



AP Wirephoto

JAMES EARL RAY
Guilty plea question

Page 15

Hearing on Appeal by King's Killer

Memphis

James Earl Ray, confessed killer of Martin Luther King Jr., appeared in federal court yesterday as his attorneys sought to prove he was illegally forced to plead guilty to the civil rights leader's murder more than six years ago.

Drawn, thin and impassive, Ray, 46, contends his former lawyer, noted criminal attorney Percy Foreman of Houston, forced him to plead guilty. The attorney, he claims, sought to avoid full disclosure of the case at a trial so that Foreman could share the profits from books and articles by author William Bradford Huie, who had contracted with Foreman for exclusive details of the murder.

Ray also says his nine-month incarceration after

his arrest in a special windowless cell equipped with 24-hour-a-day floodlights, closed-circuit television surveillance and sound monitor rendered him incapable of making an intelligent decision on whether to plead guilty.

He is serving a 99-year sentence in the state penitentiary at Nashville.

The current hearing into his claims comes after almost four years of maneuvering from court to court by Ray's present attorneys. The hearing was ordered last January by the U.S. Court of Appeals for the Sixth Circuit in an opinion which said the case "reeks with ethical, moral and professional irregularities, demanding a full-scale judicial inquiry."

If Ray prevails, he could be allowed to withdraw his guilty plea and be granted a full-dress trial in the King murder.

The hearing, which started yesterday before U.S. District Judge Robert M. McRae Jr. and may last two weeks, opened with testimony by Shelby county (Memphis) sheriff's department Inspector Billy J. Smith, who acknowledged supervising the elaborate prison for Ray in late 1968 and early 1969.

He contended the devices were all needed "strictly for security" to protect Ray from outsiders in that emotional time and to prevent Ray, a known escape artist, from attempting to break out.

Smith also acknowledged that all of Ray's ingoing and outgoing mail, except correspondence with his attorneys, was opened, copied and sent to the local prosecutor's office.

Defending the handling of the Ray case is Tennessee Assistant Attorney General Henry Haile, who contends the original trial judge at Ray's guilty plea, W. Preston Battle, went to extra lengths in his questioning of Ray to assure the guilty plea was freely and voluntarily made.

A transcript of the March 10, 1969, plea hearing shows that battle repeatedly asked Ray if he was pleading on his own accord. Ray said yes.

Washington Post