

Trying Ray Wouldn't Prove a Plot—Judge

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MEMPHIS — (AP) — The judge who received James Earl Ray's guilty plea says a number of questions about the Martin Luther King assassination were left outstanding. But he doubts a trial by jury would have cleared the air.

These views were expressed yesterday by Judge W. Preston Battle, who last week sentenced Ray to 99 years in prison.

Meanwhile Ray's lawyer, Percy Foreman of Houston, reiterated in a TV interview his belief that "no other person, organization or group except James Earl Ray was concerned in the killing."

District Attorney Gen. Phil M. Canale, the prosecutor, said in another broadcast interview he understands Ray expects to be free within two years.

Method Unclear

Canale said he was told this by Foreman, but was uncertain whether Ray thought he would get out by way of court action or by escaping.

Judge Battle remarked in his interview, "There has

been much talk of a conspiracy, but no one saying so has yet produced a single shred of evidence or named an associate or conspirator."

The judge said he is himself puzzled by a number of questions:

"I would truly like to know how Ray actually found the spot from which to fire. How did Ray know where Rev. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?"

"Most puzzling of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

King, standing on a balcony of the motel, was shot last April 4 by a rifleman firing from a rooming house across the street.

Judge Battle said he is convinced a trial would only have "muddied our understanding of the substantial

evidence which established Ray as the killer.

"It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King.

Defense Risk

"That assumes Ray would have taken the stand. I doubt very seriously that defense counsel would have risked placing Ray in such a position."

Foreman said those who suspect a conspiracy in King's killing are "the same people that gossip over the back fence."

Foreman said the Ray guilty plea was "in the public interest." Had there been a trial, he added, "it's highly likely that there would have been trouble in the streets."

"There was talk of burning Memphis," Foreman declared. "That had nothing to do with my decision . . . I just didn't want them to burn Ray."