JAMES EARL RAY - GUILTY PLEA

MONDAY, MARCH 10, 1969

THE COURT: The calendar has been transferred to Division 1. Alright, I believe the only matter we have pending before us is the matter of James Earl Ray.

MR. FOREMAN: Would your Honor give me just a minute?

THE COURT: Yes, Sir.

MR. FOREMAN: May it please the Court, in this cause, we have prepared the defendant and I have signed and Mr. Hugh Stanton, Sr. and Jr. will now sign a Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty. We have an order, I believe the Clerk has this.

THE COURT: This is a compromise and settlement on a plea of guilty to murder in the first degree and an agreed settlement of 99 years in the Penitentiary, is that true?

MR. FOREMAN: That's the agreement, your Honor.

THE COURT: Is that the agreement? Alright, I'll have to voir dire Mr. Ray, James Earl Ray, stand. Have you a lawyer to explain all your rights to you and do you understand

them?

A Yes, Sir.

THE COURT: Do you know that you have a right to a trial by jury on a charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from death by electrocution to any time over 20 years. The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty and the decision of the jury must be unanimous, both as to guilt and punishment. In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the Trial Judge. In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a Petition for Review by the Supreme Court of the United States. Do you understand that you have all of these rights?

A Yes, Sir.

THE COURT: You are entering a plea of guilty to

Murder in the First Degree as charged in the Indictment and are compromising and settling your case on an agreed punishment of 99 years in the State Penitentiary. Is this what you want to do?

A Yes, I do.

THE COURT: Is this what you want to do?

A Yes, Sir.

THE COURT: Do you understand that you are waiving, which means giving up a formal trial by your plea of guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases on pleas of guilty to Murder in the First Degree? By your plea of guilty, you are also waiving your right to one, your Motion for a New Trial; two, successive appeals to the Supreme Court, to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and three, Petition to Review by the Supreme Court of the United States. By your plea of guilty, you are also abandoning and waiving your objections and exceptions to all the motions and petitions in which the Court has heretofore ruled against you in whole

or in part among them being one, Motion to Withdraw Plea and Quash Indictment; two, Motion to Inspect the Evidence; three, Motion to Remove Lights and Cameras from the Jail; four, Motion for Private Consultation with Attorney; five, Petition to Authorize Defendant to Take Depositions; six, Motion to Permit Conference with Huie; seven, Motion to Permit Photographs; eight, Motion to Designate Court Reporters; nine, Motion to Stipulate Testimony, ten, Suggestion of Proper Name. You are waiving or giving up all these rights. Has anything besides this sentence of 99 years in the Penitentiary been promised to you to get you to plead guilty? Has anything else been promised to you by anyone?

A No, it has not.

THE COURT: Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?

A No, No one, in any way.

THE COURT: Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally

guilty of Murder in the First Degree under the law as explained to you by your lawyers?

A Yes, legally, yes.

THE COURT: Is this plea of guilty to Murder in the First Degree with an agreed punishment of 99 years in the State Penitentiary freely, voluntarily and understandingly made and entered by you?

A Yes, Sir.

THE COURT: Is this plea of guilty on your part the free act of your free will made with your full knowledge and understanding of its meaning and consequences?

A Yes, Sir.

THE COURT: You may be seated. Alright, are you ready for a jury?

MR. FOREMAN: Yes, your Honor.

THE COURT: Alright, Sir, call twelve names. Pick them one at a time out of the box and call their names.

DEPUTY SHERIFF GRAY: James W. Ballard, Gus Cariota, C-a-r-i-o-t-a, Johnny Shaw, James N. Abraham, John W. Blackwell, Amos G. Black, Jr., J. Paul Howard, Miller Williamson, Robert S. St. Pierre, P-i-e-r-r-e, James R. Pate, Joe Stovall, Jr., Richard Lee Counsellour.

Have a seat please, John W. Blackwell, James N. Abraham, Robert S. St. Pierre, Miller Williamson, J. Paul Howard, Richard Lee Counsellour, Joe Stovall, Jr., James R. Pate, Johnny Shaw, Gus Cariota, James W. Ballard.

MR. CANALE: May it please the Court and gentlemen of the jury, I will introduce myself. My name is Phil M. Canale, Jr. I am District Attorney here in Shelby County, Tennessee. This is my Executive Assistant, Mr. Robert Dwyer, my Assistant Attorney General, Mr. James Beasley. The next gentlemen is Mr. Percy Foreman who represents the defendant, James Earl Ray, Mr. Hugh Stanton, Sr. who also represents Mr. Ray, Mr. Hugh Stanton, Jr., representing Mr. Ray and James Earl Ray is seated in the second row here behind his attorneys. Gentlemen, the case we have for consideration today is the case of the State of Tennessee against James Earl Ray who is charged by the State of Tennessee in an indictment with Murder in the First Degree growing out of a slaining on April 4, 1968 of Dr. Martin Luther King, Jr. Now, gentlemen, this defendant, Mr. James Earl

Ray, has a right by law to a trial by jury. He also has a right to enter a plea of guilty if he so desires. This morning Mr. Foreman, his attorney, has announced to the Court that James Earl Ray desires to change his plea from Not Guilty to Guilty. The Court before you entered the room in here, entered the Courtroom here, has questioned the defendant, James Earl Ray, about the voluntariness of his plea and making sure that he has been explained all his rights. The Court has done that and the defendant has stated this is a voluntary plea on his part. That was done before you came into the Courtroom. Now, in such a situation as this, representing the people of the State of Tennessee, I have to make a recommendation as to punishment in the case and on a plea of guilty to the defendant for the slaining of Dr. Martin Luther King, Jr., I have recommended a sentence of 99 years in the State Penitentiary at Nashville. Now, gentlemen, can each of you sit here as jurors and we will put on some proof for your consideration, can each of you sit here as jurors and accept that plea of guilty of the defendant, James

Earl Ray, and the recommended punishment which has been accepted, offered by the State and accepted by James Earl Ray, the punishment of 99 years in the State Penitentiary at Nashville? Can each of you do that?

THE COURT: Are you ready for the jury to be sworn?

MR. CANALE: Not just yet, your Honor. I want to make a few more remarks. It is encumbent upon the State in a plea of guilty to Murder in the First Degree to put on certain proof for your consideration. We have to put on proof of what we lawyers call proof of the corpus delecti which is the body of the crime. We will also put on several lay witnesses or police officers to fill you in on certain important aspects of the case and then we will introduce certain physical evidence through these witnesses and Mr. Beasley, Mr. Dwyer will question these witnesses and Mr. Beasley will give you a brief stipulation of facts that the State has gotten up which contain what the State would prove by witnesses if it went to trial and you will have the benefit of all of that information through

this stipulation of facts which have been agreed to by the State and by the defendant as to what the State would prove if this matter went to trial. I just want to make one more statement to you gentlemen before we proceed in this matter. There have, actually, in any case, there have been rumors going all around, perhaps some of you have heard them, that Mr. James Earl Ray was a dupe in this thing or a fall guy or a member of a conspiracy to kill Dr. Martin Luther King, Jr. I want to state to you as your Attorney General that we have no proof other than that Dr. Martin Luther King, Jr. was killed by James Earl Ray and James Earl Ray alone, not in concert with anyone else. Our office has examined over 5,000 printed pages of investigation work done by local police, by national police organizations and by international law enforcement agencies. We have examined over 300 physical bits of evidence, physical exhibits. Three men in my office, Mr. Dwyer, Mr. Beasley and Mr. John Carlisle, the Chief Investigator of the Attorney General's Office, you can't see him over here, have travelled

thousands of miles all over this country and the many cities in foreign countries on this investigation, our own independent investigation and I just state to you frankly that we have no evidence that there was any conspiracy involved in this. I will state this to you further, if at any time there is evidence presented, competent evidence presented, which we can investigate and bear out, that there was a conspiracy involved in this, I assure you as your Attorney General that we will take prompt and vigorous action in searching it out and in asking that an indictment be returned if there are other people or if it ever should develop that other people were involved and you have my assurance on that, not only me but the local law enforcement officers and your national law enforcement officers. I just wanted to give you that thought. Thank you very much.

MR. FOREMAN: May I? It is an honor to appear in this Court for this case. I never expected or had any idea when I entered this case that I would be able to accomplish any-

thing except perhaps save the defendant's life. All of us, all of you were as well informed as was I about the facts of this case due to the fact that we do have such an effective news media, both electronic and the press and magazines. It took me a month to convince myself of that fact which the Attorney General of these United States, J. Edgar Hoover, of the Federal Bureau of Investigation announced last July, that is, what Mr. Canale has told you, that there was not a conspiracy. I talked with my client more than 50 hours, I would estimate, and cross examination most of that time, checking each hour and minute, each expenditure of money down to $.75 for a shave and a haircut pursuing it. I have thought through agreed recommendations in capital cases and I know from actual experience some of the questions that come to your mind as jurors and I think you are entitled to have an answer now before you are sworn as jurors. One of the things you are wondering is, if this agreement that's been made between the prosecution and the defendant, why

should you be brought in here at all. Gentlemen of the jury, that goes back several hundred years in the jurisprudence of Anglo-Saxon law and it's part of the law of every State in the Union that I know about in capital cases. A capital case being a case where one of the alternate punishments is the possibility of inflicting death and the law is so concerned about not establishing charge in chamber sessions where peoples' lives will be bartered but they require what the Constitution calls a public trial and you are the public in this case and you must understand what is going on. You are the brace. But, not one of you is required to get on this jury, you have a right, any one of you who thinks that it would be contrary to your conscience to right the penalty agreed upon by the prosecution and approved by the Court. If there is any one of you who feels for any reason you would rather be excused, I am sure his Honor will excuse you at this time before the jury is sworn and call someone to take your place. Those of us who have spent our lives in the Courtroom and in particularly in the

field of what's called criminal law, we are supposed to be able to evaluate a case. This is the extreme penalty short of one step, the death penalty is by many people thought to be worse punishment than life or 99 years in the Penitentiary. I don't think there's any punishment at all in death except from the time that punishment is set until it is carried into execution. There's no punishment after then but through the fact that you have a District Attorney General who is as big as his office if not bigger, a man who is not primarily concerned with the scalps on his belt, not trying to get a glorious reputation to run for some higher office, and the fact that you have a Judge, a sincere humane and compassionate man has enabled us to do here what some of the others in celebrated trials were not able to do. There's just as a compassionate District Attorney in Los Angeles as here, just as big a man but the Judge wouldn't agree in that case and that is why that case is going on. But, here in Shelby County, Tennessee you are blessed with the judiciary and with a prosecuting attorney who are able to look at this

case as well as any other case and not be swept off their feet by the backwash of publicity. There is no special consideration here, I am advised by my co-counsel, Mr. Hugh Stanton, Sr., that there has never been a time in the history of Shelby County when a plea of guilty was entered that that penalty wasn't waived. All that we have here is the same precedent, equal justice being applied as it would be if this was Joe Blow or John Doe instead of James Earl Ray. Now, with that I want to ask each of you individually just one simple question. It's in effect polling the jury in advance. Mr. Black, who is Mr. Black? Mr. Black, are you willing to effect the punishment that his Honor and General Canale and the attorneys for the defense have agreed upon in this case, 99 years?

JUROR: Yes, Sir.

MR. FOREMAN: Thank you. Mr. Blackwell, are you likewise willing to -- is there anything in your conscience that would rebel, that righting this penalty agreed upon in this case? And, you Mr. Abraham, is that your answer also? If you are accepted as a juror in this case, you will underwrite

the verdict and judgment of the Court and prosecuting attorney and defense counsel? Thank you, Mr. Abraham. You are Mr. St. Pierre?

JUROR: Yes, Sir.

MR. FOREMAN: I bet they haven't pronounced it right. Are you, Mr. St. Pierre, willing to subscribe to the verdict of 99 years in this case?

JUROR: Yes, Sir.

MR. FOREMAN: Thank you. And, you are Mr. Williamson? Is that your answer also if you are selected as a juror in this case? You will accept the penalty agreed upon and recommended by your Attorney General and by his Honor, Judge Battle?

JUROR: Yes, Sir.

MR. FOREMAN: And, you, Mr. Howard, will you likewise accept the penalty of 99 years if you are accepted as a juror in this case?

JUROR: Yes, Sir.

MR. FOREMAN: Thank you. You are Mr. Counsellour. Is your answer the same as these gentlemen on the back row?

JUROR: Yes.

MR. FOREMAN: You will underwrite that verdict?

JUROR: Yes, Sir.

MR. FOREMAN: And, you, Mr. Stovall, is that your answer also?

JUROR: Yes, Sir.

MR. FOREMAN: Mr. Pate, would you underwrite the verdict of 99 years as agreed upon and recommended by your Attorney General and agreed to by the defense in this case?

JUROR: Yes, Sir.

MR. FOREMAN: And, Mr. Shaw, is that your answer also?

JUROR: Yes, Sir.

MR. FOREMAN: Mr. Cariota, is that your answer?

JUROR: Yes, Sir.

MR. FOREMAN: And, you, Mr. Ballard?

JUROR: Yes, Sir.

MR. FOREMAN: You would. Thank you very much. Thank you, your Honor.

THE COURT: Do both sides accept the jury?

MR. FOREMAN: We do, your Honor.

MR. CANALE: The State does, your Honor.

JAMES EARL RAY: Your Honor, I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only thing that I have to say is that I can't agree with Mr. Clark.

MR. FOREMAN: Ramsey Clark.

THE COURT: Mr. who?

JAMES EARL RAY: Mr. J. Edgar Hoover, I agree with all these stipulations, and I am not trying to change anything.

THE COURT: You don't agree with whose theories?

JAMES EARL RAY: Mr. Canale's, Mr. Clark's, and Mr. J. Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past.

MR. FOREMAN: I think, that what he said is that he doesn't agree that Ramsey Clark is right, or that J. Edgar Hoover is right. I didn't argue that as evidence in this case, I simply stated that under riding the statement of General Canale that they had made the same statement. You are not required to agree with it all.

THE COURT: You still, your answers to these questions that I asked you would still be the same? Is that correct?

JAMES EARL RAY: Yes, Sir.

THE COURT: There is nothing in these questions that I have asked you and your answers to them, you change none of them at all. In other words, you are pleading guilty to, and taking 99 years, I think the main question that I want to ask you is this: are you pleading

guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyer. Your answer is still yes? Alright, Sir, that is all, you may swear the jury.

(JURY SWORN)

THE COURT: Swear the officers, too.

(OFFICERS SWORN)

MR. CANALE: Your Honor, I will read the indictment to the jurors.

THE COURT: Alright.

(CLERK INSERT COPY OF INDICTMENT HERE)

MR. FOREMAN: Gentlemen of the jury, the defendant, James Earl Ray, enters a plea of guilty.

MR. DWYER: Call Rev. Kyles, please.