(Mount Clipping In Space Below)

Scope Is Limited For Ray Hearing

By LAWRENCE BUSER

A federal court ruling yesterday narrowed the scope of James Earl Ray's evidentiary hearing to two major constitutional issues and restricted subpena power to a 100-mile territorial limit.

The ruling, issued by U.S. Dist. Judge Robert M. McRae Jr., said the hearing, expected to be sometime in September, would decide two major issues:

- Whether Ray's guilty plea on March 10, 1969, to the slaying of Dr. Martin Luther King Jr. was made "intelligently and voluntarily."
- Whether Ray had the "effective assistance of counsel" when facing the murder charge in Shelby County Criminal Court.

McRae's ruling, made after a preliminary hearing Friday, stated that the first issue refers to coercion, threats and promises of Ray's attorneys before he pleaded guilty.

Ray must prove that his constitutional rights were violated before he can withdraw his guilty plea and stand trial for murder, McRae said.

At Friday's preliminary hearing, Ray's present attorneys, Bernard Fensterwald and James H. Lesar of Washington and Robert Livingston of Memphis, claimed that literary royalties created a conflict of interest for lawyers representing Ray in 1969.

Ray was originally represented by Birmingham attorney Arthur Hanes but fired him four months before pleading guilty. Ray claims Hanes promised to represent him in exchange for 40 per cent of all royalty rights to William Bradford Huie's book "He Slew the Dreamer."

Alabama author Huie paid Ray $35,000 for exclusive rights to information about the slaying and for biographical material used in magazine articles.

When Hanes was fired, Ray hired Houston attorney Percy Foreman and agreed to give him 60 per cent of the book royalties, attorneys for Ray said.

The conflict-of-interest charges that Ray's 1969 attorneys did not properly investigate the case were outlined in nine "most pertinent" points by the U.S. Sixth Circuit Court of Appeals. The Cincinnati appellate court granted the request for an evidentiary hearing on Jan. 29.

Ray's present attorneys had asked McRae's court for power to subpena Hanes, Huie, Foreman and possibly several others to testify at the evidentiary hearing. Hanes, Huie and Foreman all live more than 100 miles from Memphis.

However, despite the 100-mile territorial limit in yesterday's ruling, Hanes has notified the court that he will appear at the hearing, and a deposition has been taken from Foreman.

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

PAGE 23

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date:
Edition:
Author:
Editor: GORDON HANNA
Title:

Character:
or
Classification:
Submitting Office: MEMPHIS

Being Investigated

44-1987-Sub-C

(Mount Clipping in Space Below)

RAY DENIES KING ASSASSINATION

By RAY PETTWAY BLACK
And TOM JONES
Press-Scimitar Staff Writers

James Earl Ray testified today in federal court that he told his attorneys he did not kill Dr. Martin Luther King Jr., but was "maneuvered" into pleading guilty by his attorney, Percy Foreman of Houston, Texas.

Ray, who began his second day of testimony in his evidentiary hearing before U.S. District Judge Robert M. McRae Jr., was asked by James Lesar, one of Ray's attorneys,

"Did Mr. (Arthur) Hanes (Ray's first lawyer) ask you if you were guilty of the murder of Dr. Martin Luther King?"

"I just told him, 'No,'" answered Ray.

"Did Mr. Foreman ever ask you?" asked Lesar.

"He never asked me directly," replied Ray. Sometime in early February (1969) he asked me to write all the details of what I did from the time I escaped from the penitentiary in Missouri to the time I was ar[illegible]ted.

Orig & 1cc fwd. Bureau by RS 11/11/74 (3 pp)

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

PAGE 1

MEMPHIS PRESS SCIMITAR

MEMPHIS, TENN.

Date:
Edition:
Author: CHARLES H. SCHNEIDER
Editor:
Title:

Character:
or
Classification:
Submitting Office: MEMPHIS

[ ] Being Investigated

44-1987 Sub C 605

SEARCHED ... INDEXED
SERIALIZED ... FILED
NOV 11 1974
FBI — MEMPHIS

"I wrote everything up until the time I got arrested in England. I just assumed he read that and concluded I wasn't [illegible] that particular area, [illegible] that I was not guilty."

Ray also testified that he was unaware that Foreman and Hanes had signed a contract with Look Magazine for articles, but that the agreement was contingent upon a guilty plea.

Although the contract was signed March 17, 1969, Lesar contended that it was written before Ray pleaded guilty.

Ray said he was convinced that his guilty plea was a "technical" one which would enable him to fire Foreman. "It was my distinct impression that the plea would be some kind of technical plea to get me out of town," he added.

Ray said Foreman first mentioned the idea of pleading guilty in a Feb. 13, 1969, letter. In the letter, Foreman wrote:

"I have spent several weeks reviewing the nature of the case the state of Tennessee has against you. I have surveyed jury sentiment in this county and jury verdicts in other recent cases.

"In my opinion, there is little more than a .9 per cent chance of your receiving the death penalty verdict if you go to trial. Furthermore, there is 100 per cent chance of a guilty verdict. Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you."

Ray said in earlier conversations with Foreman, "I told him it (guilty plea) was ridiculous. The state was relying on mostly circumstantial evidence. The most the state could get me on was [illegible]ding and abetting."

Ray said Foreman "tried to give me the impression" the jury would be stocked with blacks and "chamber of commerce types." Foreman had earlier told him that he "could prove I wasn't the shooter," said Ray. "I had the feeling this was kind of a blitz on his part."

Ray said on Feb. 18, 1969, he signed a letter drafted by Foreman agreeing to plead guilty. He said there was no indication on the letter that Foreman had written it.

After he was unable to convince Foreman to go to trial, Ray said he agreed to modifying his literary contract with Foreman. He said Foreman agreed to settle for $165,000 if a guilty plea were entered. An earlier contract entitled Foreman all royalties, from motion pictures and books.

Ray said he hoped that by modifying the contract, he would later have enough money to hire another lawyer. Ray said the new contract contained a provision that Ray would not create any "embarrassing circumstances" in court.

Ray said he felt he could not fire Foreman before the hearing because the late Criminal Court Judge Preston Battle had warned him against another change of attorneys.

Ray testified that two days after pleading guilty on March 10, 1969, he wrote letters repudiating the plea and suggesting that he "could be involved in some type of crime and not be aware of it."

"I suppose the people who manufactured the rifle could to some extent be held responsible although they didn't have direct involvement," he said.

"Did you assume the rifle found on South Main was used to kill King?" asked Lesar.

"I didn't make no strong assumption in that area," said Ray.

Ray said one of the letters he wrote two days after his guilty plea was to Sen. James Eastland, D-Miss. He said he told Eastland: "I personally did not shoot Dr. Martin Luther King, but I believe I am partly responsible for his death."

Ray said, however, recalling the day in court when he pleaded guilty, that he had objected to Foreman's statements to the jury that implied there was no conspiracy in the King killing. Ray said it seemed to him that Foreman was agreeing with then U.S. Atty. Gen. Ramsey Clark and the late FBI director J. Edgar Hoover that he was the "lone nut" who killed King.

Ray also testified that he was having "some trouble" with his eyesight at the time of the slaying of Dr. King, and that this would be used in his defense if he gets a new trial. The state contends that King was shot from a distance of about 200 feet.

Ray said that after his escape from the Missouri State Penitentiary, he had his eyes checked by a doctor in Birmingham, and was given glasses to wear "temporarily."

Speaking of the possibility of a new trial, Ray said there was some discussion between Ray and Hanes that "the condition of my eyes would be relevant."

King was said by the government to have been shot while standing on the balcony of the Lorraine Motel and that the shot was fired from a bathroom window at the back of a rooming house overlooking the motel.

Ray did not elaborate on his eyesight statement.

Meanwhile, in Washington, the Supreme Court today rejected Tennessee's efforts to block production of evidence in the current evidentiary hearing for Ray.

Ray, who is serving a 99-year sentence, claims the plea was forced on him by Foreman so that Foreman could profit from a book about the killing. Ray said a trial would give publicized more information about the case and [illegible]

After the 6th U.S. Circuit Court of Appeals ordered the current hearing into Ray's charges, Judge McRae granted motions to bring into court a great deal of evidence, including correspondence of Foreman and William Bradford Huie, author of the book, "He Slew the Dreamer."

The state asked the Supreme Court to vacate McRae's orders on the ground that they are "unwarranted invasions of individual and corporate privacy."

Ray was in his second day on the stand today in the second week of the evidentiary hearing before Judge McRae, and he was still being examined by Lesar. Ray started testifying Friday.

As he did Friday, Ray continued his discussion of the events that preceded his guilty plea.

Ray fired Hanes and Foreman took over the case on Nov. 12, 1968. Ray said he only saw Foreman "three or four times" between November and January, but maintained that Foreman as late as February, 1969, was still readying for trial of the case.

Ray said that around Jan. 3, he read an article in a Memphis newspaper indicating that the possibility of a guilty plea was being discussed.

"I asked Mr. Foreman about it. I thought the story probably came from the state, and Mr. Foreman said to forget it, it didn't mean anything," said Ray.

Shelby County Atty. Gen. Hugh Stanton Jr., formerly assistant public defender, who along with his father, Hugh Stanton, was appointed by Judge Battle to assist Foreman in preparation of the Ray case, testified last week that his father had first discussed the possibility of a guilty plea with former Atty. Gen. Phil Canale in December.

In February, Ray testified, Foreman visited him at Shelby County Jail and showed him "about 10 or 12 pictures" that he wanted Ray to identify.

Ray's attorneys have contended that Ray did not know he was coming to Memphis to participate in a shooting, but instead thought he was here to buy guns and was accompanied by a mysterious man known to them only as "Raoul."

Ray said he "got the impression" that Foreman wanted him to identify the pictures of the individuals -- "the majority of the individuals were of Latin origin," said Ray -- for the government.

"I got the impression he wanted me to identify one of those individuals as the person who shot Martin Luther King . . . I told him (Foreman), for several reasons, I didn't want to get involved in that type of operation. They would put me as a state's witness . . ." said Ray.