

RAY ADMITS GUILT IN DR. KING DEATH, SUGGESTS A PLOT

Judge Sets 99-Year Term
After a Jury of 12 Men
Agrees to Arrangement

A CONSPIRACY DISPUTED

Both Prosecutor and Defense
Doubt That There Was One
Despite Slayer's Protest

By **MARTIN WALDRON**

Special to The New York Times

MEMPHIS, March 10—James Earl Ray pleaded guilty today to murdering the Rev. Dr. Martin Luther King Jr. and was sentenced to serve 99 years in the Tennessee State Prison in Nashville.

The sentence was imposed by Judge W. Preston Battle in Criminal Court after a brief presentation of evidence against the defendant to a jury of 12 men.

The jury had agreed in advance to the arrangement by the state and the defense for a plea of guilty.

Both the prosecutor, Memphis Attorney General P. M. Canale, and Ray's counsel, Percy Foreman, told the court that there was no evidence Ray had been involved in a conspiracy.

But Ray himself refused to accept these statements.

In a tense moment in the proceedings, Ray leaped to his feet and declared that he did not intend that his plea of guilty should include a finding that there was no conspiracy.

Had Faced Death

Had Ray pleaded not guilty and been convicted of first-degree murder in the full-scale trial that had been scheduled for April 7, he could have been sentenced to death.

If he had received a life sentence he would have been eligible for parole in 13 years. Under the 99-year sentence, he will not be eligible for parole until he serves half his term.

The disagreement between Ray and the lawyers appeared to many observers to leave unresolved the question of whether a conspiracy was involved in the killing of Dr. King last April 4 at a motel here.

Mr. Foreman said it had taken him a month to become convinced that there was no conspiracy. The Texas lawyer said it had taken former Attorney General Ramsey Clark and J. Edgar Hoover, the di-

Continued on Page 16, Column 1

Ray Pleads Guilty to the Murder of Dr. King

Continued From Page 1, Col. 8

rector of the Federal Bureau of Investigation, less than one day after the laying to conclude there was no conspiracy.

Ray 'Can't Agree'

A transcript of Ray's remarks today showed that he said, "Your honor, I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only thing I have to say is that I can't agree with Mr. Clark."

Mr. Foreman interrupted to say, "Ramsey Clark."

"Mr. who?" asked the judge. "Mr. J. Edgar Hoover," said Ray. "I agree with all these stipulations, but I am not trying to change anything."

"You don't agree with whose theories?" asked the judge.

"Mr. Canale's, Mr. Clark's, and Mr. J. Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past," said Ray.

Attorney Interprets

"I think that what he said is that he doesn't agree that Ramsey Clark is right or that J. Edgar Hoover is right," said Mr. Foreman to the judge. "I didn't argue that as evidence in this case. I simply stated that—underwriting the statement of General Canale—that they had made the same statement. Your are not required to agree with it all, Jim."

"You still—your answers to those questions that I asked you would still be the same?" the judge asked Ray. "Is that correct? There is nothing in these questions that I have asked you and your answers to them—you changed none of them at all? In other words, you are pleading guilty to and taking 99 years?"

"Yes, sir," said Ray.

"I think the main question that I want to ask you is this: are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of murder in the first degree under the law as explained to you by your lawyer? Your answer is still yes?"

"Yes, sir," said Ray.

So the moment, when the courtroom sat expecting Ray to repudiate the agreement that had been in the works since Feb. 21, passed without Ray's pressing forward.

Ray was confined in a Memphis County jail this afternoon after the guilty plea was entered and the state had presented much of its evidence in a trial of sorts before a jury. Sheriff William N. Morris Jr.



Associated Press

Judge W. Preston Battle, center, who presided at the brief trial of James Earl Ray, reading a statement to newsmen after Ray was sentenced yesterday. Flanking him are Sheriff William Morris, left, and Phil M. Canale, the Shelby County (Memphis) Attorney General.

said that Ray would be transferred to the state prison at any time.

Judge Battle, who was chosen last summer to try the Ray case, said he believed that the settlement of 99 years was a "just one to both defendant and the state."

The judge said to those who had cried out for Dr. King's slayer to be sentenced to the electric chair that "all the trends in this country are in the direction of doing away with capital punishment altogether."

"How about conspiracy and the punishment of any co-conspirators?" the judge asked. "It has been established that the prosecution at this time is not in possession of enough evidence to indict anyone as a co-conspirator in this case. Of course, this is not conclusive evidence that there was no conspiracy."

"If this defendant was a member of a conspiracy to kill the decedent, no member of such conspiracy can ever live in peace or security or lie down to pleasant dreams, because in this state there is no statute of limitations in capital cases such as this."

"And while it is not always the case, my 35 years in these criminal courts have convinced me that in the great

majority of cases, Hamlet was right when he said: 'For murder though it have no tongue, will speak with most miraculous organ.'"

In a long interview after the conclusion of the case, Mr. Canale gave this answer to a question as to why the state would accept a guilty plea from Ray:

"We decided at the start of this case to treat it just as we would any other."

And, he said, it has been his policy since he became the Memphis prosecutor, to accept guilty pleas and recommend punishment.

Except for Ray's outburst over whether there was a conspiracy, the proceedings today went according to the script.

There was some disagreement over what Ray had meant when he refused to accept the declarations that there was no conspiracy.

One interpretation was that Ray had agreed with Mr. Foreman to plead guilty without explaining his actions or mentioning any possible conspiracy.

The other interpretation was that Ray was trying to say that there had been a conspiracy but that he was so deeply involved that he was guilty of first degree murder even though he

may have been acting at another's direction.

None of the court officials would try to explain Ray's remarks although Mr. Foreman, his attorney, soft-pedaled them.

Unexplained Incidents

The prosecution acknowledged that here were a number of unexplained incidents that might make it appear Ray may have had some help in planning Dr. King's murder. But these incidents may have been related to other illegal activities, such as the smuggling activities that Ray had engaged in in both Canada and Mexico before Dr. King's death, Mr. Canale said.

He said that the state had evidence that Ray had smuggled narcotics into the United States from Canada, and jewelry either into or from Mexico.

Ray also committed at least two robberies in Canada and one in England during his flight, Mr. Canale said. The prosecutor dismissed a report that Ray had robbed a bank of \$27,000 in July, 1967, in Alton, Ill.

The prosecutor said that the state had no evidence to indicate when Ray had decided to kill Dr. King. He said it may have been as early as two weeks before the April 4 slaying or even before that.

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11 MAR
69

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But he said that he doubted if Ray had escaped from the Missouri State Prison with the idea of killing the civil rights leader, although the prosecution did have some evidence that Ray had made racist remarks while in the prison.

Origin of Money

Mr. Canale said there was no reason to assume that the money that Ray spent so freely during the year he was free had come from co-conspirators. Ray, he said, had sent a large amount of money out of the Missouri State Prison while he was an inmate there. There was a report that Ray had sold drugs while he was an inmate in the prison.

When the court hearing began today, five Negroes had managed to get into the courtroom as spectators. They sat quietly throughout the proceedings, which began at 9:45 A.M., 15 minutes late.

Reporters and spectators had been brought to the courtroom before 8:30 A. M. after being searched from head to foot by hand and by machine.

Mr. Foreman arrived before 9 o'clock. He smiled and bowed to a few women in the courtroom, then sat down in one of a row of chairs at the side of the 24-by-32-foot courtroom.

'The Last Supper'

He looked at two large tables containing small models of the Lorraine Hotel and Motel, where Dr. King was staying when he was murdered, and of the rooming house where Ray was living when he fired the fatal shot.

"It looks like the last supper," Mr. Foreman said.

Mr. Foreman was wearing a dark gray suit, a dark shirt and a gray and blue tie. The effect was one of solidity, making him appear even larger than his 250 pounds.

As he waited for Ray to be brought to the courtroom, Mr. Foreman reread the petition that he planned to file before the judge asking that Ray's not guilty plea be set aside and that Ray be allowed to plead guilty.

Ray's brother John, whom Ray calls Jack and who visited Ray the day before Ray escaped from the Missouri State Prison in 1967, came into the courtroom and sat in the section reserved for spectators.

Armloads of Exhibits

At 9:30 A.M., as spectators were trying to find easier resting places on the hard theater seats that were put in the courtroom especially for the Ray trial, deputies began bringing in armloads of exhibits — a long shotgun box, a large red

and black checkered suitcase, and a small blue valise.

About 15 minutes later, Ray, escorted by five deputies, was brought into the court through a rear door. He was wearing a rumpled blue suit, a tattle-tale-gray white shirt, a blue tie and black shoes. He walked as if his feet hurt him. He was not wearing the black horn-rimmed glasses that he used as a disguise when he fled to Canada last April after Dr. King was murdered.

Ray sat down by Mr. Foreman, who moved to join him at the defense counsel table. The two men, who had continued to argue through last night over whether Ray should accept the inevitable and plead guilty, did not talk to each other while waiting for the judge.

After Judge Battle had opened court, Mr. Foreman rose and asked that Ray be allowed to change his plea and plead guilty. He said that both he and Ray had already signed a petition asking for this and that the Memphis public defender, Hugh W. Stanton, and his son, Hugh Jr., appointed as co-counsel by the judge for Ray, were prepared to sign the petition.

After Mr. Canale said he agreed to accept the guilty plea and was recommending a sentence of 99 years, Judge Battle motioned Ray to his feet.

Explanation on Rights

After explaining to Ray that he had various legal rights, such as appeals, that he might lose if he pleaded guilty, Judge Battle said to Ray: "Is this what you want to do?"

"Yes," said Ray. "I believe so."

"Has anything besides this sentence of 99 years been promised to you?"

"Not that I know of." The judge asked Ray if anyone had pressured him to plead guilty to Dr. King's murder.

"No, no one."

"Did you kill Dr. King under such circumstances that it would make you legally guilty of murder in the first degree under the law as explained to you by your lawyer?"

"Yes," said Ray. "I am pleading guilty."

Procedure Outlined

Ray seemed to be having a little trouble with his voice. It came through clearly but without much force behind it. It almost squeaked.

Ray's hair, which had been groomed close to his head, began to stick up in the rear as his hair dressing dried.

The jury, which was impaneled after the judge finished questioning Ray, included two Negroes. The first 12 names

called from a regular jury venire already on duty in the courthouse were picked and the men brought into the courtroom and seated in the jury box.

The prosecutor, Mr. Canale, explained briefly to the jury what was happening. In Tennessee, he said, a jury must find a defendant guilty in a murder case even if the defendant pleads guilty.

The state had agreed to accept the guilty plea and would recommend a sentence of 99 years, the judge said.

"Can each of you accept that?" Mr. Canale said in asking the jurors if they would be guided by his recommendation. Each of the jurors nodded.

Before beginning the testimony to prove Dr. King's murder, Mr. Canale attempted to dispose of the persistent reports that Ray was hired to assassinate Dr. King.

"There have been rumors going around that Mr. James Earl Ray was a dupe, a fall guy, or a member of a conspiracy," Mr. Canale said.

"We have no proof other than that Dr. Martin Luther King Jr. was killed by James Earl Ray and James Earl Ray alone."

Mr. Canale said that he and his staff had read 5,000 pages of reports from police officers — local, state and national. He said they had examined 300 pieces of evidence. And three members of his staff had traveled thousands of miles in the United States, Mexico, Canada and Portugal, he said.

"We have no evidence that there was any conspiracy involved," he said. "If we are ever presented competent evidence that there was a conspiracy, we will take prompt action."

Mr. Foreman followed Mr. Canale before the jury. Mr. Foreman wanted to question each juror individually to make sure that none would refuse to go along with the deal of 99 years in return for a guilty plea.

Prosecutor and Judge Praised

He also took the opportunity to try to prevent Ray's guilty plea from tarnishing his own remarkable record of winning favorable verdicts in murder trials, and to declare that he, also, did not believe there was a conspiracy.

"I never expected, hoped or had any idea that I could accomplish anything but saving this man's life," Mr. Foreman said.

He said that he had reached the conclusion that there was no conspiracy after more than 50 hours of conversation with Ray and a check of every minute of Ray's time and every

expenditure of more than 50 cents made by Ray.

Mr. Foreman praised Mr. Canale and Judge Battle, for agreeing to allow Ray to plead guilty and take 99 years.

The prosecutor, Mr. Foreman said, "is as big as his office. He is a man not concerned with scalps on his belt and is not trying to make a record to run for some other office on."

Judge Battle, Mr. Foreman said, "is a compassionate and human judge."

Ray's comments about conspiracy came when Mr. Foreman had finished talking to the jury.

After the judge had disposed of Ray's remarks, the state began putting on its abbreviated case.

In proving that Dr. King had been murdered, the state called five witnesses—the Rev. Samuel B. Kyles, a Negro minister from Memphis; Chauncey Eskridge, a Negro lawyer from Chicago; Dr. Jerry T. Francisco, the Memphis medical examiner; Inspector N. E. Zachary of the Memphis Police Department homicide squad, and Robert G. Jensen, the special agent in charge of the Memphis office of the F.B.I.

Mr. Kyles, who had invited Dr. King to come to his home on the evening of April 4, 1968, for a "soul food" dinner, said he was about five or six steps from Dr. King on the balcony of the Lorraine Hotel and Motel when the rifle bullet hit Dr. King in the right side of his neck, knocking him off his feet.

Heard Fatal Shot

Mr. Eskridge, the attorney for the Southern Christian Leadership Conference, which Dr. King headed, said that he heard the fatal shot "zing" overhead. Mr. Eskridge was walking down to the parking lot below Dr. King.

Dr. Francisco said that an autopsy showed that the rifle bullet killed the civil rights leader almost immediately.

Inspector Zachary said that he had found a rifle, which was later determined to be the murder weapon, and several other articles on the sidewalk about a block from the Lorraine Motel almost in front of the rooming house where Ray had registered earlier that afternoon.

The inspector identified the objects found with the rifle as being a plastic zipper bag, two cans of Schlitz beer, a pair of binoculars and a binocular case, a T-shirt, a pair of men's underdrawers, a pasteboard box, a hairbrush, a transistor radio, a pair of pliers, a hammer, a paper bag, and a copy of the April 4, 1968, edition of the newspaper The Memphis Commercial-Appeal.