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MEMPHIS, Tenn. AP — James Earl Ray won a postponement Tuesday until March 3 of his first-degree murder trial in last spring's assassination of the Rev. Martin Luther King Jr. The defendant was reported hopeful of doing better when the Republican national administration takes over early next year.

The state vigorously but vainly opposed the continuance granted by Criminal Court Judge W. Preston Battle in favor of Ray, a 40-year-old escaped convict.

"He's been here four months or better and it appears to me he's trifling with the court," said Asst. Dist. Atty. Gen. Robert K. Dwyer. He referred to Ray's return to Memphis after his capture June 8 in London, England. The defendant had been the target of the greatest manhunt in American history.

"... The State of Tennessee is ready for trial," Dwyer continued. "We have something like 90 witnesses alerted nationally and in various parts of the world to come in here."

"What assurances are there that at the last moment the defendant might not come in and say, 'I don't want this gentleman here.'"

Whereupon Dwyer nodded toward 6-foot-4 criminal lawyer Percy Foreman, who took over the defense only last Sunday night from Arthur Hanes, 52, former mayor of Birmingham, Ala.

"It's a unique case in the eyes of the world, but it's still a piece of business," added Dwyer, 45, a peppery, grey-haired prosecutor.

Hanes said he was fired because of Ray's insistence that the scheduled opening of the trial be delayed, hopeful that he would do better after the new administration takes office.

Hanes said he does not know the basis for Ray's hope.

"All of this is a subterfuge," said Hanes. "James Earl Ray wanted a delay and we felt as his attorneys that now is the time to try the case... The climate seemed right."

Hanes told newsmen that Ray's brothers, Jerry and John Ray, had refused to cooperate with him, and declared, "They have been working against us. In addition to having to fight everybody else, we've had to fight them." The plural "we" referred to Hanes and his son, Arthur Jr., who was his father's assistant in the case.

In his written motion for a postponement, Foreman declared:

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In his written motion for a postponement, Foreman declared:

"This application is not made for delay but that justice may be done... A serious disagreement with reference to his defense has arisen between him and his said attorneys, both as to strategy and to policy."

"Defendant realizes that he will be on trial for his life, that he must use his best judgment and that same does not coincide with that of his present counsel, in material and important matters. He has undertaken to adjust to the thinking of his aforesaid attorneys, but is unable to do so."

Ray is charged with shooting King April 4 as the 39-year-old Nobel Peace Prize winner, an adherent of civil rights nonviolence, stood on the balcony of the Lorraine Motel in downtown Memphis.

The defendant has pleaded innocent to the charge.

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With Ray

MEMPHIS, Tenn. AP — Percy Foreman, taking over James Earl Ray's defense against a murder charge in the assassination of Dr. Martin Luther King Jr., told a King follower Tuesday race had nothing to do with his taking the case.

"I want you to know that the last man I represented was a man of your race," Foreman told Solomon Jones, a Negro who was King's chauffeur last April 4 when the civil rights leader was slain in Memphis.

"I want you to know that the color of my skin has got nothing to do with my taking this case," Foreman said as he encountered Jones in a corridor of the Shelby County office building, adjoining the courthouse.

Foreman, who won a postponement of Ray's trial until March, said more than half of his clients are Negroes.

Jones merely replied, "Yes, sir."

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