

**DEFENSE ACCUSED OF TRIFLING****Ray Trial Postponed Until March 3**

MEMPHIS, Tenn. (AP)—James Earl Ray's first-degree murder trial in the assassination of Dr. Martin Luther King Jr. was postponed today until March 3. The state objected to the delay, accusing the defendant of "trifling with the court."

Criminal Court Judge W. Preston Battle granted the continuance to give Ray's new lawyer, Percy Foreman, time to familiarize himself with the case.

**THE TALL TEXAS ATTORNEY** only last Sunday night replaced Arthur Hanes as defense counsel.

It was learned that a major issue in the split between Ray and Hanes was the insistence of the lawyer that the case be opened today as scheduled.

The 40-year-old Ray, dressed in a blue pin-stripe suit, was taken from his third-floor cell quarters with its metal sheath windows to the second floor courtroom. This was his first journey out of the limited confines since Sept. 30, when he appeared in the same courtroom.

**HE WAS UNFETTERED** in any way by handcuffs or other devices, but appeared to need a haircut.

Observers who had seen him at his last public appearance said his face appeared more drawn than in the past.

Ray was shown a copy of his handwritten letter, asking that Hanes be replaced by Foreman. He arose with the letter in hand as Judge Battle asked him, "Did you send that letter?"

"Yes, sir," he answered.

Q. "You said you wanted to terminate the services of Mr. Hanes?"

A. "Yes, sir."

Q. "You said you wished to hire other counsel?"

A. "Yes, sir."

**RAY THEN RESUMED** his seat to follow intently the ensuing arguments over the trial postponement.

Speaking for the state, Robert K. Dwyer, 45, a peppery grey-haired assistant district attorney general, pointed out that Ray was captured last June 8 in London as a climax by

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Foreman's motion for delay said, quoting Ray, "a serious disagreement with reference to his defense has arisen between him and his said attorneys, both as to strategy and policy."

The motion said Ray had been unable to adjust his thinking to Hanes.

"Defendant . . . says that he cannot cooperate with his said attorneys and desires to engage and employ other counsel," Foreman's motion continued.

**FOREMAN'S MOTION SAID RAY** was without funds except what had been received from writer William Bradford Huie for an article in Look magazine on Ray's case.

"Attorneys have been paid to date approximately \$30,000, and an additional \$12,000 is required before they will release their statements, interviews, depositions and the results of their investigation," the motion said.

"Defendant's family and friends hope to be able to raise this money, but presently have no resources with which to obtain it."

Hanes, retained originally with his son, Arthur Jr., told newsmen at breakfast he and Ray disagreed on a delay. Hanes said the case ought to be tried now, but Ray wanted a delay.

Hanes said there was no disagreement over money, replying to remarks by Ray's brothers, John and Jerry Ray.

"This is some scheme by the brothers," Hanes said at that time.

"What for, I don't know." He said the brothers had refused to cooperate or even talk to him since he took the case soon after Ray's arrest in London June 8.

"They could not run the case with me as the lawyer," he said. "They have been working against us."

Hanes last talked with Ray in his Shelby County Jail cell here last Wednesday.

"When I saw old Ray last Wednesday," he said, "I knew something was up. He was so relaxed, not even interested in talking about the trial."

Foreman and the two Ray brothers visited the accused man Sunday and spent four hours with him.

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a record FBI manhunt which began when King was shot to death here April 4, on the balcony of the Lorraine Motel in downtown Memphis.

Dwyer said that Hanes, the dapper 51-year-old former mayor of Birmingham, Ala., had been Ray's defense attorney since June 13, including the date when he was returned to the Shelby County jail here July 19.

"He's been here four months or better and it appears to me he's trifling with the court," Dwyer declared.

" . . . The State of Tennessee is ready for trial. 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,'" Dwyer nodded at Foreman, 66, a colorful 6-foot-4 criminal lawyer.

"It's a unique case in the eyes of the world, but it's still a piece of business," Dwyer continued.

With the state and Foreman at odds over the trial extension, Judge Battle remarked: "Well, you gentlemen have dropped this right in my lap."

He then set the trial date for March 3, and received a commitment from Foreman that the new defense chief would let the court know on Dec. 12 if he could be ready for the March trial.

King, 39, a Nobel Peace Prize winner and apostle of non-violence in the civil rights movement, was in Memphis to lend his prestige to a strike of city sanitation men, most of them Negroes.