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**Witness Was Drunk,  
Ray Hearing Is Told**

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MEMPHIS, Oct. 23—A man claimed by state prosecutors to be a key eyewitness in the 1968 shooting of the Rev. Martin Luther King Jr. was so drunk at the time that he could not stand up, a cab driver testified today.

James M. McCraw, 49, the cab driver, gave the testimony in a U.S. District Court hearing on whether King's convicted assassin, James Earl Ray, should be given a new trial.

Charles Q. Stevens, a drifter, had told police he saw a man resembling Ray fleeing the scene from which the fatal shot was fired.

But McCraw testified today he received a call to pick up a man in a flophouse adjacent to the motel used by Dr. King. When he arrived 15 minutes before the shooting, he said, he found Stevens, a heavy drinker, "laying on the bed . . . pretty drunk" and unable to get up. McCraw said he left, deciding Stevens was too drunk to travel.

Asked by Ray's attorney, Bernard Fensterwald, if Stevens was unable to walk, Mc-



**JAMES EARL RAY**  
... seeks new trial

Craw agreed, "I would say so."

The testimony came in the second day of the hearing into claims by Ray that he was coerced into pleading guilty to the King murder and given ineffective assistance by his attorney at the time, the noted

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Houston criminal lawyer Percy Foreman.

McCraw testified only briefly and was subjected to little cross-examination by state prosecutors. His statement was the first courtroom testimony on Stevens' condition, which had been discussed privately by defense and prosecution attorneys for the last six years.

Two months after the April 4, 1968, shooting of King, Stevens signed an affidavit for prosecutors saying he saw a man resembling FBI "wanted" flyers of Ray running from a flophouse and carrying an oblong bundle. Prosecutors contend the fatal shot was fired from a flophouse bathroom window overlooking the motel balcony on which King was standing.

McCraw testified today that he told Foreman in 1968 of Stevens' drunken condition while Foreman was preparing Ray's defense.

Ray's present attorneys, Fensterwald and James H. Lesar, both of Washington, contend that Foreman consistently ignored such exculpatory evidence and was concerned more with getting a quick guilty plea, avoiding a full-dress trial and preserving exclusive access to details of the murder for author William Bradford Huie, with whom Foreman had a contract to split book and magazine royalties.

Hugh Stanton Jr., an assistant public defender assigned to help Foreman in 1968 and now chief prosecutor for Shelby County (Memphis), testified today that much exculpatory evidence was gathered during preparation of Ray's defense.

But the bulk of it, he said, was based on reports and witness interviews by private investigator Renfro Hays of Memphis who, he learned later, was "unreliable," had distorted some information, and had a history of mental instability.

Stanton agreed under questioning by Fensterwald that Stevens was "not a credible witness" and that FBI ballistics reports did not definitely tie the bullet that killed King with the rifle purchased by Ray.

Still, he said, other evidence, such as Ray's fingerprints on the rifle found near the murder scene and Ray's flight from the United States after the shooting, suggested that "we didn't have much of a defense."