

## Court Rules Ray Is a Pauper;

### Assigns Public Defender to Help His Lawyer

By MARTIN WALDRON

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MEMPHIS, Tenn., Dec. 18 — Although he has been paid \$30,000 in the last three months for his life story, James Earl Ray, the accused assassin of the Rev. Dr. Martin Luther King Jr., was adjudged in court today to be a pauper, and the Memphis Public Defender was appointed to help Percy Foreman defend him.

The trial judge, W. Preston Battle, ruled also that Mr. Foreman could use the investigators of the Public Defender's office to complete a new investigation of Dr. King's death.

Mr. Foreman said that it might take months to prepare Ray's defense, which will be aimed at proving that someone else shot the civil rights leader.

Mr. Foreman, a lawyer from Texas, said that he understood that for more than two years before April 4, 1968, the date of Dr. King's slaying, a special squad of the Federal Bureau of Investigation had been assigned to protect Dr. King.

"This dates to a time when this defendant was incarcerated in the Missouri State Penitentiary," Mr. Foreman said. "I am working on the assumption that someone else other than James Earl Ray was concerned with assassinating Martin Luther King."

#### Further Delay Possible

Even with the Public Defender helping him, "it will be a miracle" if the defense can be ready for trial on March 3, the trial date set last month, Mr. Foreman said.

He said that information that had been turned over to him by Ray's previous attorney, Arthur J. Hanes of Birmingham, was virtually worthless. The case must be completely reinvestigated from start to finish, he said.

Mr. Hanes announced last month that he was prepared to go to trial on Nov. 12, and that he was confident of winning an acquittal.

Ray was given \$30,000 in September and October by William Bradford Huie, the Alabama writer, as part payment for the rights to Ray's life story. Judge Battle said today

that this money had apparently gone to Mr. Hanes as the legal fee.

"And as I understand it, this source of money has now been cut off," the judge said.

Ray, wearing a new dark blue suit and with a fresh haircut, stood stiffly before Judge Battle and acknowledged that this was true. He swore that he had no current resources.

#### Wants State to Pay

Mr. Foreman said that he had rejected all offers from movies and publications to underwrite the cost of a defense "because I don't believe this man should be tried in the pandering press."

While he will continue to work without a fee or a prom-

ise of one, Mr. Foreman said, he does not feel constrained to pay the cost of putting together Ray's defense. He suggested that the state should pay for this, and said that it could possibly be repaid if one of the new offers from magazines, movies or book publishers for Ray's story was accepted.

Assistant prosecutor R. K. Dwyer objected strenuously to any delay beyond March 3. He said that Mr. Foreman was "stalling justice" and that the court was being "trifled with." Mr. Dwyer objected so vigorously that at one point Judge Battle ordered him to be quiet and sit down.

During the rest of the 90-minute hearing, Mr. Foreman

pretended that he had difficulty in recalling the assistant prosecutor's name, referring to him as "Mr. uh, Dwyer."

The Memphis Public Defender, Hugh Stanton, said that the resources of his office would be made available immediately to Mr. Foreman.

The Houston attorney said that the state had given him a list of 360 witnesses who might be called at Ray's trial, and that he planned to use senior law students to interview most of them. Investigators from the Public Defender's office will be called upon for other duties.

Judge Battle said that he hoped the trial could still start on March 3. "This is a most unusual case," he said. "It has

been so from the beginning, and as it goes on it gets more and more unusual."

Mr. Foreman did not elaborate in the courtroom on his statement that the F.B.I. assigned a special squad for two years to try to prevent the assassination of Dr. King.

Mr. Hanes was not available for comment on the hearing.