

Conspiracy plot told by Ray

NASHVILLE, Tenn. (UPI) — Harrey S. Avery, fired Thursday as state corrections commissioner, says James Earl Ray told him that a conspiracy existed to kill the Rev. Dr. Martin Luther King Jr.

In an interview Friday, Avery also said contracts between Ray and attorney Percy Foreman eventually will be the basis for a new trial for the convicted assassin.

Avery said the contracts place Ray in "a position of duress."

LAST MONDAY, criminal Court Judge Arthur Faquin denied Ray's new trial bid and said the convict had waived his rights to a new trial when he pleaded guilty in the King murder. Ray's attorneys said they would appeal the ruling.

During the interview, Avery admitted he had offered to try to sell Ray's memoirs for him, with the money to go in Ray's trust account at the prison, if Ray would "tell me the full truth about it (King's murder) and not a lot of half truths."

EVERY WAS fired Thursday after two weeks of controversy in which the Nashville Banner disclosed that Avery had interviewed Ray three times for material for a book.

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Plot to kill James Ray revealed

NASHVILLE, Tenn. (UPI) — State Corrections Comr. Harry S. Avery said Monday that he had received information of a plot to kill James Earl Ray.

In a television interview, Avery said he received a telephone call while he and other prison officials were interviewing the convicted killer of the Rev. Dr. Martin Luther King Jr. He added that the identity of the caller has been established and that the conspiracy has "some foundation."

He said the incident occurred March 12, the day after Ray pleaded guilty and received a 99-year sentence, and that it had a lot to do with the decision to keep Ray in maximum security at the state prison.

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Fear prisoners' plot to kill Ray

NASHVILLE, (AP)—Harry S. Avery, state commissioner of corrections, says fellow prisoners in the state penitentiary have threatened to kill James Earl Ray, the admitted slayer of Martin Luther King Jr.

Avery said yesterday that word of the threat, which came in a phone call, "had a lot to do" with his decision to keep Ray in a maximum security cell.

W. E. Hopton, director of the Tennessee bureau of criminal identification, said he had heard nothing about the threat. The TBI normally

would be called on to investigate such an incident, especially one involving the Tennessee state prison where Ray is serving a 99-year sentence.

Avery said he talked with the caller 20 minutes, traced the call, but was able to identify the caller.

AVERY MADE the disclosure in an interview with a television newsman.

He said in the interview that he considers the alleged conspiracy threat "had some foundation." He speculated it would be possible for a killer to reach Ray even in the maximum security cell.

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Ray seeks new trial

James Earl Ray (right), accused slayer of Dr. Martin Luther King Jr., is led from the Tennessee State Prison at Nashville by Maj. Mickey McGuire of the Tennessee Highway Patrol. Ray was taken to Memphis for his hearing Monday to determine if he should receive a new trial in the slaying. (UPI)

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3 violated Ray's rights --attorneys

NASHVILLE, Tenn. (AP) — Attorneys for James Earl Ray, serving a 99-year sentence for the killing of the Rev. Dr. Martin Luther King Jr., filed an amended suit Thursday charging Ray's civil rights were violated by two lawyers and a writer.

The suit was filed in U.S. District Court by Ray's latest lawyers, Robert W. Hill Jr. and J. B. Stoner.

Defendants named were Arthur Hanes, the first lawyer to take the Ray case; Percy Foreman, the lawyer who replaced Hanes and represented Ray when a guilty plea was entered, and William Bradford Huie, Ray's biographer.

THE LATEST petition amends a previous damage suit against the three. It charges the defendants entered into a conspiracy to violate Ray's civil rights.

Ray is seeking to have his guilty plea and sentence set aside. King was shot to death in Memphis April 4, 1968.

Dr. King
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RAY SPIRITED ACROSS STATE FOR COURT DATE

(~~Continued from back page~~)

Memphis, May 22 (UPI)—A caravan of 11 state highway patrol cars late tonight sped James Earl Ray from the Tennessee State prison near Nashville to the Shelby county jail here in preparation for a court appearance Monday.

Ray will be seeking to void his plea of guilty and 99-year sentence for the assassination of Dr. Martin Luther King Jr.

The transfer was made in secrecy, and only when it had been completed under heavy guard was it made known.

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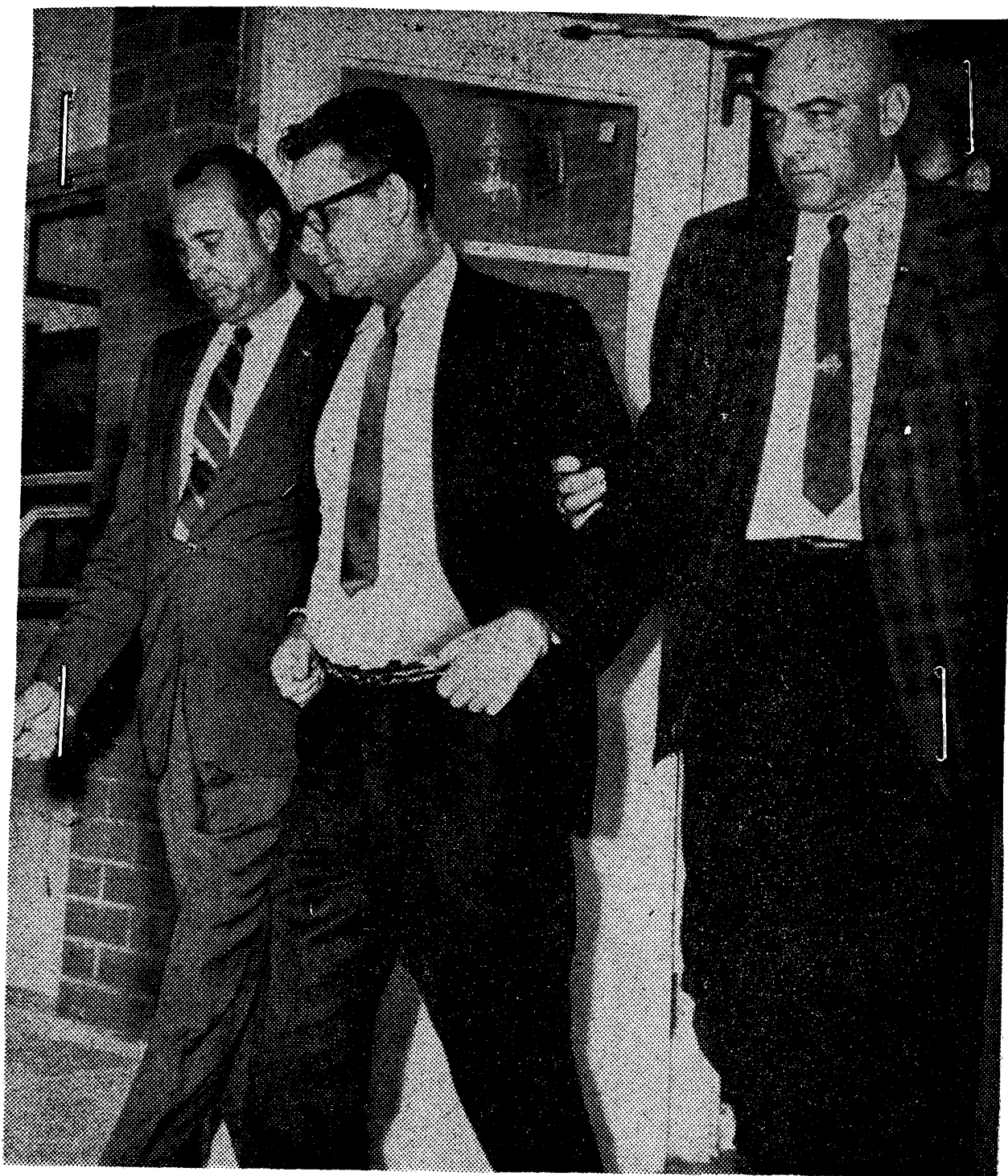
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[AP Wirephoto]

Ray Taken to Memphis

James Earl Ray, convicted killer of Dr. Martin Luther King, is escorted from Tennessee state prison for trip to Memphis where his lawyers will file a new trial motion on Monday.

Ray denied new trial in King's death

MEMPHIS, Tenn. (UPI) — Criminal Court Judge Arthur Faquin Monday turned down a request for a new trial by James Earl Ray, the admitted killer of Dr. Martin Luther King Jr.

His attorneys said later they will appeal the denial.

Faquin ruled that Ray "knowingly, intelligently and properly" pleaded guilty to the King slaying during his trial March 10. After accepting a pre-arranged 99-year prison sentence, Ray changed his mind and said his lawyer had pressured him into pleading guilty.

Faquin said there was ample evidence from the minutes of the trial that the guilty plea was proper.

Ray, wearing a brown checked sport coat, olive trousers and a yellow tie, sat quietly during the hearing. He was brought here from the state prison at Nashville under heavy guard last Thursday.

Faquin inherited the case when the trial judge, W. Preston Battle, died March 31.

Ray charged that attorney Percy Foreman used him for personal gain. He hired attorneys Robert W. Hill Jr. of Chattanooga, J.B. Stoner, Savannah, Ga., and Richard J. Ryan of Memphis to handle his appeal.

The state contended that Ray signed waivers during his trial and was not entitled to any appeal.

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Ray Turned Down in Pled for New Trial

Memphis, May 26 (AP)—James Earl Ray was denied a new trial today in the assassination of Dr. Martin Luther King Jr.

Judge Arthur C. Faquin Jr. ruled that Ray's March 10 guilty plea closed the door on another trial, an appeal, or any other type of post-conviction action by the defense. In addition, Faquin ruled, Ray had signed voluntarily a waiver of these rights and had stated in open court he did so with full understanding and at his own free will.

Appeal Possibilities Told

J. B. Stoner of Savannah, Ga., one of Ray's three attorneys, noted an exception to the decision. Later, he told reporters that "some moves" would be made by the defense team, but he said what and when had not been decided.

Further appeals could be based upon virtually any step in the prosecution of judging of the case, a legal expert said. Earl Warden, Vanderbilt university professor of criminal law, said the ultimate route for any appeal probably would be a petition for a writ of habeas corpus, in which a verdict is set aside and the whole case is started over.

"He [Ray] may have a half-dozen allegations which he feels may justify a new trial," Warden commented. "Whether he will get anywhere with them is another question. They're easy enough to file."

As the judge read the lengthy opinion, Ray, clad in a brown-checked sports coat, olive pants, and yellow tie, fidgeted in his chair directly behind his law-

yers. He alternatively crossed and uncrossed his legs and at times leaned his head on his hands.

Ordered Back To Jail

After the ruling, Faquin ordered that Ray be returned to his maximum-security cell in the state penitentiary at Nashville to continue serving his 99-year term. Sheriff William N. Morris said later that any time the state wanted Ray back, "It can come for him."

Later, Ray was returned to his cell in Nashville.

The hearing before Faquin, who succeeded the late Judge W. Preston Battle in the case, was devoted to lengthy legal citations and arguments on fine legal points. Ray at times seemed distinterested and gazed around the counsel table. He did not take the stand.

At the outset, the defense struck from its new trial motion allegations that Ray had been denied effective counsel when he pleaded guilty and that there had been conflict of interest. It pegged its argument on a section of the Tennessee code that states a new trial motion must be granted if the trial judge dies while the motion is pending.

Faquin ruled, however, that that section of the code did not apply when a defendant had entered a guilty plea "since the motion already has been acted upon."



James Earl Ray

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'Waived rights'

Ray denied new trial in King slaying

MEMPHIS, Tenn. (AP) — James Earl Ray, admitted assassin of civil rights leader Dr. Martin Luther King Jr., was denied a new trial Monday.

Judge Arthur C. Faquin Jr., held that the evidence showed Ray had voluntarily and in good faith entered a guilty plea to the slaying. Under Tennessee law, the judge held, such a plea precludes a motion for a new trial, for postconviction remedies or an appeal.

Faquin, who succeeded the late Judge W. Preston Battle in the case, further held that Ray waived all rights to file a

motion for a new trial or for an appeal.

He ordered Ray returned to the state penitentiary at Nashville to continue serving his 99-year term.

RAY fidgeted in his captain-style chair as Faquin read his lengthy opinion. He crossed and recrossed his legs and alternately rested his head on his right or left hand.

J. B. Stoner of Savannah, one of Ray's attorneys, told the court the defense took exception to the ruling. He later said, "Some move" would be made, but declined to say when or what it would be.

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Ray loses another retrial bid

MEMPHIS (AP) — James Earl Ray Monday was again denied a new trial.

The action came during Ray's increasingly complicated effort to take back a guilty plea he entered March 10 in the slaying of the Rev. Dr. Martin Luther King Jr.

J. B. Stoner and Richard Ryan, two of Ray's new lawyers, asked Criminal Court Judge Arthur Faquin for permission to go into an appellate court in an attempt to overturn his denial May 26 of a new trial for Ray.

Faquin held that his earlier decision was an interlocutory decree — one that is not final — and that defense lawyers should file a bill of exceptions. He gave them 60 days to do this.

The lawyers said they would appeal both Faquin's May decision and the one handed down Monday to the Tennessee Court of Criminal Appeals.

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Ray Retrial Appeal Denied

MEMPHIS, Tenn.—Another appeal for a new trial by the attorneys for James Earl Ray, who pleaded guilty in March to the murder of Dr. Martin Luther King Jr., was turned down yesterday by Judge Arthur Faquin Jr. in Shelby county Criminal court. The judge, on May 26, had refused to grant Ray a new trial. The lawyers said they would appeal both the May decision and yesterday's ruling by Faquin to the Tennessee court of criminal appeals.

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Tennessee fight

Ray case heads for higher court

KNOXVILLE, Tenn. (UPI) — The Tennessee Supreme Court stands as the next likely step in James Earl Ray's quest for a new trial in the slaying of The Rev. Dr. Martin Luther King Jr.

The state court of criminal appeals Tuesday refused to assume jurisdiction in the case after hearing arguments from both sides.

One of Ray's attorneys, J. B. Stoner of Savannah, Ga., indicated that the case may be taken next to the state Supreme Court on a writ of certiorari, a form of appeal.

RAY, SERVING a 99-year sentence in the state penitentiary at Nashville, contends that his former attorney, Per-

cy Foreman talked him into pleading guilty to the slaying of the civil rights leader.

But Thomas E. Fox, deputy state attorney general, told the appeals court in reviewing the case that "nothing shows that this man's rights were prejudiced."

Ray's petition contended that Memphis Criminal Court Judge Arthur Faquin erred in granting a state motion to strike a defense move for a new trial at a hearing in Memphis May 26.

But Fox cited precedents holding that a guilty plea entered into on the urging of counsel did not constitute grounds for setting aside the guilty plea.

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U. S. agents killed King, Ray says

ST. LOUIS (AP)—James Earl Ray said federal agents who recruited him ostensibly to help overthrow Fidel Castro's Cuban regime killed Martin Luther King Jr. and "used me to be the fall guy."

Ray made the assertion in a statement dictated to his brother Jerry at the Tennessee State prison in Nashville, where he is serving 99 years as the assassin of the civil rights leader. The statement was read by Jerry Ray on KMOX-TV.

"THEY TOLD me I was helping them to supply arms and guns to Cuba refugees to overthrow Castro and the Communists in Cuba," Ray declared. "I knew nothing about King being in Memphis until after King had been killed."

In Birmingham, Ala., Att. Art Hanes, who formerly represented Ray, said the statement "does not vary in one respect to what I've maintained all the time in regard to a conspiracy."

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Ray seeks jail change

James Earl Ray, serving a 99-year prison term for the slaying of the Rev. Dr. Martin Luther King Jr., asked a federal court in Nashville Monday to order his removal from the maximum security building at the Tennessee state prison. Ray's petition charged that confinement in the maximum security cell was "cruel and inhuman treatment." (AP)

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Ray's lawyers look to U.S.

MEMPHIS, Tenn. — James Earl Ray's lawyers are considering federal court action after failing in their bid to get a new trial for the confessed slayer of the Rev. Dr. Martin Luther King Jr.

Ray is serving a 99-year term. The court, denying the appeal, said "ambush killers are not looked upon with much favor" in Tennessee.

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Ray's appeal for new trial is rejected

KNOXVILLE, Tenn. (AP) — The Tennessee Supreme Court rejected Thursday an appeal by James Earl Ray for a new trial in the slaying of Dr. Martin Luther King Jr.

In a unanimous opinion, the court said that Ray "willingly, knowingly and intelligently and with the advice of competent counsel entered a plea of guilty to murder in the first degree by lying in wait."

Ray pleaded guilty last March 10 to the 1968 slaying of Dr. King in Memphis. Criminal Court Judge W. Preston Battle sentenced Ray to 99 years in prison.

Battle died 21 days after sentencing Ray and Shelby County officials later found in his court records a letter from Ray, seeking a new trial on grounds he was not adequately represented at his trial.

The court said that Ray "was represented by privately retained, able counsel."

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The King mystery

Ray plea thwarted conspiracy inquiry

Second in a series

By Robert Gruenberg
Of Our Washington Bureau

WASHINGTON — The world waited expectantly for the curtain to rise in Memphis when James Earl Ray faced trial March 10, 1969, in the slaying of the Rev. Dr. Martin Luther King Jr.

It would learn, it thought, the murder details and, more importantly, whether there was a conspiracy to cut down the Negro leader with a single .30 caliber rifle bullet 11 months earlier.

It learned no such thing. Instead, in the 144-minute hearing prosecution attorneys and defense lawyers made formal, with Judge W. Preston Battle's approval (some say help), Ray's exchange of a guilty plea for a 99-year prison term.

BATTLE reviewed the plea with Ray, pointing out his rights to a full trial, avenues of appeal and that he was agreeing to a 99-year term. "Is this what you want to do?" he asked.

"Yes, I do," said Ray.

By so pleading, the judge warned, Ray was waiving formal trial, a motion for a new trial, and appeals to higher courts. "Has anything besides this sentence of 99 years in the penitentiary been promised you by anyone?"

"No, it has not," replied Ray.

"Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?" the judge continued.

"Now, what did you say?" asked Ray.

BATTLE did not repeat the

question, but put it differently.

"Are you pleading guilty 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?"

"Yes, legally, yes," Ray said, a three-word reply calling — in retrospect — for more explanation, if not hinting at a story he held back.

Then the noted Percy Foreman, hired as Ray's attorney five months earlier, and Shelby County Atty. Gen. Phil M. Canale, the prosecutor, began addressing the jury before stating the case: There was no evidence tying Ray to a conspiracy, they said.

BUT THE drama's central actor, who was supposed to remain passive, startled everyone. In the midst of a script calling for no "unseemly conduct on your part" — as Foreman told Ray in a letter only a day earlier — he rose, and in the next few moments possibly came closest to giving the nation an opportunity to explore a conspiracy theory.

"Your honor," he began tensely, "I would like to say something."

"All right," agreed Judge Battle.

"I don't want to change anything. I have said I don't want to add anything onto it, either. The only thing I have to say is I don't exactly accept the theories of Mr. Clark. . . ."

"Who is Mr. Clark?" asked Foreman.

"Ramsey Clark," replied Ray, referring to the U.S. attorney general who has denied any evidence of a conspiracy. "and Mr. Hoover," added Ray.

"MR. WHO?" asked Foreman.

"Mr. J. Edgar Hoover. The only thing, I say I am not — I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it," continued Ray.

"You don't agree with those theories?" the judge pursued.

"I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark, (another transcript shows Ray responding "Mr. Canale's, Mr. Clark's, Mr. J. Edgar Hoover's.") I mean on the conspiracy thing. I don't want to add something onto it which I haven't agreed to in the past."

FOREMAN then added: "I think that what he is saying is that he doesn't think that Ramsey Clark's right or J. Edgar Hoover is right. I didn't argue them as evidence in this case. I simply stated that underwriting and backing up the opinions of (Atty. Gen.) Canale, that they had made the same statement."

"You are not required to agree or withdraw or anything else," he told Ray.

When Battle again asked Ray if the answers to his previously asked questions would be the same, Ray said, "Yes," and the hearing resumed to its pre-determined end — Ray in prison by nightfall.

IT WAS A curious episode and John Siegenthaler, a former top aide to the late Atty. Gen. Robert Kennedy, and now editor of the Nashville Tennessean, commented perceptively on it in his "Quest for Justice," an inquiry on whether the U.S. criminal trial system reaches the root of truth.

He said: "Judge Battle probed no further, he searched no deeper. James Earl Ray

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...then
...explained the charge to
...he still had been involved
...in a conspiracy.

"Here was a chance for the court to delve into Ray's claims of conspiracy, an opportunity to find out what, if anything, Ray was keeping secret. Here was a chance to move to put down all the rumors and reports and theories about a conspiracy, which J. Edgar Hoover, Ramsey Clark, Phillip Canale, and most of all, Percy Foreman said never occurred.

But Judge Battle was interested in the narrow issue of legal guilt . . . he could have then and there ordered Ray to take the stand and tell what he was talking about.

"He did not have the presence to suggest that the defendant, having waived his immunity by pleading guilty, might be called before a grand jury to see if others were, in fact, involved.

"The administration of justice succeeded in punishing a guilty man. But it made no pretense of initiating a search for truth or putting down what very well may have been a lie by Ray."

IT BECAME apparent at the hearing's end that Judge Battle, who was found dead of natural causes in his office 20 days later, may have been uncertain himself that justice had been served.

"How about conspiracy and the punishment of any co-conspirators?" Battle asked, as part of his opinion. "It has been established that the prosecution at this time is not in possession of enough evidence to indict anyone as a co-conspirator in this case. Of course this is not conclusive evidence that there was no conspiracy.

"However, if this defendant was a member of a conspiracy to kill (Dr. King) no member of such conspiracy can ever live in peace or security, or lie down to pleasant dreams, because in this state there is no statute of limitation in capital cases such as this. . . .

"Hamlet was right when he said, 'For murder, though it have no tongue, will speak with most miraculous organ.'"



Battle



Ray



Foreman

The King mystery

James Earl Ray -- Was he the killer?

By Robert Gruenberg

Of Our Washington Bureau

WASHINGTON — Four years after the murder of the Rev. Dr. Martin Luther King Jr., the greatest black leader of his time and teacher of nonviolence, the questions refuse to die with him.

Who killed him and why?

Is James Earl Ray — the 44-year-old ex-convict, stickup artist, auto thief and general miscreant now serving 99 years in Tennessee's Brushy Mountain State Prison — guilty as he has pleaded?

Did he have accomplices? Who planned the actual slaying, pulled the trigger, provided the escape scheme and offered shelter? If Ray didn't do it all himself, why doesn't he say who did?

All those questions were presumed settled — and are still so regarded by the FBI and Shelby County (Tenn.) authorities — at a hearing that took only 144 minutes in a Memphis courtroom, on March 10, 1969. It was Ray's 41st birthday, and by evening he was behind prison walls.

TODAY, EVEN to raise the issue of his guilt, or the guilt he may share with others, irritates — if not downright angers — the Justice Department and the FBI, which spent a reported \$1.6 million to catch him.

Speculating on these questions, and scores of others in the case, is as disturbing as the queries themselves. They lead only to further puzzles over who fired the shot that left America shaking and sparked fires, riots and killings across the nation.

The questions were not explored in depth at the hearing before the Shelby County jury of 12 men, two of them black. All had agreed beforehand to abide by the "guilty" plea worked out by Ray's lawyers and the prosecution and approved by the judge, in exchange for 99 years.

AN ESCAPEE from the Missouri State Penitentiary on April 23, 1967 — he hid in a bakery truck's oversized bread box — Ray traveled to Chicago, Los Angeles, New Orleans, Mexico and Canada.

(Ray subsequently is reported to have denied the "breadbox escape," saying he scaled the prison's walls by using a 13-foot window pole to reach a prison-building roof and dropped from there to freedom.)

Seemingly never short of money, a good

deal of which came from holdups, according to the FBI and his biographer, William Bradford Huie, he was able to buy a white Mustang car for \$1,995 only four months after his jailbreak.

Eleven months after fleeing prison, on March 29, 1968, a man whom salesman Donald F. Wood of Aeromarine Supply Co. in Birmingham, Ala., identified as Harvey Lowmeyer — and who so signed a sales slip — bought a Remington model 700, caliber .243 "pump action" Winchester rifle, had a Redfield telescopic sight mounted on it, and also picked up 20 rounds of ammunition.

THAT SAME afternoon, Wood said, "Someone identifying himself as Lowmeyer called on the telephone and stated that he had a conversation with his brother and had decided that he wished to exchange the rifle . . . for a Remington model 760, 30.06-caliber."

(Although Lowmeyer appears as the signature on the gun sales slip, the receipt was made out to "Lowmeyer." Subsequent extradition papers for Ray use both spellings.)

(The reference to the "conversation with his brother" was to become a vexing part of the Ray case for the FBI. It was the peg for the FBI conspiracy complaint, secured 20 days after Dr. King's murder, against one "Eric Starvo Galt," identified later by the federal agents as "Lowmeyer" and Ray, besides several other aliases.

(It was the only time U.S. officials termed Dr. King's slaying the result of a conspiracy. The action was taken while the FBI and then Atty. Gen. Ramsey Clark were insisting — as they have since — that no conspiracy existed.)

LOWMEYER, Wood said, returned the next day, received the new rifle in exchange for the first, had the scope transferred, and also got 30.06-caliber ammunition for it.

(A week later, on April 16, Wood viewed seven photos, selected one, and told two FBI agents: "I can't say exactly at this time, but I think this is the man. To the best of my memory I believe this is the man who bought the gun." The man he identified, according to the FBI, was Ray.)

Between 3 and 3:30 p.m. on April 4 — five days after the rifle purchases — a neatly dressed "John Willard" showed up at a cheap rooming house at 422½ S. Main St. in Memphis and rented room 5B (\$8.50 weekly) after rejecting a \$10 room in an adjacent wing.

The shabby bedroom's window faced the

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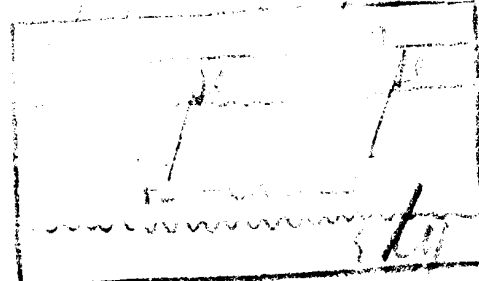
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CHICAGO OFFICE



opposite wing's brick wall, but one could — by leaning out — see the Lorraine Motel, more than 200 feet diagonally and behind the rooming house and across a street, where Dr. King was staying in Room 306. But an even better view was available from the bathroom at the end of the hall.

SHORTLY AFTER renting the room, according to the prosecution, Ray — who later was identified as "John Willard" — drove his white Mustang several blocks down Main St. to the York Arms Co., where he bought a pair of binoculars, paying \$41.55, and returned to his room, after parking the Mustang on Main St. near the rooming house.

Once upstairs Ray made "two or three" trips to the bathroom, according to one of the chief prosecution witnesses, Charles Quitman Stephens.

Stephens, with his wife, Grace, occupied 6B, a two-room unit next to the bathroom. A pensioned, tubercular war veteran, he swore in an affidavit two months after the slaying of Dr. King that he "assumed" the footsteps he heard leaving Room 5B next door were those of the man he had glimpsed earlier when the landlady, Mrs. Bessie Brewer, was showing "John Willard" Room 5B.

STEPHENS WAS repairing a small radio, he said, when "sometime between 5 and 6 p.m." he heard a shot. "I could tell it came from the bathroom because it was very loud and the partition between my kitchen and the bathroom is thin plywood."

Against a background of "yelling and hollering" that came from the Lorraine — where Dr. King lay dying, or dead, on the balcony of the motel — Stephens said that he opened his door and "looked toward the bathroom."

"The (bathroom) door was open and it was empty," he declared in his affidavit. "Then I went to the banister and looked the other way. I saw a man running near the end of the hallway. . . . He was carrying a bundle in his right hand . . . at least three or four feet long, and six or eight inches thick. (It) appeared to be wrapped in what looked like newspaper."

AT THE HALL'S opposite end the man turned left (toward the exit stairs). "Although I did not get a long look at him before he turned left, I think it was the same man I saw earlier with Mrs. Brewer. . . . (He) had on a dark suit, the same as the man I saw earlier."

A few moments later, Guy Warren Canipe Sr., owner of a juke box and record company at the street level of the rooming house, "heard a thud" at his store's front door. He and two customers, according to the testimony stipulated to at the hearing, looked up and saw a bundle dropped by a white man in the doorway.

It was wrapped, not in newspaper, according to his affidavit, but "some type of green cloth," with a gun barrel protruding from it. He said he did not know if the man who

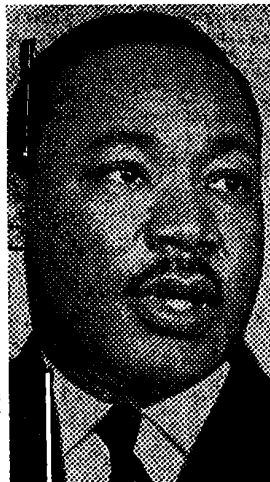
dropped it also sped off in the white Mustang parked a few feet away, but he did not see him walking on Main St.

THE FBI IDENTIFIED the items in the bundle through fingerprints on the rifle, the telescopic sight, the binoculars, the beer cans, the newspaper — which had located Dr. King's room as No. 306 in the Lorraine — and other items, and tied them to Ray.

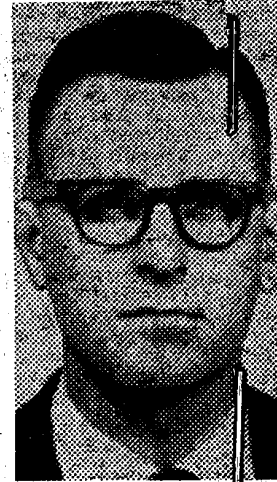
The Mustang, which was located six days later near a housing project in Atlanta, had been parked there, Atlanta police said, since the morning after the slaying.

Ray, the FBI said later, fled to Canada and, using an illegal Canadian passport, made his way under the name of Ramon George Sneyd to England and Portugal. Because his name on the passport was misspelled "Sneya," sources at the Canadian embassy in Lisbon changed it to "Sneyd" at Ray's request.

He came back to England and was on his way to Brussels, police said, when Scotland Yard closed in on him at London's Heathrow Airport on June 8, 1968 — two months and four days after the shot that was heard around the world.



Dr. King



Ray



The Rev. Dr. Martin Luther King (second from right) stands on the balcony of the Memphis hotel where he was shot in approximately the same spot where the bullet struck him. This photograph was taken the day before the assassination, and Dr. King is flanked by the Rev. Jesse L. Jackson of Chicago, with whom he spoke as the fatal shot was fired, and by the Rev. Ralph David Abernathy, who later became head of the Southern Christian Leadership Conference. Man at far left is unidentified.

'Buts' on Ray's guilt

Fourth in a series

By Robert Gruenberg
Of Our Washington Bureau

WASHINGTON — The government officials who sent James Earl Ray to prison for 99 years for the slaying of the Rev. Dr. Martin Luther King Jr. are certain they did the right thing.

Right after saying so, though, they nearly all add a "but..."

The strength of the "but" varies: The former Justice Department civil rights assistant who helped extradite Ray from England now says: "There were a lot of inexplicable aspects" to the case. The Memphis prosecutor of Ray, Shelby County Atty. Gen. Phil M. Canale, says quietly, "If we get some legitimate information, we'll be glad to run it down. There is no statute of limitations in Tennessee on first-degree murder."

Canale's investigators combed 5,000 pages of police reports from here and abroad, studied 300 pieces of physical evidence and followed leads in foreign countries. He is convinced no miscarriage of justice took place during the 144-minute hearing in March, 1969, after Ray pleaded guilty by agreement between the state and defense.

THE QUESTION that puzzles many, of course, has been whether the 44-year-old ex-convict, who since his imprisonment has twice tried to break out, was alone in the murder or had accomplices.

If he had accomplices, who were they?

Rabid racists, who wanted to see Dr. King and his movement wiped out?

Black extremists, against whom Dr. King was waging a little-discussed, but almost desperate, rear-guard defense?

Ramsey Clark, U.S. attorney general at the time of Ray's capture, said he was constantly on the alert for the conspiracy element, a statement supported by his former subordinates.

"My approach was to never leave a stone unturned, to seek constantly to get the whole story," Clark said. "I have not seen any evidence that, either objectively or subjectively, creates — in my evaluation — any possible conspiracy. Everything I see (in the evidence) tends to go the opposite way."

YET, A HINT of doubt — however indirect — crept into Clark's evaluation. "I had a great hope there would be a trial (of Ray)," he said. "At the time he pleaded guilty, I had a very strong reaction to it."

Technically the federal government was not part of the state's trial process against Ray, even though the FBI had supplied Canale with major investigative assistance and, reportedly, the agreement for Ray to plead guilty had been cleared with U.S. officials.

Reminded that at his hearing Ray seemed to be on the verge of explaining that he was guilty, but not solely so, until the court resumed its preset course of having the evidence stipulated, Clark said: "It was foolish and unwise not to hear him out."

The antagonism between Clark and FBI Director J. Edgar Hoover has been well-chronicled, but even so Clark praised the FBI part in the investigation.

"I don't remember any investigation that was done so thoroughly," he said. "I felt the bureau had the strongest and highest self-interest (in pursuing every lead) because it (the slaying) was a great embarrassment to Hoover personally, and the bureau generally."

(THE FBI, it was known, had not only kept watch on Dr. King's activities, but in the black leader's assemblage at the Lorraine Motel in Memphis there was a Justice Department community relations service aide.)

The possibility of black extremist involvement evoked a "fairly strong reaction" among investigators soon after the murder, along with virtually every other conceivable suspicion, said Clark. Consequently, numerous groups ranging from the far left to very conservative, including Negro "Uncle Tom" elements, were probed.

"There had always been a fascination on the part of some that it might be some black group. We saw some evidence that it was an effort to mislead us. I had lived close enough to the currents and crosscurrents (of black protest) to doubt it."

Finally, he added, "We've always got to run down every lead, to run down the truth. But we have to be careful about ourselves when we question everything. America terribly wants to find conspiracies" because "they relieve us of the responsibility" to correct society's inequities that breed crises, such as assassination, he said.

STEPHEN Pollack, Civil Rights Division chief under Clark, and Fred Vinson Jr., his Criminal Division chief, generally agreed with Clark as to the thoroughness of the investigation and the lack of evidence pointing to a conspiracy.

But Nathan Lewin, a Washington attorney who also served as a top assistant in the Civil Rights Division, and had a key role in Ray's extradition, today is not altogether satisfied with the theory, that Ray acted alone.

He said there were "a lot of inexplicable aspects" to the case, citing Ray's professionalism and his securing a

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Canadian passport.

"There were all sorts of loose ends that left one with the feeling . . . that there was room for investigation," he said. "I can't say the statement is wrong that there was no distinct evidence pointing to a conspiracy.

"ON THE OTHER hand, I couldn't point to anything that said affirmatively it was a one-man job. . . . I have the feeling today that it was not a one-man job."

Aside from the "hired assassin" theory, two other reasons are generally advanced as to why Ray would want to kill Dr. King: One, Ray is a "racist." Two, he sought everlasting "fame" for an act he thought many Americans would welcome. Clark leans somewhat to the first, although conceding Ray wasn't "the wildest racist" bent on such acts; but he believes more firmly in the second.

Lewin is unable to agree. Even though Ray has been described as disliking blacks, Lewin thinks Ray was not so "heated" about it as to commit murder. "He was a two-bit thief, a holdup man, the kind that takes jobs for money," Lewin said.

The "fame" theory runs counter to the evidence that Ray did everything possible to conceal his identity, said Lewin.

But it is possible, he concedes, that an intricate psychological explanation exists to justify a killer taking great pains not to get caught, but wishing so, anyway, or at least wishing it to be known he committed the "crime of the century."



Clark



Hoover

King mystery: Was Ray simply a patsy in killing?

By Robert Gruenberg

Of Our Washington Bureau

WASHINGTON — "I think he's a plain, flat-out patsy. This is not to say he's a lily-white character. But he had never been in Memphis before — he had a helluva time finding that rooming house."

The speaker is one of James Earl Ray's three lawyers, who sought unsuccessfully to get the convicted slayer of the Rev. Dr. Martin Luther King Jr. out of the east Tennessee prison where he is serving 99 years.

It might be expected that Ray's lawyer here — he has two others in Memphis and Atlanta — would proclaim his client's innocence as a matter of course, even though the FBI and the Criminal Court of Shelby County (Tenn.) have decided otherwise.

BUT MILLIONS of Americans, while far from agreeing that Ray is a "patsy," are also convinced that he alone did not plan and carry out the execution of the martyred black leader of nonviolence from a second-floor bathroom of a sleazy Memphis rooming house on that fateful April 4, 1968.

Ray's Memphis lawyer is Bernard Fensterwald Jr., Harvard-educated, a Tennessean himself with income independent of his law practice, and a thorn in the side to government officials.

Formerly counsel to a Senate subcommittee probing federal violations of privacy, he was also an aide to the late Senators Estes Kefauver (D-Tenn.) and Thomas C. Hennings (D-Mo.).

HE WAS ALSO an assistant to former Sen. Edward C. Long (D-Mo.), who lost a reelection bid after Life magazine in 1967 connected him to a Teamsters Union attorney in

what was widely interpreted as an unethical fee-splitting relationship.

Fensterwald thinks the magazine was "leaked" the story by a federal agency his committee was investigating. He left Capitol Hill shortly afterward.

Aided by Harold Weisberg, a former reporter, investigator and author of two books critical of the John F. Kennedy and Dr. King investigations, Fensterwald and another aide, James Lessor, the Tennessee Court of Criminal Appeals for a new trial or a hearing to review evidence. Both pleas were turned down Feb. 24.

THE THREE insist there are scores of "loose ends" and unanswered questions which — if tied together and answered — would point not only to a conspiracy, but show that Ray was wrongfully convicted on the evidence so far disclosed.

Here are examples of some of the issues they raise and the questions they ask:

● **FINGERPRINTS:** The FBI, according to records submitted at the time of Ray's extradition from England where he was captured in June, 1968, found his prints on the rifle, telescopic sight, binoculars and numerous other items traced to Ray.

But reports differ on whether prints were found in Room 5B that Ray rented; Fensterwald contends that neither the FBI nor the hearing at which Ray was sentenced, says that they were.

The furniture in Ray's room was moved, allowing a better view — however awkward — of the Lorraine Motel, where Dr. King was staying when he was slain. Who moved it, and what prints, if any, were found? asks Ray's lawyer.

● **IDENTIFICATION:** Charles

Q. Stephens, a disabled veteran who occupied Room 5B, next to the room rented by Ray, says he heard the shot fired that killed Dr. King, and saw a man — who later was identified as Ray — heading toward the rooming house exit at the end of the corridor.

When he viewed a photo of Ray, released by the FBI less than two weeks afterward, news reports quoted Stephens as saying, it "doesn't register." In his formal affidavit in the extradition file he said that on April 24, 1968 — 20 days after the murder — he identified two profile photos in an FBI "wanted" flyer as "looking very much like" the man who became identified as Ray.

BUT STEPHENS' ability to identify anyone at the time of the slaying is challenged by Fensterwald. He said that a Memphis cabdriver, James M. McCraw, had made a statement five weeks before Ray's trial to the Memphis public defender's office that belied Stephens' identification.

McCraw said he had gone to the rooming house to pick up Stephens shortly before 6:00 p.m., the fatal moment for Dr. King, and found him in a "very drunken condition," fully clothed and unable to get out of bed.

(The McCraw statement is alluded to in at least two books published about the King murder.) However, Stephens' common-law wife, Grace Stephens, tends to contradict McCraw, in another affidavit, saying "he had not had much to drink that day."

● **"THE DEATH BULLET:** If he should win an evidentiary hearing, Fensterwald places great reliance on freeing Ray on the report of an FBI ballistic expert, who says he cannot pinpoint the fatal slug as com-

ing from the rifle traced to Ray.

"As a result of my examination of the submitted rifle I determined that it produces a general rifling impression on fired bullets having the physical characteristics of those on the submitted bullet," said Robert Frazier, chief of the FBI's fire identification unit in an affidavit made part of the extradition file.

But, Frazier added: "Because of distortion due to mutilation and insufficient marks of value, I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle."

● **THE DROPPED BUNDLE:** A central point in the state's case was the finding, immediately after the slaying, of the rifle, binoculars, personal effects, beer cans and other

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items, all wrapped in a green and brown bedspread in the doorway of the Canipe Amusement Co., on the street level of the rooming house. These were later traced to Ray.

"Can you imagine someone committing murder, then taking several minutes to pack a six-pack of beer, a gun and a shaving kit, then taking it all down to the street—and dumping it?" asked Fensterwald.

Ray was only a few steps away from his car into which he could have stowed it all, and then dumped it in the Mississippi River several blocks away, he said.

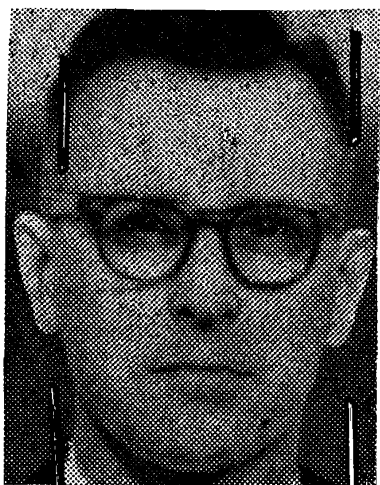
State's Atty. Gen. Phillip Canale, the prosecutor, answers that Ray, "rather than being caught with the evidence," dropped it in the amusement company alcove after spotting a squad car parked near his Mustang. In apparent panic he rid himself of the incriminating belongings and sped away, according to Canale.

T H E R E A R E numerous other points that Fensterwald argues need clearing up if the cloud of conspiracy is to dissolve.

"We have other evidence to show Ray was at another place in Memphis at the time of the shooting—a garage," says Fensterwald, but he will not elaborate.

Ray has said that a mysterious "Raoul" had aided him during his first hideout period in Canada, after fleeing the Missouri State Prison in April, 1967. "Raoul" had given him money with which to buy the Mustang, according to earlier published stories.

"I do not know if that's made-up name or not," says Fensterwald. "Some people think he is an accompice and Ray will not discuss it. We get along pretty well, but he does not trust any one human being 100 per cent."



James Earl Ray

The King mystery Was Ray frameup victim?

By Robert Gruenberg

Of Our Washington Bureau
Last in a series

WASHINGTON — Long after the passing of James Earl Ray, now serving 99 years as the convicted killer of the Rev. Dr. Martin Luther King Jr., the world will be arguing:

"Was he, indeed, guilty?" or "the victim of a frameup?"

The latest author-investigator to have his say is Gerold Frank of New York. After 3½ years of research, he concludes that Ray did it all himself. His new book, "An American Death," was published Tuesday.

Frank is frank to admit that he, too, started off convinced of conspiracy; his book title was to be "Conspiracy, The Story of The Men Who Plotted and Carried Out the Assassination of Martin Luther King Jr."

"I HAD NO AXE to grind," Frank told me. In fact, he said, he experienced "such a sinking of heart" as the further he delved the more he realized he could not destroy the "one-man-acting-alone" theory.

It was especially humbling, Frank added, because he was presumed (because of previous study of conspiracies) to be aware of the possibilities of intrigue that escape other men.

But in his current volume, Frank goes to deliberate lengths, frequently exposing details that had not surfaced earlier, to destroy the carefully nurtured conspiracy theories that hold out James Earl Ray as only a pliable tool.

AMONG A FEW examples from many:

• The "Raoul" story.

Ray insisted throughout that he was aided by a mysterious "Raoul," a man who provided him with money and instructions. It was "Raoul" who was actually at the shooting scene in Memphis, who dashed down stairs from the second-floor rooming house where the fatal shot had been fired and into Ray's Mustang. And it was "Raoul" who fled the car several blocks away, never to be seen again, says Ray.

But Frank points out, though Ray insisted he had met "Raoul" at least 20 times — and in public places — "not once" has he been able to give a name or description of anyone who had seen them together, or who could corroborate "Raoul's" existence.

• The white Mustang "chase."

Less than a half hour after Dr. King was slain, Memphis police airwaves were filled with reports of a white Mustang being pursued by a citizen in a blue, 1966 Pontiac at speeds of up to 100 miles an hour — with a man in the Mustang firing at his pursuer. This "chase" has always been cited as a prime piece of the conspiracy.

Hardly, explains Frank. Extensive investigation determined there was no chase — that a youth operating on a citizens band radio had engaged in a stupid, highly dangerous and police-frustrating prank.

• The shot from the bushes.

This theory holds that the fatal shot on April 4, 1968, did not speed the 206 feet from the second-floor bathroom of the shabby roominghouse to the balcony of the Lorraine Motel, where Dr. King was leaning

over the rail speaking to his lieutenants in the courtyard below. Instead, according to this theory, it was fired from bushes on a slope below the roominghouse.

Harold "Cornbread" Carter, an habitue of the area, was quoted as saying the man who fired the shot was so close to him that he threw up gravel against him as he fled. Simon Jones, Dr. King's chauffeur said he saw someone flee the scene with a white sheet over his head.

Both backed way from their stories, says Frank, who talked at length with Percy Foreman, a defense lawyer for Ray. (Ray has since repudiated Foreman.)

FRANK acknowledges he did not speak to Ray, nor to several other persons who, according to advocates of the conspiracy theory, would tend to show that Ray was not alone — or that the case against him is cloudy.

In addition, Frank acknowledges that he did not speak to several other pro-Ray witnesses because the evidence against their already publicized stories is so overwhelming that to do so appeared pointless, he says.

There remains the question: why would Ray — a man who failed at nearly everything he sought to do, legal or otherwise — murder Dr. King?

Precisely because of this, Frank asserted, the real reasons defy simple explanations.

Poorness, accented later by perverse "anti-communist" hate preachments and an anti-Negro feeling apparently welded up in the idea to slay Dr. King," Frank said.

"He had a score to settle with society — and he had

nothing to lose and very much to gain."

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