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Ray Security Will Remain Tight--Judge

MEMPHIS (AP) — Defense motions seeking to ease the tight security precautions around James Earl Ray were denied yesterday by the judge who will preside when Ray goes on trial on charge of slaying Dr. Martin Luther King Jr.

"The court is of the opinion that the measures taken are reasonable," Judge W. Preston Battle ruled at the end of a 90-minute hearing. He added it was clear the precautions were designed to protect Ray from harm — from others or from himself — and to prevent his escape.

Ray, dressed in a blue suit and white shirt, sat quietly behind his attorney during the hearing. He was guarded by three deputies, and everyone admitted to the courtroom was searched and video-taped.

The hearing came after Battle held four persons, including Ray's attorney, in contempt of court for violating his orders restricting out of court comments on the case.

He ruled that statements made by attorney Arthur J. Hanes of Birmingham and a private investigator he hired, Renfro T. Hays, were "extremely prejudicial and constitute a clear and present danger" to selecting an impartial jury.

Two Memphis reporters, Roy Hamilton of the Memphis Press-Scimitar and Charles Edmundson of the Commercial Appeal, also were held in contempt for publishing the statements in newspaper articles.

STRICT SECURITY FOR RAY UPHOLD

Judge Denies Bid to Ease It — 4 Guilty of Contempt

By MARTIN WALDRON
Special to The New York Times

MEMPHIS, Sept. 30—James Earl Ray, accused of murdering the Rev. Dr. Martin Luther King Jr., sat quietly in a courtroom this afternoon while his attorney tried in vain to get Memphis jail officials not to guard Ray so closely.

Wearing a badly fitted blue suit and a white shirt and powder-blue tie, Ray appeared to be pale and drawn, although jail officials said he had gained weight since July 19, when he was flown from England to Tennessee.

It was Ray's first court appearance since he was arraigned in July.

Arthur J. Hanes, Ray's attorney, complained that bright lights, television cameras, guards and microphones in Ray's cell had made the suspect nervous.

Earlier in the day Mr. Hanes, along with a private detective and two Memphis newspaper reporters, was adjudged guilty of contempt of court because of newspaper articles about the security arrangements and about Mr. Hanes's complaint.

Order Held Violated

Judge W. Preston Battle of Shelby County Criminal Court, who has been assigned to preside at Ray's trial starting Nov. 12, said that Mr. Hanes and R. T. Hays, the private detective, by making statements to the reporters, had violated his order not to make out-of-court statements about the coming trial or about how Ray was being treated in jail.

The judge said that although he felt he was getting into "a frontier of the law," he considered that the reporters, Roy Hamilton of The Press-Scimitar and Charles Edmundson of The Commercial Appeal, were guilty of contempt for writing about the statements made by Mr. Hanes and Mr. Hays.

Judge Battle withheld a decision on the punishment to be assessed against the four men.

The hearing on whether Ray was being overguarded came after the contempt proceeding.

Sheriff William N. Morris and Capt. Billy J. Smith, who is in charge of a special detail of 14 deputy sheriffs whose only duty is to guard Ray, said that Ray had been under constant surveillance since he arrived at the Shelby County jail about 4:30 A.M. on July 19.

2 Television Cameras

Two closed-circuit television cameras are focused on the third-floor cell where Ray is kept. A microphone hangs on the ceiling. Two guards stay in the cell with Ray at all times.

Captain Smith said that eight 189-watt lights illuminated the cell. The lights are never turned off, he said.

All of Ray's mail, incoming and outgoing and including letters to and from his attorneys, is read, Sheriff Morris testified.

Notes that Ray has written to be given to Mr. Hanes during the attorney's visits, and notes that Mr. Hanes makes while in the jail, have also been read by jail personnel, the sheriff said.

Sheriff Morris said he considered this necessary to maintain security.

No efforts are made to overhear conversations between Ray and Mr. Hanes, the Sheriff said. Guards move to the far end of the cell during these visits and the microphone is turned off, he said.

Security Called Prudent

Judge Battle said that even though other defendants awaiting trial for murder were treated differently, he felt that the security arrangements for Ray were prudent and reasonable.

But he said that Ray's right to have an attorney included the right to confer with him privately.

Notes that Ray writes for his attorney and notes that Mr. Hanes may make during future visits may be inspected but they cannot be read, Judge Battle ruled.

The inspection of the notes was approved so that diagrams or drawings of the jail and uncensored letters cannot be smuggled from the jail by Mr. Hanes, the judge said.

"It's not, Mr. Hanes, that you are not trusted," the judge said. "It's that nobody is trusted."

Ray did not take the stand during the hearing.

In the contempt case Judge Battle said that he would be guided, in fixing any punishment, on the future conduct of the four men.

The judge's order that prohibited attorneys and others involved directly in the case from making out-of-court statements did not mention news media. The judge said the Supreme Court had held it to be unconstitutional to put "prior restrictions" on the press.

But Judge Battle said today that he was holding the reporters in contempt because they knew of the order's existence.

The right to a fair trial and the right to free speech and free press "are great rights," Judge Battle said.

"Both of these great rights are basic," he said. "We are here concerned with an area where these two great rights are in conflict. It really is a frontier of the law."

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ADMISSION