

A088

zyyryyr

Ray

MEMPHIS, Tenn. AP - Attorneys for the man charged with murder in the death of Dr. Martin Luther King Jr. will present courtroom arguments Sept. 6 that their client cannot receive a fair trial in this country.

The attorneys moved Friday that the first-degree murder indictment against James Earl Ray be dropped because of "pervasive and widespread publicity" about the man charged in King's slaying here April 4.

Arthur J. Hanes Jr., who will join his father in defense of Ray, said in his motion before Criminal Court Judge W. Preston Battle that the publicity has removed "the presumption of innocence which must accompany him to trial."

Another motion asked that attorney Arthur J. Hanes Sr., and members of his staff be allowed access to witnesses, and that evidence to be used by the prosecution be opened to the defense.

Judge Battle set a hearing on the motions for Sept. 6.

Ray's trial is scheduled to begin Nov. 19.

The first motion said publicity "cannonized and so depicted the victim" as to make the man charged with his murder the object of "widespread public outrage and hatred."

Clippings were attached to the motion which showed the July issue of *Seppia* magazine had a photograph of Ray with a headline that read, "The Man who Killed Martin Luther King."

An excerpt from an article by a columnist, Morris Ryskind, was attached and cited Ray as "the ex-convict who killed Martin Luther King."

DD516aed Aug. 17