

Ray's Story of the Day Dr. King Died

Memphis

James Earl Ray's first defense attorneys testified yesterday that Ray steadfastly insisted he was only an unwitting tool in a conspiracy to kill Dr. Martin Luther King Jr.

In the first telling in a court of Ray's version of what happened on the night the civil rights leader was killed, one attorney related how Ray told him about buying a gun for a man named "Raoul" and of standing in front of a rooming house at the moment King was shot from ambush.

Arthur Hanes Sr. — one of the men Ray accused of railroading him into a guilty plea — and his son appeared as the state's first witnesses in an effort to prevent a new trial for Ray. But their testimony appeared to support Ray's contention that he never admitted firing the gun that killed the Nobel Peace Prize winner.

The state began presenting its case after Ray wound up three days of testimony without shedding any new light on Dr. King's slaying.

Under questioning by assistant state attorney general Henry Haile, Hanes Sr. said Ray never varied in his story of the night King was killed.

"I pinned James Earl Ray down a number of times about whether he killed Martin Luther King. Invariably his answer was no," Hanes said.

Hanes said Ray told him that under instructions from man he knew only as Raoul he purchased a rifle in Birmingham and on the day before King died the gun "was taken from him in a motel in Mississippi. And he never saw it again until it was thrown down near him.

"They gave him a note with the address on main street and told him to be there at 3 o'clock," Hanes recounted the story he said Ray told him.

Hanes said Ray said that when he arrived at the address, the rooming house from which authorities say King was killed, his contact told him to park his car in front of the house and then sent him to buy a pair of binoculars.

"At 5:30 p.m., the contact said 'Jim, you go down and get yourself a couple of beers,' and he was standing in front of the rooming house at 6 or 6:01 when the shot was fired. He said when he saw that rifle on the ground he knew he was in trouble and he fled."

Hanes' son testified, "I feel now and I felt then that there was a conspiracy involved." He said that rather than urging Ray to plead guilty to avoid certain electrocution, he was prepared to go to trial and beg the jury not to put the entire blame "on this little man."

U.S. District Judge Robert M. McRae Jr., who must de-

cide if a new trial is warranted, offered an explanation of why so many apparent contradictions were left unchallenged.

"This is not a murder case," McRae said. "I want to point out that a habeas corpus proceeding is not a retrial."

The hearing is being conducted on Ray's request for relief — a petition of habeas corpus — on the grounds he did not voluntarily plead guilty to the crime for which he is imprisoned. The issue of Ray's guilt or innocence will not be decided at the hearing.

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