



—Staff photo by Robert Johnson

## Says Memory, Concentration Suffering

James Earl Ray, wearing sunglasses, is surrounded by guards as he leaves federal court after testifying about what he called his unhealthy living conditions in the prison. Warden Jim Rose is at left with back to camera.

## Ray Asserts Health Injured by Vitamin, Air, Exercise Lack

By PAT WELCH

James Earl Ray, who claims he was told he would never get out of solitary confinement, testified here yesterday that his health is weakening because he can't get fresh air, vitamin C and exercise.

Ray began a 99-year sentence for the murder of Dr. Martin Luther King Jr. in March 1969. He said he has been locked in a small cell all but four days since he was transferred to the main prison here in July 1972 from the maximum security Brushy Mountain Prison at Petros, Tenn.

WARDEN JIM Rose testified in yesterday's hearing that Ray has been in "administrative segregation" longer than any other inmate. But Rose said Ray is an escape risk and his life is in danger from an assault which could lead to "a racial situation."

Rose said Ray could resume his clean up job, giv-

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operate any more." Ray explained to Morton the difference between segregation and "the hole." He said he had been put in "the hole" and denied his radio, TV, typewriter and other comforts for three days in December 1973 for violating prison rule. He did not say what it was.

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# Health Injured, Ray Tells Hearing

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up to 10 hours a day outside his cell, anytime he wants. He said the penitentiary does not have enough guards to give Ray "special treatment" so he can mix with other inmates for recreation.

Ray, making his first appearance in court since a similar hearing Dec. 29, 1969, said he has had no threats from any other inmate, black or white, and is not interested in escaping.

"IT WOULD be idiotic to attempt to escape now, when there's a possibility of a new trial," he told U.S. Dist. Court Judge L. Clure Morton.

The 6th Circuit Court of Appeals, overruling Morton, has ordered a hearing on Ray's claim that his plea of guilty to King's murder was coerced.

Morton took Ray's bid for more freedom and access to law books under advisement after his attorneys said they will file a brief next week. In an ironic touch, his lawyers cited the case of Angela Davis, a black activist, in arguing for his release from solitary confinement. (Morton noted that her case involved pretrial detention.)

RAY'S APPEARANCE in court surprised his attorneys, James Lesar of Washington and Robert Livingston of Memphis, who were not informed their client would be a witness in the hearing Morton set Friday. A third

attorney, Bernard Fensterwald Jr., was in Miami.

Lesar said he learned that Ray would be brought to court only after his arrival in Nashville about 7:30 a.m. yesterday. Livingston said he happened to read about Ray's court appearance in the Tennesseean.

Ray, 49, appeared pale and blinked continually in his hour and 15 minutes on the witness stand. But Asst. Atty. Gen. Henry Haile noted, "His mind is sharp and alert. He didn't have any trouble with my questions."

RAY BEGAN his testimony hesitantly, but warmed up to show a dry wit under Haile's cross-examination.

"I don't think they're going to send me outside the walls to work," he admitted at one point.

And again, after a discussion of the differences in his food and that of others, he said: "I'm not complaining about the food, per se. I'd just as soon they'd turn me out in the yard and give me a Euell Gibbons book."

Ray said he is not the best judge of his own mental health but that his memory and concentration are suffering from his close confinement.

HE SAID his "health is run down" and he wants to prepare for his upcoming hearing in Memphis "so I can get this criminal thing dealt with."

Asked what he hoped to gain in the hearing, Ray told

a reporter, "I don't answer legal questions."

Haile told the court that Ray will be given a complete physical in the next day or two. He also asked Ray to stand up in the witness box and remove his gray prison jacket, so the judge could see Ray's physique.

RAY admitted he had quit his job in the maximum security cellblock but he said he did so only after prison officials took away his recreation privileges. "They stopped everything else, so I figured I might as well quit that too," he said.

He said he is permitted to exercise alone in a "concrete bunker," smaller than the former exercise yard and less well equipped than it or the main yard. But he said he quit that, too, because it wasn't any better than the 3-by-5-foot area of his cell. "You couldn't get no sunshine less you was out there at high noon," he said.

Ray said former Commissioner of Correction Harry Avery had offered him more freedom if he would "talk with the attorney general's office or the FBI about the crime I was charged with."

RAY SAID he never discussed anything with state or federal prosecutors except once when he gave background information on himself to an FBI agent and the information was "turned over to John J. Hooker Sr. to use against me in a civil case. After that I never did

cooperate any more."

Ray explained to Morton the difference between segregation and "the hole." He said he had been put in the "hole" and denied his radio, TV, typewriter and other comforts for three days in December 1973 for violating a prison rule. He did not say what it was.

Ray's complaints centered on the lack of fresh fruit in his diet, the absence of salt, pepper and other condiments and his restriction from free access to the law library.

HE ADMITTED he could PENN.

order any law book he wanted — and that he had either three or five attorneys working on his cases — but he indicated he wanted to

Ray displayed a keen knowledge of legal matters. When Haile cross-examined him closely about an attempted escape, he turned to Morton.

"Does the state intend to prosecute this case? I don't want to testify against myself."

And again, asked if he had not intended to escape, Ray shot back quickly, "That's prior restraint."

Date: 3/19/74  
Edition: *Memphis*  
Author: *W. Welch*  
Editor: LLYOD ARMYOUR  
Title:  
Character: *44-1987\**  
or  
Classification:  
Submitting Office: MEMPHIS  
 Being Investigated

44-1987-Sub C 549  
SEARCHED INDEXED