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By JOHN VAN MOL

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NASHVILLE, Tenn. AP — James Earl Ray told a federal judge Monday he would prefer to face the threat of death at the hands of fellow inmates than to remain in solitary confinement in the Tennessee State Penitentiary here.

Asked at a hearing whether he feared harm from other inmates, Ray, the admitted killer of Dr. Martin Luther King Jr., replied, "I'd rather face that than 99 years in solitary."

The hearing before U.S. Dist. Court Judge William E. Miller was called to hear Ray's petition that continued confinement in maximum security is impairing his health and violating his rights.

The state contends that Ray, who was sentenced to 99 years after pleading guilty to a charge of murdering King, is being kept in the 6-by-9-foot maximum security cell for his own protection.

Miller said he would decide only if the confinement violates Ray's rights under the 8th Amendment which prohibits cruel and unusual punishment.

Dr. Roger White, a psychiatrist who has responsibility for the mental health of all inmates at the prison, said he feels Ray's life "would be in danger on the main yard of the prison."

White said he feels sure there is someone in the prison "who would like to go down in history as the man who killed" King's assassin.

Ray, who is seeking a new trial on the murder conviction, testified, "I may be going to trial. I would like to be in a normal state of mind."

"These long periods of isolation tend to make you, as they say, go stir crazy, and weaken your resistance to suggestions," said Ray, 41, who was out of prison for the second time since he was convicted in Memphis last March 10.

Ray, dressed in a blue suit and dark tie and without his glasses, was on the witness stand 90 minutes. He smiled occasionally as he answered questions.

Dr. Byron Hutton, consulting physician for the prison, said he found Ray in good physical condition during an examination in October.

On cross-examination, Hutton said Ray's weight has dropped from 175 to 158 pounds during his prison stay here.

The day after his Memphis trial, Ray began attempts to gain a full-scale trial on the murder trial. Under Tennessee law, only rudimentary evidence was offered when he entered the guilty plea in exchange for a guarantee that he would escape the death penalty.

He contends he was pressured by his second attorney, Percy Foreman of Houston, Tex., into pleading guilty. The attempt to get a new trial is pending in the state courts.

At the original trial, Foreman and the prosecuting attorneys stipulated that Ray acted alone in killing King. Ray said at that time that he did not accept the no-conspiracy stipulation.

He was asked in court Monday if he fears harm from any other alleged conspirators.

"If the state is interested in a conspiracy, they should have a trial," Ray replied.

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