

# Ray Granted Review of Guilty Plea

CINCINNATI, Ohio, Jan. 29 (AP)—James Earl Ray was given a chance today to contest his guilty plea in the murder of the Rev. Dr. Martin Luther King Jr. because of allegations his attorneys compromised his interests to fatten their pocketbooks.

The Sixth U.S. Circuit Court of Appeals ruled that Ray, 41, who received a 99-year sentence for the 1968 murder of the civil rights leader, is entitled to a hearing to contest his 1969 guilty plea.

Ray argued that he was not given proper legal advice. He said his lawyers failed to investigate his case properly and that their only interest was to collect royalties on materials written about him.

In a 2-to-1 decision, the circuit court sent Ray's petition back to the U.S. District Court in Nashville for review.

Ray alleged he was poorly advised by attorney Arthur Hanes, and by attorney Percy Foreman after he fired Hanes. He alleged both were more interested in funds that would accrue from articles and books planned by Alabama author William Bradford Huie than in his defense.

Ray said the lawyers considered his guilty plea para-

See RAY, A14, Col. 1

## RAY, From A1

mount to the financial success of the articles and a possible movie on the case.

The court cited two letters written to Ray by Foreman. The first letter said Ray had signed all royalties over to Foreman and that Foreman would keep all monies up to \$165,000. It also said Ray would get all royalties above that figure if he pleaded guilty and caused no embarrassing circumstances in the courtroom.

The second said Foreman would give \$500 to Ray's brother Jerry, "contingent upon the plea of guilty and sentence going through on March 10, 1969 without any unseemly conduct on your part in court."

The court said only by giving Ray a hearing on his contentions "may it be determined whether the plea was intelligent or voluntary or entered as the result of coercion, threats and promises.

"The allegations . . . if true, would support a finding that Ray's attorneys deliberately compromised their client's interests in order to further the financial success of Huie's works in which they themselves had a substantial interest."

Ray's current attorney, Bernard Fensterwald, contended that Ray was "browbeaten, badgered and bribed" into pleading guilty by Foreman.

The appeals court noted that the original trial judge had thoroughly questioned Ray about his plea, and whether it was voluntary.

But it said "it is clear, that the allegations which are the



JAMES EARL RAY  
... accuses attorneys

subject of Ray's petition have never been tried upon their merits or resolved by any court — allegations which, if true, plainly negate any notion or idea that his guilty plea and answers . . . were made voluntarily and intentionally.

"... No inquiry was made into the specific contentions that are now before this court."

The majority opinion was written by Judge William E. Miller and concurred in by Judge Harry Phillips. Judge Anthony J. Celebrezze wrote a dissenting opinion, saying Ray had every chance to tell the trial judge that his plea was not voluntary if that was the case.

Dr. King was shot April 4, 1968, on a motel balcony in Memphis, Tenn., where he had gone to support a strike by garbage collectors. Ray was later arrested in London, and extradited to this country.