WXPost MAR 2 3 1974 Author wins On Interview of Ray's Brother

The First U.S. Circuit Court of Appeals has upheld a ruling that author George McMillan has a constitutional right to interview John Larry Ray, brother of convicted assassin James Earl Ray, in a federal prison.

McMillan, who is writing a book on the slaying of the Rev. Dr. Martin Luther King Jr., claimed a First Amend ment right to a face-to-face interview with Ray, who expressed willingness to be interviewed. John Ray, 39, is serving an 18-year prison term at the Marion, Ill., federal penitentiary for a 1970 bank robbery.

The court noted that the power of the Federal Bureau of Prisons to deny interviews mith inmates is at issue in two current supreme Court cases, one of which involves The Washington Post, but said it would be unfair to McMillan to postpone a decision until the high court rules.