968, and the white 1966 Mustang in which Ray, convicted slayer of the civil rights leader, is said to have escaped.

Hays accused Canale and Blackwell of "wrongfully and unlawfully" refusing his demand for delivery of these articles and said they were guilty of depriving him of their possession "without due process of law and without just compensation."

Demanding \$250,000 compensatory damages, Hays claimed he was entitled to a like sum in punitive damages charging that "the defendants, especially Canale, have acted willfully and maliciously" in refusing to turn over the property to him.

Hays demanded a jury trial of the lawsuit.

On May 8, Circuit Judge John W. Wilson dismissed a suit brought by Hays seeking possession of the auto and rifle. The judge ruled that Canale and Blackwell have the right to hold the property as potential evidence in case Ray wins a new trial.

Earlier this year, Hays won a \$6,000 chancery court judgment against Ray for investigative work for which he claims he has never been paid. He said he wants the auto and rifle to satisfy that claim.

Ray is serving a 99-year sentence at the state's Brushy Mountain maximum security prison at Petros, Tenn.

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

PAGE 6

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Ray's New Trial Petition Is Dismissed By Judge

By MICHAEL LOLLAR

James Earl Ray's plea for a new trial was dismissed yesterday by Criminal Court Judge William H. Williams.

Ray's attorneys argued that the confessed slayer of Dr. Martin Luther King Jr. pleaded guilty after he was rendered "docile" and "unresponsive." They said his constitutional rights were violated when his former attorney, Percy Foreman, negotiated the guilty plea and a 99-year sentence with the late Judge W. Preston Battle.

However, Judge Williams' ruling found "great merit in plea bargaining for the defense as well as the state."

The judge said that a guilty plea induced by the defendant's own counsel is not grounds for claiming deprivation of his constitutional rights.

"In order for coercion to be illegal or unconstitutional it must be made by the state or an agency of the state.

"No agency of the state had coerced Ray to plead guilty to the slaying of Dr. King," Judge Williams said.

Ray's attorneys, Robert I. Livingston of Memphis and Bernard Fensterwald of Washington, said they will appeal to the Tennessee Court of Criminal Appeals . . . "and to the United States Supreme Court if necessary" in an attempt to get a new trial.

The attorneys based their request on four related categories of events occurring prior to Ray's entering the guilty plea: The confidentiality of his relationship with his attorney was violated, followed by bribery and intimidation on the part of the attorney.

Plea bargaining between Mr. Foreman and Judge Battle took place, although Ray had made his mind up to plead not guilty the day before his hearing on March 10.

Ray was denied due process of law, undermining any belief he could get a fair trial on a not guilty plea. The accusation claimed Ray was subjected to "trial by the press"; he was doubtful of the judge's impartiality; crucial witnesses were unavailable and "evidence was withheld by the state."

The nature of his confinement in the Shelby County Jail rendered him docile and unresponsive for his guilty plea.

Mr. Rhodes denied Ray was mistreated in Shelby County Jail. "Extra air conditioning equipment was placed in the cell for him . . . he actually gained weight while in the cell, and was in better health for it."

Mr. Livingston said Ray was confined in a "vault" built specially for him. The lights in his "windowless, airless cell burned continuously for eight or nine months" before Ray was brought to court to enter his plea, he said. "A high-intensity microphone inside his cell prevented him from talking in private to his attorney, and the man was unable to (use the toilet) in private."

Asst. Dist. Attys. Gen. Lloyd 'Dusty' Rhodes and J. Clyde Mason taunted the defense lawyers' claims. "After listening to him, I feel a little bit like Alice in Wonderland playing chess," Mr. Mason said. "We go two steps forward and two steps backward." He said the attorneys had only repeated claims made in previous

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PAGE 1

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