

# The King slaying mystery

## Ray plea foiled plot quiz

Second in a series

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Of Our Washington Bureau

WASHINGTON — The world waited expectantly for the curtain to rise in Memphis when James Earl Ray faced trial March 10, 1969, in the slaying of the Rev. Dr. Martin Luther King Jr.

It would learn, it thought,

the murder details and, more importantly, whether there was a conspiracy to cut down the Negro leader with a single .30 caliber rifle bullet 11 months earlier.

It learned no such thing.

Instead, the prosecution and defense won Judge W. Preston Battle's approval for Ray to plead guilty in exchange for a 99-year prison term. The entire proceeding took 144 minutes.

BATTLE reviewed the plea with Ray, pointing out his rights to a full trial, avenues of appeal and that he was agreeing to a 99-year term. "Is this what you want to do?" he asked.

"Yes, I do," said Ray.

By so pleading, the judge warned, Ray was waiving formal trial, a motion for a new trial, and appeals to higher

courts. "Has anything besides this sentence of 99 years in the penitentiary been promised you by anyone?"

"No, it has not," replied Ray.

"Has any pressure of any kind by anyone in any way been used on you to get you to

BATTLE did not repeat the

Turn to Page 9, Column 1

April 3, 1972

Continued from Page 1

plead guilty?" the judge continued.

"Now, what did you say?" asked Ray.

question, but put it differently.

"Are you pleading guilty . . .

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 lawyers?"

"Yes, legally, yes," Ray

said, a three-word reply call-

ing — in retrospect — for more

explanation, if not hinting at a

story he held back.

Then the noted Percy Fore-

man, hired as Ray's attorney

five months earlier, and Shelby

County Atty. Gen. Phil M. Can-

ale, the prosecutor, began ad-

addressing the jury before stat-

ing the case: There was no

evidence tying Ray to a con-

spiracy, they said.

**BUT THE** drama's central

actor, who was supposed to re-

main passive, startled every-

one. In the midst of a script

calling for no "unseemly con-

duct on your part" — as Fore-

man told Ray in a letter only a

day earlier — he rose, and in

the next few moments possibly

came closest to giving the na-

tion an opportunity to explore

a conspiracy theory.

"Your honor," he began

tensely, "I would like to say

something."

"All right," agreed Judge

Battle.



Battle

Ray

Foreman

"I don't want to change anything. I have said I don't want to add anything onto it, either. The only thing I have to say is I don't exactly accept the theories of Mr. Clark. . . .

"Who is Mr. Clark?" asked Foreman.

"Ramsey Clark," replied Ray, referring to the U.S. attorney general who has denied any evidence of a conspiracy. "and Mr. Hoover," added Ray.

"MR. WHO?" asked Foreman.

"Mr. J. Edgar Hoover. The only thing, I say I am not—I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it," continued Ray.

"You don't agree with those theories?" the judge pursued.

"I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark, (another transcript shows Ray responding "Mr. Canale's, Mr. Clark's, Mr. J. Edgar Hoover's.") I mean on the conspiracy thing. I don't want to add something onto it which I haven't agreed to in the past."

FOREMAN then added: "I think that what he is saying is that he doesn't think that Ramsey Clark's right or J. Edgar Hoover is right. I didn't argue them as evidence in this case. I simply stated that underwriting and backing up the opinions of (Atty. Gen.) Canale, that they had made the same statement.

"You are not required to agree or withdraw or anything else," he told Ray.

When Battle again asked Ray if the answers to his previously asked questions would be the same, Ray said, "Yes," and the hearing resumed to its pre-determined end — Ray in prison by nightfall.

**IT WAS A** curious episode and John Siegenthaler, a former top aide to the late Atty. Gen. Robert Kennedy, and now editor of the Nashville Tennessean, commented perceptively on it in his "Quest for Justice," an inquiry on whether the U.S. criminal trial system reaches the root of truth.

He said: "Judge Battle probed no further, he searched no deeper. James Earl Ray tried to tell Battle in open court that while he was legally guilty of murder as Foreman had explained the charge to him, he still had been involved in a conspiracy.

"Here was a chance for the court to delve into Ray's claims of conspiracy, an opportunity to find out what, if anything, Ray was keeping secret. Here was a chance to move to put down all the rumors and reports and theories about a conspiracy, which J. Edgar Hoover, Ramsey Clark, Phillip Canale, and most of all, Percy Foreman said never occurred.

"But Judge Battle was interested in the narrow issue of le-

gal guilt . . . he could have then and there ordered Ray to take the stand and tell what he was talking about.

"He did not have the presence to suggest that the defendant, having waived his immunity by pleading guilty, might be called before a grand jury to see if others were, in fact, involved.

"The administration of justice succeeded in punishing a guilty man. But it made no pretense of initiating a search for truth or putting down what very well may have been a lie by Ray."

**IT BECAME** apparent at the hearing's end that Judge Battle, who was found dead of natural causes in his office 20 days later, may have been uncertain himself that justice had been served.

"How about conspiracy and the punishment of any co-conspirators?" Battle asked, as part of his opinion. "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.

"However, if this defendant was a member of a conspiracy to kill (Dr. King) 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 limitation in capital cases such as this. . . .

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

NEXT: The 'Patsy' theory.