

Ray Is Reported Planning To Plead Guilty Monday

Court Schedules Hearing at Request of Lawyer for Dr. King Murder Suspect —Deal for 99-Year Term Hinted

Special to The New York Times

MEMPHIS, March 7—Circuit Judge W. Preston Battle today scheduled a court hearing for 9:30 A.M. Monday for James Earl Ray.

Unconfirmed reports in Memphis were that Ray would plead guilty to the murder of the Rev. Dr. Martin Luther King Jr. and would receive a sentence of 99 years in prison.

Judge Battle said that the hearing had been requested by Percy Foreman, the Houston lawyer who has represented Ray, an escaped Missouri convict, since last Nov. 12.

Judge Battle said that Mr. Foreman had asked that Ray be present, but the judge refused to state the purpose of the hearing.

Mr. Foreman met in Memphis this morning with Gerald and John Ray, brothers of the mur-

der suspect, before making his request.

In reply to questions, Mr. Foreman would not comment on the report that Ray would plead guilty. He said that he was still Ray's attorney but beyond that he could not comment because of the judge's orders that the case was not to be discussed publicly.

Charles Holmes, a Memphis State University official who has been acting as press adviser to Judge Battle, said that the judge had authorized a statement that the unusual court appearance had been scheduled but that no further official information would be released. The judge was reported to be very upset that speculation had arisen about

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the possibility of Ray pleading guilty.

If Ray is allowed to plead guilty, his case must still be heard by a jury. Under Tennessee law, in murder cases in which a death penalty could be imposed, the prosecution must present proof that the murder was committed and that the defendant probably committed it.

[The Associated Press quoted The Huntsville (Ala.) Times as saying that the court would accept a guilty plea and recommend a sentence of 99 years after hearing a prima facie case involving only a few witnesses. The Times article said that under this procedure the jury would be allowed to leave the courtroom to confirm the sentence.]

The report of Ray's decision to plead guilty came after speculation that Ray had been hired to kill Dr. King, the civil rights leader and Nobel Prize winner. If the reported plan is followed, the prosecution will presumably have no opportunity to present

evidence of a conspiracy.

Longer Than Life Term

A 99-year sentence might be longer punishment than life imprisonment in Tennessee. The Tennessee Attorney General's office said that persons sentenced to life imprisonment were eligible for parole after 13 years, but a defendant with a 99-year sentence would not be eligible for parole until half his sentence had been served.

Dr. King was slain by a rifle shot fired from a \$1-a-day hotel on Memphis's south side at 6:01 P.M. last April 4.

Ray, who was using various aliases, including Eric Starvo Galt, was arrested last June in London and was extradited to the United States in July. Until Nov. 12, when his trial was first scheduled to start, Ray was represented by Arthur J. Hanes of Birmingham, Ala., a former Mayor of Birmingham and a sometime attorney for the Ku Klux Klan.

Mr. Foreman, a successful criminal lawyer who has a long series of successful courtroom appearances in behalf of persons charged with murder, took over the case after Ray dismissed Mr. Hanes in court.

After Mr. Foreman took over, Ray's trial was scheduled for last Monday. It was rescheduled for April 7 after Mr. Foreman became sick.

In two articles that appeared in Look magazine last fall, an Alabama author, William Bradford Huie, reported that Ray had told him that he had been hired by a blond Cuban named Raoul to assassinate Dr. King.

Mr. Huie reported that Ray had said he had traveled to Birmingham, Ala., Los Angeles, New Orleans and to several cities in Mexico while awaiting final instructions on the murder.

According to the author Ray said that he had first been approached by Raoul, the blond Cuban, in Montreal in the summer of 1967 but he had not been told by Raoul that Dr. King was to be murdered until early in 1968.

Mr. Huie appeared before a Memphis grand jury last month. He has been cited by Judge Battle for contempt of court for writing about details of the case while it was pending trial.

Ray, who was serving a 20-year sentence for robbery and for being a confirmed criminal,

escaped from the Missouri State Penitentiary at Jefferson City in the spring of 1967.

Report of Alabama Paper

MEMPHIS, March 7 (AP)—The Huntsville (Ala.) Times said today that Ray would plead guilty in exchange for a 99-year sentence instead of a possible death penalty.

District Attorney General Phil Canale refused all comment and State Attorney General George McCanless could not be reached.

Newsman accredited to cover Ray's trial were asked to come to the press room facilities, set up near the courtroom, an hour and a half before the hearing opens Monday. There was no indication what this conference would involve.

Judge Battle has issued strict orders against pretrial publicity by any of the principals in the case. The Huntsville Times said, however, that a source close to the case had said the guilty plea would be "the only way Ray can escape the death sentence."

The newspaper article said the state was prepared to accept the guilty plea. But it said such a sentence would have to be imposed by a trial jury.

The article said, however, that plans called for the jury to be empaneled and each juror to be asked if he could abide by the court's recommendation.