

(Mount Clipping in Space Below)

Ray May Appear In Court Dec. 29 On Cell Protest

NASHVILLE, Dec. 9. — (UPI) — James Earl Ray, convicted killer of Dr. Martin Luther King Jr., apparently will appear in federal court here Dec. 29 to tell in person why he thinks he should be removed from his maximum security cell at the state penitentiary.

Judge William E. Miller Tuesday ordered a full evidentiary hearing for Ray and said "provision will be made for the petitioner's personal presence at the hearing under proper security precautions."

Robert Hill of Chattanooga, one of Ray's three lawyers, said Ray would "definitely" be at the hearing.

"He has a right to be present at hearings on all his motions," Hill said. "Too much of this has been underground already."

The principal issue to be resolved at the hearing, Miller said, is whether Ray's "present incarceration in solitary confinement constitutes the sort of cruel and unusual punishment which is prohibited by the Eighth Amendment to the Constitution."

Miller's law clerk, Guy Cooper, received a mailed petition from Ray Nov. 24. The petition claimed Ray's confinement to a small maximum security cell where he has been housed for eight months constitutes "cruel and inhuman treatment."

Named as defendants by Ray are state Corrections Commissioner Lake F. Russell and prison Warden W. S. Neil.

The petition seeks both preliminary and permanent injunctions barring prison officials "from further unlawful incarceration" of Ray.

Russell has said he thinks it is in Ray's "best interest" to keep him in maximum security until there is a settlement of various suits which have been brought in Ray's behalf.

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

PAGE 23

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: 12-10-69
Edition:
Author:
Editor: GORDON HANNA
Title:

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

Original sent to Bureau 12-15-69

44-1987

SEARCHED
INDEXED
SERIALIZED
DEC 15 1969

Hester

44-1987-Sub-C-434