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RAY DENIED PLEA FOR A NEW TRIAL

But Judge Scores Lawyers
in Dr. King Murder Case

By MARTIN WALDRON

Special to The New York Times

MEMPHIS, Feb. 27—A Federal judge today criticized James Earl Ray's attorneys and state officials involved in his case but ruled that the confessed assassin had "clearly and deliberately" elected to plead guilty to murder and was not entitled to withdraw that plea and have a new trial.

Mr. Ray, 46 years old, has sought a new trial since March 17, 1969, less than a week after he pleaded guilty to the April 4, 1968, assassination of the Rev. Dr. Martin Luther King Jr. and accepted a 99-year prison sentence.

Federal District Judge Robert M. McRae said today that testimony last October on Mr. Ray's plea for a new trial did not convince him that the suspect had been coerced or tricked into pleading guilty by his attorneys.

Nor, said the judge, was he convinced that Mr. Ray's rights had been seriously prejudiced by the opening and photocopying of his mail and the installation of listening and viewing devices in his cell by county jail wardens and state prosecutors while Mr. Ray was awaiting trial.

Mr. Ray, who is confined to the Tennessee State Penitentiary at Nashville, was not in court today. One of his attorneys, Robert I. Livingston of Memphis, said that Judge McRae's ruling would be appealed to the United States Court of Appeals for the Sixth Circuit, which ordered last October's hearing. The appeals court said in its order that Mr. Ray was entitled to a new trial if the facts were substantially as he alleged.

Mr. Ray has alleged that his former attorneys were more interested in helping publish books about the case than in defending him and that he pleaded guilty to the civil rights leader's murder from despair.

Judge McRae, in a decision released today, said: "The circumstances include conduct on

the part of Ray's retained attorneys that should have been performed different. [But] The total circumstances do not reflect a violation of the constitutional rights applicable to one who voluntarily pleaded guilty on the advice of competent counsel of his own choosing."

In discussing the activities of Mr. Ray's lawyers, Judge McRae said the following:

That a contract between Mr. Ray and a Birmingham lawyer, Arthur J. Hanes, to share the proceeds of a book about the murder was an apparent violation of the canon of ethics for lawyers.

That Mr. Ray's later attorney, Percy Foreman of Houston, was "arrogant and overbearing" and "a braggart" who pressed Mr. Ray to plead guilty and whose \$150,000 quoted fee was too high.