

F.B.I. Was Told a Missourian Paid Ray in King Murder, Report Shows

The following article is based on reporting by Nicholas M. Horrock, Anthony Marro and Wendell Rawls Jr. It was written by Mr. Horrock.

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WASHINGTON, Aug. 2 — The Federal Bureau of Investigation received a report in 1974 that a Missouri businessman was "the individual who made the payoff of James Earl Ray after the killing" of the Rev. Dr. Martin Luther King Jr., according to documents made public today.

The F.B.I. documents, released under the Freedom of Information Act to Harold Weissberg, a private investigator of

assassination matters, and to The New York Times, included a control agent's account, dated March 19, 1974, of an informer's report to him, believed to have been made in late 1973.

The document said the informer was given the story in the fall of 1973 by Russell G. Byers, a former St. Louis automobile parts dealer. Although the censored document did not specify who Mr. Byers said had made the payoff to Mr. Ray, Government sources said he had identified the man as John H. Kauffmann, a former stockbroker who died in 1974.

Mr. Byers last week confirmed to The New York Times that he had told the House Select Committee on Assassinations that Mr. Kauffmann and a Missouri lawyer had offered him \$50,000 to arrange the assassination of Dr. King, the civil rights leader slain on April 4, 1968. But this F.B.I. document contains the first public disclosure that Mr. Byers was told the money actually was paid to Mr. Ray.

Embarrassment to the F.B.I.

Mr. Ray is serving a 99-year sentence in Tennessee for the killing. Although he pleaded guilty, he has since said that he did not shoot Dr. King.

The case has become an embarrassment to the bureau because the Byers account was never pursued by the agency, which says the control agent's report was not properly disseminated within the bureau and did not come to light as part of the assassination material until five years later. Mr. Kauffmann died March 1, 1974, reportedly several months after the Byers conversation was reported to the agent.

The bureau memorandum about the informer's conversation with Mr. Byers noted that "during the fall of 1973 [lengthy deletion] Beyers [sic] talked freely about himself and his business, and they later went to [short deletion] where Beyers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had

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offered to give him a contract to kill Martin Luther King."

The memorandum continued:

"He said that also present was a short stocky man, who walked with a limp. (Later, with regard to the actual individual, Beyers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.)"

According to the memorandum, "Beyers said he had declined to accept this contract. He did remark that this lawyer had Confederate flags and other items about the house that might indicate he was 'a real rebel.' Beyers also commented that he had been offered either \$10,000 or \$20,000 to kill King."

There is no indication that Mr. Byers presented any corroboration for the charge that Mr. Kauffmann paid Mr. Ray, although he told persons in 1968 and again in 1973 of being approached to arrange Dr. King's death. The F.B.I. memorandum that was made public today notes, "Sometime later [lengthy deletion] this individual advised [short deletion] that Beyers truly is a 'very treacherous guy,' cautioning him to stay away from him, he wanted to stay away from him if he wanted to stay out of trouble."

Story Confirmed to Newspaper

In an interview with a New York Times reporter on July 18, Mr. Byers confirmed that he met with John H. Sutherland, a patent lawyer from Imperial, Mo., and Mr. Kauffmann in late 1966 or early 1967 and that they offered him \$50,000 for the King murder, which he turned down. He did not disclose in the interview that he believed Mr. Kauffmann actually paid Mr. Ray after the crime.

Both Mr. Sutherland and Mr. Kauffmann are dead and their widows have said they did not believe their late husbands would have become involved in such a plot.

When the F.B.I. report was discovered last March, it was turned over to the House assassinations committee, providing its investigators with their first indication of Mr. Byers's involvement.

An inquiry by New York Times reporters has uncovered court testimony that Mr. Kauffmann was smuggling amphetamine powder into the Missouri State Penitentiary in 1966. That is the prison where Mr. Ray was serving a robbery sentence at the same time Mr. Byers's brother-in-law, John Spica, was serving a sentence for murder. According to some accounts of Mr. Ray's activities, he was receiving money from the sale of drugs in the penitentiary, from which he escaped a year before Dr. King's death.

Kauffmann Convicted in Drug Case

Mr. Kauffmann was tried and convicted of selling some 100,000 amphetamine capsules to Federal agents in 1967. During the course of one of his trials, Dallas Barr, a former convict who was working undercover for the Food and Drug Administration, testified under oath of Mr.

Kauffmann's plans:

"Mr. Kauffmann asked me if I knew where I could find some amphetamine powder. Mr. Kauffmann further stated that he had previously had access to small quantities of amphetamine powder. I asked Mr. Kauffmann for what use or purpose . . . Mr. Kauffmann stated that he had some friends that were in the Missouri State Penitentiary that he had to take care of."

The House assassinations committee staff is now concentrating its investigation on the direct connections, if any, between Mr. Kauffmann and Mr. Ray or members of his family.

Heading the field work for the House is, by coincidence, the same investigator who led the drug agents who convicted Mr. Kauffmann in 1967, Harold D. Leap. Mr. Leap, who has been detailed to the committee staff by the Drug Enforcement Agency, was mysteriously shot and wounded in September 1967 on a country road near St. Louis while investigating the Kauffmann case. No arrests have ever been made in that shooting.