

(Mount Clipping in Space Below)

# Ray Case Provided Classicist A Climactic Role

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Battle belonged to an old Virginia family whose members included legislators, judges and a fairly recent governor, John S. Battle. His home in the Continental Apartments showed patrician tastes. On the bookshelves the classics predominated. But his library of records extended from the classic to rock-and-roll and jazz. His pedigree

bulldog Punky usually sat at his master's side.

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

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

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

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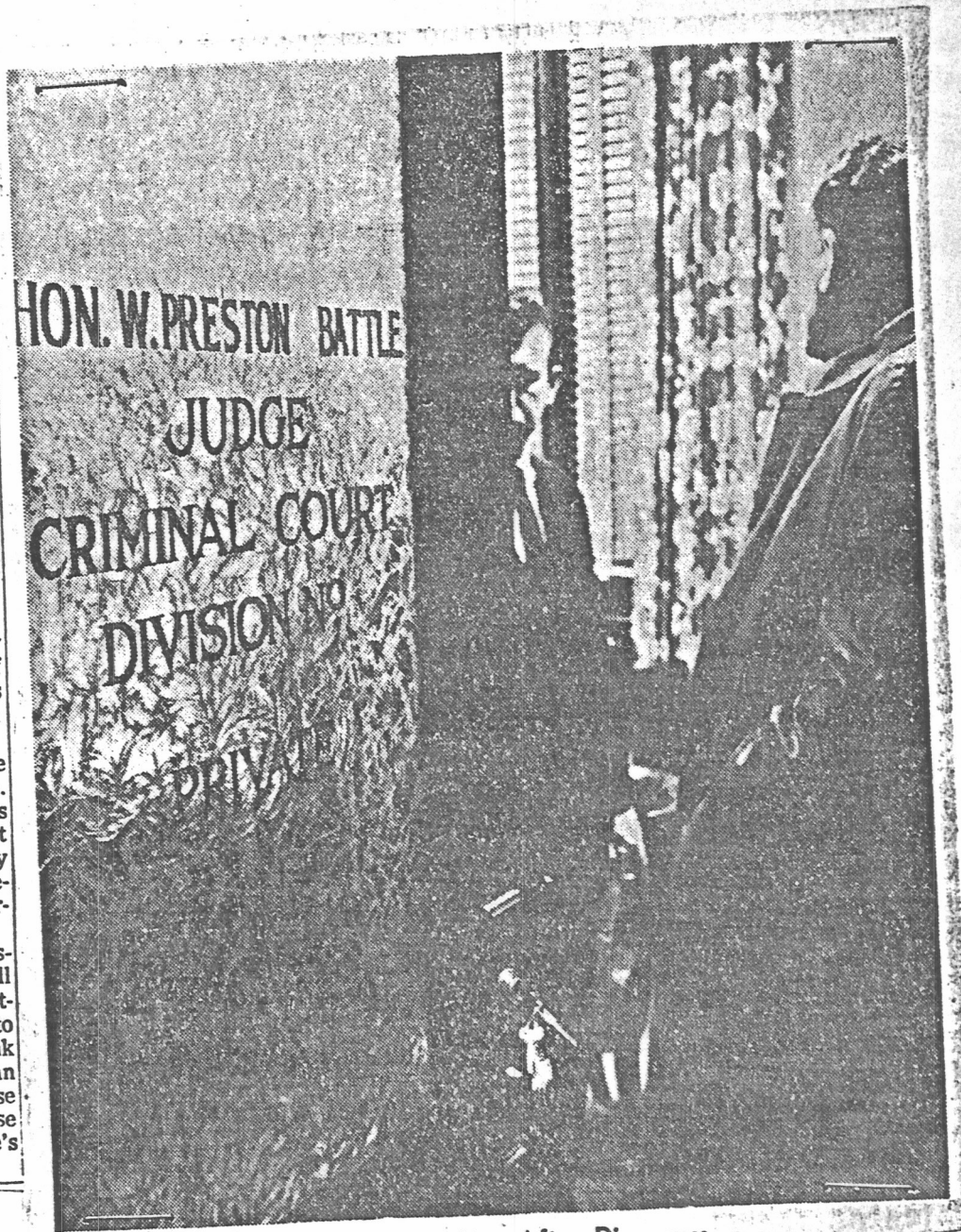
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In the Montesi trial, a reporter wrote. "If the principals had been typecast by Hollywood, they could have gotten no better man to preside than Judge Battle."

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

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

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



Judge's Door Ajar After Discovery