

# Sheriff's Aide Says James Earl Ray Was Kept 8 Months in Jail With No View of Sunlight

By MARTIN WALDRON

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MEMPHIS, Oct. 22—A Federal District Court was told here today that while James Earl Ray was awaiting trial for the assassination of the Rev. Dr. Martin Luther King Jr. he was held in a brightly lit cell with the windows blocked off and that he was kept under constant surveillance by deputy sheriffs, television cameras and microphones.

The court was also told that Mr. Ray's letters had been photographed and copies given to the prosecution and that the trial judge had made alterations in the transcript of the hearing at which Mr. Ray pleaded guilty in return for a 99-year prison sentence.

Attorneys for Mr. Ray, who is seeking a new trial, said that they planned to introduce evidence to show that he pleaded guilty out of desperation after he saw his constitutional rights going one by one.

"Four years ago, we had only shadows which led us to believe we were involved in more than a routine miscarriage of

justice," said Mr. Ray's chief attorney, Bernard Fensterwald, of Washington. Today, he said, the shadows have become fact.

Mr. Ray sat quietly in the courtroom as his three volunteer attorneys began calling some 20 witnesses in the culmination of more than four years of seeking a new trial.

Mr. Ray, 47 years old, is some 20 or 30 pounds lighter than he was five years ago when he was awaiting trial. He appears to be somewhat drawn, and his hair is graying.

Mr. Ray now contends that he did not shoot Dr. King, the civil rights leader. Mr. Ray has said he arrived in Memphis with a rifle in April, 1968, to join a "gun running" adventure and that he was made the "dupe" in

Dr. King's murder by his would-be associates.

One of the early witnesses today was Inspector Billy J. Smith of the Memphis sheriff's office, who was in charge of protecting Mr. Ray after he was extradited to Tennessee from London. Mr. Ray was arrested on June 8, 1968, two months after the April 4 assassination, while trying to go to Africa.

Mr. Smith testified that Mr. Ray had been kept in a brightly lit cell in a Shelby County jail in downtown Memphis, that heavy metal shields had been put across the cell windows and that for more than eight months Mr. Ray never saw sunlight, moonlight or the stars.

From the time that he was returned to the United States until he pleaded guilty on March 10, 1969, Mr. Ray was never alone, the witness said. He said that two officers had been in the cell with Mr. Ray at all times, the television camera had operated constantly and that the only time that microphones in the cell had not operated was when Mr. Ray was being visited by his attorneys.

Whenever Mr. Ray wrote a letter or received one, it was copied, and copies were given to the prosecutors, Mr. Smith said. Letters to Mr. Ray's attorneys were given unopened to the sheriff, Mr. Smith added. The security was so tight, Mr. Smith said, that even scraps of

paper that Mr. Ray tried to flush down his toilet were retrieved and turned over to the prosecution.

Federal Judge Robert M. McRae Jr. made notes during the testimony, but he gave no indication whether he considered the activities described by the witnesses to be a violation of Mr. Ray's rights.

J. A. Blackwell, the clerk of the criminal court at Memphis, testified that Judge W. Preston Battle had altered the transcript of the hearing at which Mr. Ray pleaded guilty.

Mr. Blackwell was vague in saying about charges that he said the judge had made in the transcript before it was released to the public. But in a later interview, the clerk said he believed that the alterations were mostly of grammar and not of substance.

Judge Battle died two weeks after the hearing.

Newspaper reporters who covered the 1969 hearing agreed generally that the official account of the hearing, as reflected by the altered transcript coincided with their recollections of what happened.

Mr. Ray said at the time he pleaded guilty that he had fired a shot that killed Dr. King. But at one point he interrupted to say he did not want to be convicted as agreeing with statements by former Attorney General Ramsey Clark, the late Federal Bureau of Investigation

director J. Edgar Hoover, and the Memphis prosecutor, Phil M. Canale, that there was no conspiracy connected with the murder.

Mr. Ray's lawyers now contend that Dr. King was killed by two professional assassins hired by four "wealthy and socially prominent Americans" who hated Dr. King.

Mr. Ray's current lawyer said that other witnesses at the hearing, which is expected to last the rest of this week, would present evidence that, while the state was reading Mr. Ray's mail and invading his privacy, his former attorneys were preparing to sell him out to push the sales of a book about Dr. King's murder.