

State Fights Bringing Ray To Memphis

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Lawyers from the Tennessee Attorney General's office today were fighting an order issued by Federal Judge Harry Wellford that state prison officials return James Earl Ray, the convicted murderer of Dr. Martin Luther King Jr., to Memphis.

Judge Wellford has ordered that Ray be delivered to his courtroom at 2:30 p.m. Friday, Aug. 17, from his solitary confinement cell at the state prison in Nashville. On that date, Judge Wellford plans to hear arguments on the state's motions to dismiss Atty. Gen. Phil M. Canale and former Asst. Atty. Gen. Robert K. Dwyer as defendants in a Federal Court damage suit filed by Ray. Dwyer is now a state Court of Criminal Appeals judge.

Asst. Atty. Gen. Bart Durham of Nashville filed a written argument today contending that Ray's "rights" at the hearing can be handled by his lawyer, Richard Ryan, and that because of security required at any of Ray's appearances, Ray would be "best" left in his Nashville cell and absent from the hearing.

In the suit, Ray claimed that Canale and Dwyer were in "collusion" in 1969 with New York author Gerold Frank and Doubleday & Co., Inc., a New York publishing firm, and that they supplied Frank with confidential records relating to the slaying. Ray said that Frank "falsely" quoted the records, incorporating them into his novel, "An American Death," published by Doubleday April 4, 1972. In the suit, Ray accuses Frank and Doubleday with libel, claiming the novel is an "inaccurate... plagiarized... and malicious" account of Dr. King's assassination.

Durham, in a legal document filed with Judge Wellford today, states, "The people who have written books on the murder of Dr. King have been practically unanimous in concluding that Mr. Ray committed the murder so that he might wallow in his notoriety."

Durham says that bringing Ray "from the prison in Nashville to the courtroom with the security measures required and the attendant publicity should be effected only in circumstances where it is necessary to protect Mr. Ray's right...". He said only matters of law will be argued and that Ray's presence will "not be required" at such a hearing.

In ordering that the state and U.S. Marshals deliver Ray, Judge Wellford noted that Ray's "testimony" would be "necessary" at a hearing. He is expected to rule soon on the state's motion.