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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 could not identify the fleeting 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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THE COMMERCIAL
APPEAL

MEMPHIS, TENN.

Date: 5/8/70
Edition:
Author: GORDON HANNA
Editor:
Title:

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

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 11 1970	
FBI - MEMPHIS	

44-1987-Sub-C-4

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.