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NEW TRIAL FOR JAMES EARL RAY?

LEGAL TECHNICALITY MAY RE-OPEN KING MURDER CASE

By Donald Freed
Pacific News Service

Donald Freed is co-author and co-producer of Executive Action, a film about the John F. Kennedy assassination. He also is co-author of the Glass House Tapes,

MEMPHIS, TENN., NOVEMBER 7--

Lawyers for James Earl Ray are confidently predicting that the convicted assassin of Dr. Martin Luther King Jr. will get his day in court--in the form of a full re-hearing into the King murder case.

Attorney Mark Lane, recently hired as Ray's principal defense lawyer, claims he has uncovered a rarely used provision in Tennessee law that guarantees his client the new trial he has been seeking for the past eight-and-a-half years.

According to Tennessee Statute 17-117, if a defendant appeals his conviction but the trial judge dies before rendering a decision on the appeal, then the defendant wins a new trial.

This, according to Lane, is precisely what happened in the James Earl Ray case. Ray pleaded guilty on March 10, 1969, then fired off a letter and a motion for a new trial to the judge who presided over his case, W. Preston Battle.

However, Judge Battle died suddenly of a heart attack less than three weeks later without ruling on the Ray motion. Ironically, Judge Battle was found slumped over his desk top with Ray's petition beneath him, according to the court clerk who discovered the body.

As Lane reads it, Statute 17-117 is so specific that it alone would be enough to guarantee Ray his first full-length public hearing into the evidence of the case. Lane's staff is currently preparing the motion for a new trial.

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"If the law of Tennessee is respected by the courts of Tennessee, then Ray will get a new trial," Lane said. "If he does, we are confident he will be acquitted."

However, one Tennessee prosecutor was not convinced that Ray's guilty verdict would be automatically reversed. The prosecutor, who did not wish to be quoted because of pending litigation in the case, said the statute may only apply to civil and not to criminal proceedings.

Ray's attorneys have filed nearly a dozen other legal challenges in an effort to win a new trial, including motions on these issues:

* Ray contends he was "coerced" and even blackmailed by the FBI into pleading guilty by threats to put his elderly father into prison. In an affidavit, Ray claims that just two days before he went to trial in 1969, both he and his brothers were visited by federal agents who claimed to have discovered that Ray's father, George Ray, had violated a parole condition in the state of Iowa in the mid-1920s.

According to the affidavit, Ray was told by the FBI that his father "would be returned to die in prison" if he (James) failed to cooperate with prosecutors by pleading guilty to King's murder.

* Ray also alleges in a similar sworn statement that an FBI agent named Robert Jensen, the special agent in charge of the Nashville office, visited him in prison within 48 hours of his conviction in 1969. Ray charges that Jensen warned him to "go along with the Bureau" by not appealing his conviction. He claims Jensen told him he would be "sorry" if he attempted to win a new trial, and says he was warned that if he persisted in his appeal efforts, one or two of his brothers would join him in prison.

Even if Ray does not win a new trial, he may get his chance to speak out publicly in the King case--if he chooses to do so. According to Lane, the House Select Committee on Assassinations has said it would like to question Ray about the King assassination during open, public hearings in Washington, D.C., perhaps next spring.

Lane reports that, in preparation for the upcoming public sessions, House investigators are scheduled to question Ray in his Brushy Mountain penitentiary cell on November 14. #####