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Judge Grants Defense Motion, Puts Off Ray Trial to March 3

By MANUEL CHAIT
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of the Post-Dispatch

MEMPHIS, Tenn., Nov. 12 — The murder trial of James Earl Ray, charged with killing the Rev. Dr. Martin Luther King, today was continued to March 3 to permit Percy Foreman, new defense attorney, time to prepare his case.

A new trial date was set by Criminal Court Judge W. Preston Battle over objections by the state. In arguments, frequently laced with sarcasm, between the state and the defense, Robert K. Dwyer, deputy attorney general of Shelby county, insisted the prosecution was ready today, the date for opening of the trial.

Foreman, the Texan who succeeds Arthur J. Hanes Sr., former Birmingham, Ala., Mayor as chief defense counsel, filed a five-page motion for the continuance he sought. The

motion suggested a delay of 90 days, at which time the court would set the trial date.

The court overruled the state's objections to a continuance, fixing the March trial date as a compromise between the parties. Judge Battle censured the last-minute switch in attorneys, noting that, "an immense amount of energy and money has gone into the preparation."

"It is an awful thing to continue the trial, but the defendant has a right to fire his attorney, and that right is guaranteed," Judge Battle declared.

Foreman used a point made by the state that about 360 witnesses would be summoned, 90 of them from Britain, Canada and "other far points" in his argument for continuance.

"It is my practice to interview witnesses in the pretrial investigation and it certainly will

take 90 days for interviews," Foreman told the court. "This request is not made for delay, but that justice may be done."

Ray was arrested in London in July and previously had been in Canada and Portugal. Scotland Yard detectives made the arrest, and presumably will be flown to Memphis to testify.

Trifling with Court

Dwyer, a tough-minded prosecutor, said the defendant's action in changing counsel constituted "trifling with this court."

"The defense is ready for trial today," Dwyer repeated. The prosecutor's attitude was in contrast to that of Foreman, who displayed a wry humor in some of his remarks, and a tendency to banter.

Ray, pale from confinement, strolled into the small courtroom from an interior stairway leading to his suite of cells on the third floor of the criminal courts building. Extreme security has marked his confinement and the handling of the trial.

The dark-haired, neatly attired defendant sat behind Hanes and the latter's son, Arthur J. Jr. A sheaf of papers protruded from a pocket.

Hanes entered a formal motion to be relieved as defense counsel. The request was granted with the following conditions: That Hanes continue to be bound by the court's ban on pretrial publicity and that he post \$1000 bond to insure his appearance on a possible hearing for contempt of court. Judge Battle specified also that the former defense attorney make his files available to Foreman.

Hanes, who was cited for an alleged violation of the publicity prohibition, told the Post-Dispatch later that, in his opinion, "The climate and time for trial now are right."

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The expected opening of the trial attracted reporters from several European countries, Canada and this nation's large dailies and magazines. Space for 42 members of the press is available in the courtroom. Others must remain in an auxiliary area, and may obtain an account of the proceedings by purchasing copies of the transcript.

Foreman, mindful of Judge Battle's rigid ban on pretrial publicity, has avoided answering most questions concerning the defense strategy he will pursue. He noted that "when you play in the other fellow's ball park, you have to play with his rules."

Similarly, Foreman has refused to discuss the source of funds for his fee, which is expected to be large. However, when asked whether the Ku Klux Klan or any similar group was involved in the financial arrangement, he replied, "Absolutely not, that's one thing I can say."

He said the agreement to take

over Ray's defense was reached with Ray and the defendant's two brothers, John Larry Ray, St. Louis, and Jerry Ray, Ewing, Mo.

Both brothers have expressed dissatisfaction over the financial arrangements contracted between their brother and William Bradford Huie, who is writing Ray's life story under an exclusive contract with the prisoner.

John Ray, who until recently managed a tavern in south St. Louis for a sister, is thought to be the one most responsible for persuading James Ray to drop Hanes in favor of Foreman.

John Ray reportedly wrote to his brother in London suggesting that Foreman be retained.

John and Jerry Ray, who have been in Memphis since their brother was extradited to the United States, have let it be known that they resented what they said was an attempt by Hanes to exploit their brother for publicity purposes and to make money.

Hanes reportedly has received \$30,000 in fees. Huie said he turned over slightly more than that sum to the attorney. The money is in part payment to Ray for the 50,000 words Ray is writing in long-hand from his cell for Huie.

In an article today in Look Magazine, Huie wrote that Ray told him he thought he had unknowingly become involved "in

some sort of a plot to kill Dr. King" as early as eight months before the killing. The prisoner claims he was duped and that "nobody told me anything about any planned murder of Dr. King or anyone else."

Huie wrote that he could not disclose all he had learned until after Ray had been tried, but he said he believed the Rev. Dr. King was the secondary, not the primary, target of the plotters.

The Primary Target

"The primary target was the United States," Huie wrote. "Dr. King was to be murdered for effect. His murder was planned, not by impulsive men who hated him personally, though they probably did hate him, but by calculating men who wanted to use his murder to trigger violent conflict between white and Negro citizens."

Ray was recruited for "some activity" when he was a fugitive in Canada by a man identified only as Raoul. This was on Aug. 18, 1967, eight months before the Rev. Dr. King's assassination, Huie said.

Ray, a tool of the plotters, did not know as late as two weeks before the killing "that the plot included murder, or that it was aimed at Dr. King," Huie wrote.



Percy Foreman, who today became chief defense attorney for James Earl Ray, talking to the press after the trial was postponed to permit Foreman to prepare a defense. Arthur J. Hanes Sr., Ray's original counsel, was dismissed by the defendant on short notice, necessitating the continuance. (AP Wirephoto)