Tongue-Tied Justice

The aborted trial of James Earl Ray for the assassination of Dr. Martin Luther King Jr. is a shocking breach of faith with the American people, black and white, and of people the world over still numbed and puzzled by the gunfire that struck down this international leader.

Ray is entitled by all legal means to avail himself of the defenses open to him under the law. But by no means, legal or pragmatic, should the doors of the courtroom and the jail be slammed shut on the facts, the motives and the doubts of this horrible murder.

And yet that is just what has occurred with stunning suddenness in a Memphis courthouse. By pleading guilty, Ray has been sentenced to 99 years in prison. The jury had to go along with this prearranged deal between the prosecution and the admitted killer's attorney. Circuit Judge W. Preston Battle went along with it too, treating the whole matter as if it were a routine murder case.

Nothing but outrage and suspicion can follow the handling of this long-delayed and instantly snuffed-out trial. Percy Foreman, the defense lawyer, tells the public that it took him months "to prove to myself" that Ray was not part of a murder conspiracy. Ray himself acquiesces in the bargain made on the guilty plea—then says publicly that he refuses to go along with the statement that there was no conspiracy.

Why should this assassination case be tried by statements instead of formal legal procedures, subject to examination and cross-examination, the presentation of all the evidence by the prosecution, the appearance of the accused in open court? What in either sense or jurisprudence does it mean that the defense attorney convinced *himself*? In the ghetto and in the world outside the ghetto, the question still cries for answer: Was there a conspiracy to kill Dr. King and who was in it?

The state's case has been read to the jury. But that is hardly enough in a case of this magnitude. This was not a street crime but, on the surface, a racist or quasi-political assassination. It is not enough to say that the state accepted the guilty plea and agreed to end the case because the death penalty has not been used since 1961 in Tennessee.

No one was demanding blood; everyone is demanding facts. Are we going to get the facts from Ray's lawyers, past or present, one of whom is trying to peddle the story to magazines? Are we going to get the facts from William Bradford Huie, the author who has "bought" the "rights" to Ray's story? What a mockery of justice for the facts to emerge in marketed justice!

Unless proceedings are convened in court—Federal, if not state—we shall never know the adjudicated truth. There should be no Warren Commissions necessary—a month or a year from now—to still our doubts and do what a Tennessee court has failed to do.

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