

# Security To Be Tight At Ray Court Hearing

By NELLIE KENYON

When James Earl Ray appears in U.S. District Court here Jan. 29, the courtroom will be under its tightest security measures since James R. Hoffa got shot with a pellet gun in 1952.

Judge William E. Miller ordered yesterday that Ray be physically present for an evidentiary hearing on his plea to be released from solitary confinement at the state penitentiary. Miller directed that provision be made for Ray's appearance "under proper security precautions."

RAY, SERVING 99 years for the confessed slaying of Dr. Martin Luther King Jr., has filed a motion for an injunction against State Corrections Commissioner Lake Russell and Warden William S. Nell, charging that his continued confinement in maximum security quarters since March 11 is a violation of his civil rights.

Hoffa, Teamsters International Union president, was on trial on charges of accepting a payoff to insure labor peace for a Detroit trucking firm when a young

man pulled a pellet gun and fired several shots. Hoffa leaped from his seat at the defense table and began punching the attacker before a U.S. marshal clubbed the young man to the floor with a pistol.

Hoffa was only stung by the pellets, but U.S. marshals began searching spectators and newsmen before letting them enter the courtroom during the trial.

WHEN RAY appears for his hearing, penitentiary guards will bring him handcuffed to the courthouse by car. His security will be augmented by several U.S. marshals assigned to courtroom duty throughout the hearing.

Miller said in his order yesterday that the principal issue raised by petitioner is whether his present incarceration in a state or solitary confinement constitutes a sort of cruel and unusual punishment which is prohibited by the Eighth Amendment to the Constitution of the United States.

The judge said that in order to expedite the resolution of this issue, he was ordering

an evidentiary hearing on the nature of and the reasons for petitioner's solitary confinement.

PRISON OFFICIALS have indicated privately they would be pleased to release Ray from maximum security but would not do so unless a court order was issued relieving them of responsibility if Ray is wounded or killed within the prison walls.

In his petition for injunctive relief, Ray alleged that he

beginning on March 13 he began legal action to set aside his guilty plea on grounds "that it was not a voluntary plea."

He further alleged that upon his arrival in Nashville from Memphis following his sentencing, he was placed in "maximum security, solitary confinement," where he has been ever since "under maximum security guard and observation."

HE ALLEGED that this treatment "is an unusual

treatment in that he has not violated in any sense by word or deed any rules of the prison, statutes or ordinances of the state."

A provision of the state code was cited providing solitary confinement for violation of rules. It provides for solitary confinement for a period not exceeding 30 days for each offense, at discretion of the warden, or a person acting for him.

The code says solitary confi-

nement may be imposed for willfully injuring materials, implements, or tools or where a prisoner engages in conversation with other convicts or in any other manner violates any or the regulations.

RAY ALLEGED that the prison officials had made statements that he would be under maximum security until he stops appealing his conviction.

Ray charged that officials had said there was a plot against him and that he was placed in maximum security for his own protection.

If there is a plot against his life, Ray said, it should be brought out in the open and dealt with that concern

by officials is causing him "unfolding anxiety, apprehension, ill health," and that he believes he cannot intelligently cope with it further.

He is in a small cell with no opportunity to exercise, the petition alleged.