

A Two-Month Delay Likely in Ray Trial

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MEMPHIS, Nov. 11 — The trial of James Earl Ray will apparently be delayed at least two months to give his new attorney, Percy Foreman of Houston, time to prepare a defense against the charge that Ray assassinated the Rev. Dr. Martin Luther King Jr.

Although court permission has not been granted for Mr. Foreman to enter the trial, the lawyer, who has a reputation as one of the nation's leading trial lawyers in murder cases, was busy today preparing motions to be offered tomorrow, when Ray's trial is scheduled to begin in Shelby County Criminal Court.

Ray last night dismissed his attorney of five months, Arthur J. Hanes, the former Mayor of

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Birmingham, Ala., and asked Mr. Foreman to take over the defense.

In a meeting at the courthouse in Memphis last night between Mr. Hanes, Judge W. Preston Battle and the prosecutor, P. M. Canale, the trial judge did not commit himself on whether he would allow the Texan to enter the case or would grant the postponement.

However, the judge was expected to grant Mr. Foreman's request for a postponement, after Mr. Hanes refused last night to turn over his files on the case to Ray or to Mr. Foreman.

The Birmingham lawyer told Mr. Foreman he had not yet received his full fee for the trial and he would keep his files until he was paid.

"Don't call me, I'll call you," Mr. Hanes told Mr. Foreman.

Article in Magazine

The drama of Ray's request to switch attorneys at the 11th hour was heightened by a Look magazine article to be published tomorrow quoting Ray as having said that "I suppose I became involved in some sort of plot to kill King" in August of 1967. But he indicated that this was unwitting, saying that "nobody told me anything about any plan to murder King or anybody else."

The Look article was written by William Bradford Huie, Alabama author, from notes that Ray made in jail in Memphis and that were sent to Mr. Huie

through Mr. Hanes. Mr. Huie had contracted with Ray to buy the rights to Ray's life story. He has said he paid Ray \$30,000.

Dr. King was shot dead in Memphis last April 4. Ray was arrested on June 8 in London.

Mr. Foreman entered the case some four months after he was first approached to take over Ray's defense. Ray's brother Jerry Ray of St. Louis and Chicago first suggested the Texan last July, but the lawyer's schedule did not permit him to take the case then and he did not consider it later because Ray had not sent him a direct request.

Last Thursday Jerry Ray and another brother, John Ray, forwarded to Mr. Foreman a request from Ray that he take over the case. Mr. Foreman flew to Memphis yesterday to confer with the defendant, and after four hours of conversation he agreed to undertake the defense.

Mr. Foreman said that because of a court order against publicity he could not say whether he had formed an opinion as to Ray's guilt. He added, "By constitutional rights, a man is presumed innocent until proved guilty."

Mr. Foreman, who is 6 feet

4, weighs 225 pounds and has a puckish grin, would not discuss his fee in the case. He is known as one of the most expensive defense attorneys in the United States, but he has taken many cases without being paid, especially if they have appealed to him.

John Ray visited the defendant in his cell this morning and said afterward that Ray was "much happier" with his attorney than yesterday.

Mr. Hanes, who was not surprised that Ray wanted to switch lawyers, visited Ray last Wednesday and found him seemingly unconcerned about the trial.

The Birmingham lawyer and his son, Arthur Hanes Jr., had decided more than a month ago that Ray was thinking about trying to change attorneys, probably in the hope that he would get a trial delay.

The first time Ray brought this up was when he asked Mr. Hanes to allow J. B. Stoner, a Ku Klux Klan lawyer from Georgia, to associate with the defense.

Mr. Hanes rejected this request.

Mr. Hanes read an advance copy of tomorrow's Look magazine and said the article seemed to track the events leading to the murder as he understood them.

In the article, Mr. Huie said he had concluded, after having read Ray's notes written in jail and after having investigated information Ray gave him, that Dr. King's slaying had been ordered by a group of men who

wanted to create dissension between whites and Negroes in the United States.

A Cuban Named Raoul

The article hints Ray contended that a blond Cuban named Raoul had recruited Ray into the plot to kill Dr. King after having used Ray on two occasions to smuggle narcotics in Canada and Mexico.

Ray said, according to the article, that after he had smuggled some "small packages" into the United States from Canada, he went to Birmingham in August, 1967, to buy a car and to wait for further instructions from Raoul.

"I suppose I became involved in some sort of plot to kill King when I first took those packages into the United States from Canada," the article quotes Ray as having said.

"I would think it had all been decided before the car was bought in Birmingham, as no one would have given me \$3,000 in Birmingham just to haul narcotics across the border. But nobody told me anything about any plan to murder King or anybody else."

Ray said he had stayed in Birmingham for about six weeks until he got a permanent driver's license in Alabama and bought a white 1966 Mus-

tang under the name Eric S. Galt. Then he went to Mexico, he said, where he smuggled a tire and "its contents" into interior Mexico.

In Mexico, according to the article, Raoul gave Ray \$2,000, all in \$20 bills. Raoul told Ray he would get Ray travel papers to another country and would provide him with \$12,000 to start a business after he got there.

"Raoul said that he had figured he'd need me again in about two or three months and he suggested that I stay in Mexico," the article quoted Ray as having said.

Got a Phone Number

But Ray wanted to go to Los Angeles, and Raoul gave him a New Orleans telephone number and said that Ray should keep in contact with him through that number and that he would write Ray at general delivery in Los Angeles when Ray was needed for another assignment.

Late in November, 1967, Ray said, he was summoned to New Orleans by Raoul and drove there, accompanied by Charles Stein, a bearded Los Angeles song writer, according to the article.

"Raoul had written me and told me to meet him at a certain bar in New Orleans at a certain time on Dec. 15," Ray said. "He said he only wanted a conference and that I'd be going back to Los Angeles. Stein and I took turns driving and drove day and night.

"Three hours after I got to New Orleans I was ready to leave. Raoul just wanted a report on what I had been doing. He said we had one more job to do and we'd do it in about two or three months. Then we'd be finished, and, for sure, he'd give me complete travel papers and \$12,000 and help me go anywhere in the world I wanted to go.

"He wanted me to be careful, not get in any trouble, and he'd keep in touch. When I asked him what the next job was, he said not to worry about it and not to ask questions. Then he gave me another \$2,500, all in \$20 bills."

Mr. Huie said that further information he had gotten from Ray, which had a bearing on the assassination, could not be revealed until after the trial.

But the author said this information had led him to conclude:

"—Dr. King was to be murdered for effect. His murder was planned, not by impulsive men who hated him personally, though they probably did hate him, but by calculating men who wanted to use his murder to trigger violent conflicts between white and Negro citizens.

"—He was to be murdered during the election year of 1968.

"—Since he was to be murdered for maximum bloody effect, he was to be murdered, not while he was living quietly at his home in Atlanta, but at some dramatic moment, at some dramatic place where controversy was raging. By March 15, 1968, the plotters clearly had been aiming at murdering him at some point where he was forming or leading the Poor Peoples March.

"—He was to be murdered by a white man, or white men, who would be described as 'Southerners' and 'racists.'

"—Preferably, he was to be murdered in Birmingham or Montgomery or Selma, since these cities were milestones in his career as an advocate of racial change.

"—There was no necessity, after the murder, for the murderer or murderers to be murdered to prevent a trial or trials—because a trial or trials could yield extra dividends of hatred and violence. Therefore, in this plot, Dr. King was the secondary, not the primary, target. The primary target was the United States of America."

Mr. Huie said in the article that Ray, who had had his nose shortened in Los Angeles by a plastic surgeon so that the long tip would not be so noticeable was called last March to Alabama where Dr. King's last march was beginning.

The civil rights leader was assassinated at a motel in Memphis, where he had been leading a demonstration of Negroes who were supporting striking city garbage workers.