

(Mount Clipping in Space Below)

Hearing For Ray Ordered By Court

The Sixth U. S. Circuit Court of Appeals in Cincinnati ruled yesterday that James Earl Ray is entitled to an evidentiary hearing, which could lead to a new trial for Ray in the 1968 slaying of Dr. Martin Luther King Jr.

A spokesman for the state attorney general's office in Nashville said he is "sure the state will appeal" the decision.

In return for a 99-year sentence, Ray, 41, pleaded guilty on March 10, 1969, in Memphis to slaying the civil rights leader. He has been seeking a new trial in the case since the day after he entered the plea.

Yesterday's ruling calls for a hearing to be held to determine if Ray was coerced by his attorneys into entering the guilty plea, as Ray's new attorneys have argued. The hearing will be in Nashville, one of Ray's attorneys said.

The three-judge panel's decision said in part, "It is clear that the allegations which are the subject of Ray's petition have never been tried, upon their merits or resolved by any court — allegations which, if true, plainly negated any notion or idea that his guilty plea was made voluntarily and intelligently.

"The allegations . . . if true would support a finding that Ray's attorneys deliberately compromised their client's interests in order to further financial successes of (author William Bradford Huie's works, in which they themselves had substantial interest."

To pay for his defense, Ray had promised his attorney, Percy Foreman, all royalties he received from Huie, an Alabama author who had made an arrangement with Ray to write about the case.

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

PAGE 21

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: JAN. 30, 1974

Edition:

Author:

Editor: GORDAN HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

Being Investigated

44-1987 sub C 546

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
FEB 4 1974	
FBI - MEMPHIS	
HESTER	

In the court's 2-1 decision, the judges noted two letters written to Ray by Foreman concerning their financial arrangements with Huie.

Ray, who is being held at the state penitentiary in Nashville, has since fired Foreman and hired a team of attorneys headed by Bernard Fensterwald of Washington. Fensterwald is out of the country and could not be reached for comment yesterday.

Another Ray attorney, James Lesar of Maryland, said following the ruling that he believes "without any question" the district court will "be forced to order a retrial for Ray."

He said he doubts, however, whether Ray will be tried for the slaying, because "the state won't want to go

Lesar also said he does not believe that an evidentiary hearing would bring out much information concerning the death of King, "at a minimum it will lead to a look at the coercion of Ray. And almost inevitably it will get into the withholding of exculpatory evidence." Exculpatory evidence is that which would tend to prove Ray's innocence.

Lesar said the hearing could not bring out information concerning a conspiracy to murder King in which Ray was involved, "because Ray did not shoot Dr. King and does not know who did."

Assistant State Atty. Gen. William H. Haile, who opposed an evidentiary hearing for Ray, said in Nashville he is convinced Ray "acted alone" in the assassination of King.

"The evidence against him was really overwhelming," Haile said. "He signed the 57-paragraph stipulation and admitted pulling the trigger. I believe he acted alone."

Haile said evidence in the case does not support the contention that Ray was "browbeaten, badgered and bribed" into answering the guilty plea.

"He (Ray) is just another con. He's a professional criminal," Haile said. "He just happened to knock off somebody the nation happened to care for."

King was shot to death April 4, 1968, as he stood on a balcony of the Lorraine Motel in Memphis. He had been here in support of a strike by sanitation workers.

Ray was later arrested in London and extradited to the United States for trial in Memphis.

The state's case was headed by Atty. Gen. Phil M. Canale. Canale's office said he is at home sick and could not be reached for comment on the court's decision.

Haile said the original investigation into the slaying of King cost about \$4 million and a trial "would be enormously costly to the State of Tennessee." Ray's lawyers said that if the court ordered a trial and the state decided to hold it, it probably would be held in Memphis.

Haile was asked if he thought the U.S. District Court in Nashville would order a new trial after the hearing. "I don't see any way unless Percy Foreman came in here and said, 'Yeah, I beat him every day before breakfast and told him he would go to the electric chair if he didn't plead guilty.'"

Both Haile and Lesar said they would like to give Ray a lie detector test on the accusations he has made against his former lawyers.

Lesar said he believes that Ray is telling the truth and added, "We will be able to show (at the hearing) that Ray's guilty plea was coerced and we may be able to show by implication that James Earl Ray was framed."