

(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 ednied 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 phusician.

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 heh as been confined since april 1969.

Violated

The prisoner has contended his civil rights are being violated by the sloitary confinement and it is imparing 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 requent, 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 rights leader.

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

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