

Ray's new lawyer sits assassination witnesses

MEMPHIS, Tenn. (UPI) — Percy Foreman, brought in at the last minute to defend James Earl Ray, this week followed a slim trail of witnesses to Dr. Martin Luther King's assassination to build his defense for Ray's March trial.

Only 20 names were left to the tall Texas attorney by Arthur J. Hanes Sr., the former mayor of Birmingham, Ala., sacked from the defense by Ray, who is charged with the sniper slaying of King April 4.

Foreman's first task in his biggest case was to test Hanes' strategy of defense.

Sources close to Hanes said that strategy rested on an attempt to prove King was assassinated not by Ray, an ex-convict foiled in all his crimes, but by men who wanted King violently murdered to touch off waves of racial rioting in the United States.

FOREMAN refused comment when asked if he gave any weight at all to Hanes' defense theory, a theory involving black militant groups such as the Revolutionary Action Movement and foreigners.

Ray formally hired Foreman Tuesday and Judge W. Preston Battle of Shelby County Criminal Court granted a delay until March 3 for Ray's murder trial.

"It's an awful thing to have to continue a case at this time," Battle said. Ray's trial was to have started Tuesday.

"But the defendant's right to counsel of his own choice is guaranteed by the Constitution of the State of Tennessee," Battle said when he formally opened the trial and minutes later recessed it until March, or perhaps later.

HANES, in count with Ray, Foreman and the prosecution, said the switch in attorneys was only "a delaying tactic, pure and simple," and insisted he was "ready to go to trial, but my client wanted a delay."

Ray's brothers, Jerry and John, had argued with Hanes to hire Foreman since June and were known to be dissatisfied with Ray's share of money from his biographical articles written by author William Bradford Huie in a copyrighted series in Look magazine.

Hanes' list of defense witnesses subpoenaed for trial became known after Tuesday's brief court session held under the strictest police security in American trial history.

The list of witnesses graphically outlined part of Hanes' defense plans.

The fired attorney was to put on the stand Solomon Jynes, a Memphis funeral

parlor employee, who drove for King the day the civil rights leader was slain.

JONES' testimony, according to sources close to Hanes, would point to a "hooded man" Jones said he saw run away from the back of a flophouse moments after the single shot struck King.

It was the same flophouse the Justice Department and FBI said Ray holed up in to shoot King from the window of a communal bathroom.

The prosecution contends Ray alone planned the murder and fired the shot.

FOREMAN, who has represented such "name" defendants as Candy Mossler

and Jack Ruby, has 111 days to prepare his case, assuming the trial begins as scheduled March 3. The Houston attorney, claiming only one loss in nearly 1,000 murder cases, may want more time than that.

Battle ordered him to report to him by Dec. 12 whether he would be able to come to trial in March.

Foreman inspected the motel slaying site Tuesday and tried to enter the flophouse on South Main Street, but was turned away by the manager who said the FBI and Memphis police told him to demand to see a "gold badge" before letting anyone inspect the room Ray allegedly used.

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