

Ray Will Get Better Facilities; Maximum Security Maintained

Special to The New York Times

NASHVILLE, Dec. 29—A Federal judge directed Tennessee prison officials Monday to provide James Earl Ray, the admitted killer of the Rev. Dr. Martin Luther King Jr., with adequate recreational, exercise and work opportunities.

But Judge William E. Miller declined to order the 41-year-old convict moved out of the maximum security building at the state's main penitentiary here. The judge agreed with prison officials that there was a real danger of bodily harm to Ray if he was permitted to associate freely with the more than 2,000 other convicts in the medium-security institution.

Judge Miller ruled at the end of a day-long hearing on Ray's complaint that he was being subjected to cruel and unusual punishment in violation of the Constitution's Eighth Amendment. The hearing was conducted in a tightly guarded courtroom where spectators were searched before being admitted.

Ray took the witness stand

three times, the first time for an hour and five minutes, during which he complained that he was limited to a maximum of one hour of exercise daily and had only a television set and newspapers for entertainment in his cell.

In No Hurry to Move

After testimony by the State Corrections Commissioner, Lake Russell, that he was considering transferring Ray to the maximum security prison at Petros, Ray again took the stand to say he was in no particular hurry to be released from close confinement here.

Mr. Russell said Ray was being kept here as a convenience in processing litigation in which he is involved and to hold down costs of transporting him to courts for hearings.

The commissioner denied repeatedly that Ray was being kept in a 9-by-12-foot cell as punishment. The only reasons for this, he said, were to protect him from harm by other prisoners and to minimize his opportunities to escape.