

NEW HEARING SET SEPT. 18

Ray Lawyer Wins Look at Evidence

MEMPHIS, Tenn. (AP)—The attorney for James Earl Ray won some points in preliminary legal skirmishing yesterday and made it plain more motions will be filed before Ray goes on trial in the slaying of Dr. Martin Luther King Jr.

Judge W. Preston Battle of Criminal Court told attorney Arthur J. Hanes of Birmingham to put any additional motions in writing. He set a new hearing for Sept. 18.

BATTLE DENIED Hanes' motion that the murder indictment against Ray be quashed. Hanes argued that a "fog, a shroud of unfavorable publicity" had made it impossible for Ray to obtain a fair trial any place in the United States.

"A juror acts in a quasi-judicial capacity," the judge said. "I have been connected with the criminal courts since 1934. I have seen cases drenched with publicity.

"But I believe we have obtained fair and impartial jurors. My considered opinion is that we can do that in this case."

THE JUDGE ORDERED that Hanes be given access to scores of pieces of evidence the state is expected to use when the trial opens Nov. 12. This includes a rifle, fragments of a bullet, passport and visa records, fingerprints and numerous other records.

He declined, however, to issue a special order for witnesses to

talk with Hanes. He said his prohibition against pre-trial publicity did not extend to these prosecution witnesses talking with Hanes, but added:

"It's up to the witness himself as to whom he will talk. There is only one time a witness has to talk. That is in the courtroom."

BATTLE ALSO DENIED Hanes

access to FBI ballistic analyses but told him he could testfire the impounded rifle and get his own ballistics experts to make the tests.

Hanes accused Frank Holloman, the city's fire and police director, of taking part in a "conspiracy of silence" which was blocking defense efforts to

talk with prospective witnesses. He said Capt. Charles G. Wardlow of Fire Station No. 2 near the Lorraine Motel where King was killed April 4 was a prospective witness who had been told not to talk.

Holloman denied giving any such order. "I told my men to check with the attorney general's office and that whatever is all right with them is all with me," he said.

HANES ALSO said a motion would seek access to the room Ray is alleged to have occupied in a flophouse. The state contends the shot that killed King was fired from the flophouse bathroom.

Hanes also protested to the court that the conditions of Ray's imprisonment in the Shelby County jail constitute "cruel and inhuman treatment."

"A TV camera monitors his movements 24 hours a day," Hanes said. "Bright lights shine in his eyes 24 hours a day. He has to hide under the bed covers or a pillow."

Battle asked Hanes to put his complaint in the form of a written motion, to be argued with the others Sept. 18.