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# Full Truth In Ray Case Still Mystery To Judge

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Associated Press Writer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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ated, some minimized or obscured.

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

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

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

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

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

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