

Ray Returns to Stand Today in Move to Obtain New

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MEMPHIS, Oct. 28—James Earl Ray returns to the stand tomorrow in his bid for a new trial in the assassination of the Rev. Dr. Martin Luther King Jr.

Contending that he was forced by "greedy" lawyers into pleading guilty to the slaying in April, 1968, Mr. Ray has not yet told his version of the murder.

The two hours that he spent on the stand Friday explored the actions of his two major defense attorneys, Arthur Hanes of Birmingham, Ala., and Percy Foreman of Houston, and of the author William Bradford Huie.

One of Mr. Ray's new set of lawyers has said that the evidence when it is all in will show that he was "framed."

Testimony and arguments in the hearing may take four or five more days. Judge Robert M. McRae Jr. who is holding the hearing in Federal District Court on orders from the United States Court of Appeals for the Sixth Circuit, may then take several weeks to reach a decision.

In addition to James Earl Ray, witnesses have included his brothers, John L. Ray and Jerry W. Ray, who testified that Mr. Foreman tried to get them to put pressure on their brother into pleading guilty.

One argument they said Mr. Foreman used was that the "power structure" in Memphis in early 1969 was anxious to avoid a trial for the murder because they thought it would prompt riots, and that because of this the prosecution would agree to accept a guilty plea in return for a 99-year sentence.

They said that Mr. Foreman said that the best Mr. Ray could hope for was a hung jury and a second trial. Mr. Foreman said he did not have time to spend "two or three years" on the case, they said.

John Ray said Mr. Foreman told him that "Jimmy probably would be barbecued" if he went on trial, that the jury would be "a blue ribbon one" of upper class whites.

"He said there wouldn't be any cab drivers on the jury," John Ray said.

James Earl Ray is basing his appeal for a new trial on contentions that he was mistreated by both the prosecution and his own attorneys.

Jerry Ray testified that Mr. Huie paid for a round-trip airplane ticket for him to fly to Huntsville, Ala., from St. Louis. He said they met in a motel at the Huntsville airport where Mr. Huie gave him a bottle of bourbon and that they talked "for several hours" about the need to keep James Earl Ray off the witness stand.

At the time of this meeting in Huntsville, the trial was scheduled to begin Nov. 12 and although James Earl Ray's then attorney, Mr. Hanes, did not want him to testify, James Earl Ray says he was insisting on it.

Jerry Ray said that Mr. Huie remarked that if James Earl Ray took the stand this would hurt the sale of the proposed book.

"Huie requested that I go down and see James and tell him he didn't want him on the stand," he said.

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Jerry Ray said that Mr. Huie offered to pay \$12,000 if James Earl Ray did not testify. However, he related, the author said the money would have to go to the brothers or to their sister, Mrs. Carol Pepper, and not to James Earl Ray.

Jerry Ray said that Mr. Huie gave him \$500 at the Huntsville meeting.

Judge McRae asked if anyone else had given him money in connection with the assassination.

He said that Life magazine and a number of newspaper reporters, magazine writers and book authors had paid him money. One writer gave him

\$500 on several occasions, he said.

John Ray is serving an 18-year sentence at a Federal prison in Illinois (or being an accessory in a bank robbery).

The former Memphis prosecutor, Phil M. Canale, testified Thursday that all the evidence against James Earl Ray was "circumstantial."

But unless discredited, the information available in 1969 would surely have been enough to convict Mr. Ray, he said. This assessment was agreed to by the new prosecutor, Hugh Stanton Jr. In 1969 Mr. Stanton was one of Mr. Ray's attorneys, but has since succeeded Mr. Canale as a prosecutor.

The strongest evidence against Mr. Ray was the rifle found on the street near the dingy rooming house that the state says was used as an ambusher's lair.

The rifle and a small suitcase containing a pair of binoculars were found wrapped in a green about 50 feet from the door to the house.

The manager, Bessie Brewer, has said that a man resembling James Earl Ray rented a room on the second floor about four hours before Dr. King was shot at 6 P.M. on April 4, 1968. But she was unable to identify Mr. Ray as the man who had given his name as John Willard.

Another of Mrs. Brewer's roomers, Charles Q. Stephens said he could identify Mr. Ray.

Mr. Stephens, who was in the next room with his wife, said that he heard a rifle shot being fired from the bathroom and went out into the hall. He said he saw James Earl Ray coming out of the bathroom with a long object wrapped in a newspaper.

But a Memphis taxi driver, James McGraw, told Judge McRae last Wednesday that he had gone to the house about 5:45 P.M. on the afternoon of the assassination in answer to a call from Mr. Stephens.

He said he went to Mr. Stephens's room.

"I found him drunk," Mr. McGraw said. "He was lying on the bed and he couldn't get up."

Mr. McGraw said that because Mr. Stephens couldn't walk, he refused to allow him a ride in his cab.

A report from a ballistics expert of the Federal Bureau of Investigation, Robert Frazier, said that it was impossible to tell if the bullet that killed Dr. King was fired from the rifle found on the sidewalk.

Mr. Frazier said that the fatal bullet shattered and that no piece of it was large enough to test.

Mr. Ray's fingerprints were found on the rifle, and a clerk in a Birmingham, Ala., gun store has identified him as the man who bought it four days before the assassination. The binoculars also were traced to Mr. Ray.

In his testimony, Mr. Stanton said that the major problem in defending Mr. Ray would have been explaining what Mr. Ray was doing in Memphis in the first place.

Although Mr. Ray's lawyers have indicated that they may not ask him about why he was in Memphis and who sent him there, the state prosecutor said he would.