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James Earl Ray, escorted by law enforcement officials, leaves a Memphis jail for a hearing on his guilty plea.

Ray Gets Hearing to Ask New Trial

By Paul W. Valentine
Washington Post Staff Writer

MEMPHIS, Oct. 22—Under heavy guard, James Earl Ray, confessed assassin of Dr. Martin Luther King Jr., appeared in federal court today as his attorneys sought to prove he was illegally coerced into pleading guilty to the civil rights leader's murder more than six years ago.

Drawn, thin and impassive, Ray, 46, contends his former lawyer, noted criminal attorney Percy Foreman of Houston, browbeat him into pleading guilty. The attorney, he claims, sought to avoid full disclosure of the case at a trial so that Foreman could share the profits from books and articles by author William Bradford Huie, who had contracted with Foreman for exclusive details of the murder.

Ray also says his nine months' incarceration here after his arrest in a special windowless cell equipped with 24-hour-a-day floodlights, clos-

ed circuit television surveillance and sound monitor rendered him incapable of making an intelligent decision on whether to plead guilty. He is now serving a 99-year sentence in the state penitentiary at Nashville.

The current hearing into his claims comes after almost four years of maneuvering from court to court by Ray's present attorneys. The hearing was ordered last January by the Sixth U.S. Circuit Court of Appeals in an opinion which said the case "reeks with ethical, moral and professional irregularities, demanding a full-scale judicial inquiry."

If Ray prevails, he could be allowed to withdraw his guilty plea and receive a full-dress trial in the King murder.

The hearing, which started today before U. S. District Court Judge Robert M. McRae Jr. and may last two weeks, opened with testimony by Shelby County (Memphis) sheriff's department Inspector

Billy J. Smith, who acknowledged supervising the elaborate prison surveillance for Ray in late 1968 and early 1969.

But he contended it was needed "strictly for security" to protect Ray from outsiders during an emotional time and to prevent Ray, a known escape artist, from attempting to break out.

Smith also acknowledged that all of Ray's incoming and outgoing mail, except correspondence with his attorneys, was opened, copied and sent to the local prosecutor's office.

"How does delivery of those letters to the prosecutor relate to security?" asked Ray's attorney Robert I. Livingston of Memphis.

"It afforded them a chance to study them and see if there was anything in there," Smith answered.

Smith said the mail of other prisoners in the county jail is not copied and sent to the prosecutor's office.

Defending the handling of the Ray case is the Tennessee assistant attorney general, Henry Haile, who contends the original trial judge, who accepted Ray's guilty plea, W. Preston Battle, went to extra lengths in his questioning of Ray to assure the plea was freely and voluntarily made.

A transcript of the March 10, 1969, plea hearing shows that Battle repeatedly asked Ray if he was pleading on his own accord. Ray said yes. He said he objected only to the theory held by then U. S. Attorney General Ramsey Clark and other officials that there was no conspiracy to kill King and that Ray acted alone. Ray did not elaborate.