

RAY'S TESTIMONY IS OFF UNTIL TODAY

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His Brother Says Lawyer Pressed for Guilty Plea to Avoid Long Trial

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MEMPHIS, Oct. 24—Testimony by James Earl Ray on the assassination of the Rev. Dr. Martin Luther King Jr. was postponed this afternoon until tomorrow as his attorneys decided to call his relatives before putting Mr. Ray on the stand.

Mr. Ray is seeking a new trial, contending that he was coerced into pleading guilty to the murder of the civil rights leader in 1968.

The first of Mr. Ray's relatives to testify before Federal District Judge Robert M. McRae Jr. was his brother John, who is serving 18 years in a Federal prison for bank robbery.

John Ray testified that Percy Foreman, a lawyer from Houston, had put pressure on "Jimmy" to plead guilty because "Mr. Foreman said he didn't want to spend two or three years on a criminal case, trying it and appealing it." James Ray is serving a 99-year sentence for the killing.

John Ray said that Mr. Foreman had told him that he agreed to take the case only because he wanted the publicity to help him get profitable civil cases.

In other testimony today, a ballistics expert, Herbert L. MacDonnell of Elmira College in New York, testified that there was "no way" that the rifle found near the scene of the assassination could have been fired from a dingy boarding house bathroom, as contended by the state.

Theory Disputed

Mr. MacDonnell said that the bathroom wall of the boarding house from which the fatal shot was fired was too close to the window to allow for a man to fire a 42-inch-long rifle with any accuracy out the window in the direction of where Dr. King was standing.

Dr. King's assassin fired only one bullet, which struck him in the jaw and severed his spinal cord.

Mr. MacDonnell said that in his opinion there was a large enough fragment of the bullet recovered from Dr. King's body to determine definitely if it was fired from the rifle brought to Memphis by James Earl Ray the day before Dr. King was killed.

The defense has not been allowed access to the rifle for the current hearing.

A Federal Bureau of Investigation expert has testified that it was not possible to say if the bullet that killed Dr. King was fired from Mr. Ray's rifle.

Some of the effect of the testimony by Mr. MacDonnell may have been lost when he testified that it was mostly through the use of photographs that he had formed his conclusions about the rifle's being too long to be fired from the bathroom.

In testifying about Mr. Foreman's attitude, John Ray said that the lawyer had said when he first took the case that "he'd have Jimmy walking the streets in no time."

"He said there wasn't no evidence against him," John Ray said, adding that Mr. Foreman said he would gather television films of the demonstrations led by Dr. King and of ensuing rights and play "two weeks of them" for the jury.

Foreman said after a couple weeks of that stuff, the jury would shoot King itself," John Ray stated. "He said he worked on jury's emotions, but after the verdict, the jury might run down the street shooting black people."

He testified that Mr. Foreman had made these comments after examining a contract between James Earl Ray, Arthur Hames, a Birmingham, Ala., attorney, and William Bradford Huie, an author from Hartsell, Ala.

Mr. Huie had undertaken to write a book about the assassination and to pay a percentage of royalties to both Mr. Ray and to Mr. Hames, who was Mr. Ray's attorney for several months in the summer and fall of 1968.

John Ray said that after Mr. Foreman had read the contracts, he said "it would be easy to break."

The contract was later abrogated and a new one signed in which James Earl Ray agreed to pay Mr. Foreman up to \$165,000 from his share of the royalties from Mr. Huie's book, "He Slew The Dreamer."

Mr. Foreman has declined to come to Memphis to testify in the current hearing, which was ordered by the United States Court of Appeals for the Sixth Circuit. In a deposition filed with the judge, Mr. Foreman has denied any impropriety and said that he urged Mr. Ray to plead guilty because he thought it was the only chance Mr. Ray had to escape the electric chair.