

A King Plot? Still No Hard Evidence

NEW YORK TIMES, SATURDAY, JANUARY 3, 1976

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Special to The New York Times

WASHINGTON, Jan. 2—The Justice Department is now midway through what will almost certainly be its final investigation into the assassination of the Rev. Dr. Martin Luther King Jr., and lawyers there are still no closer to concluding that unpunished individuals were involved in the murder than they were the moment James Earl Ray pleaded guilty to the crime.

The current inquiry, conducted jointly by the department's Criminal and Civil Rights divisions, was ordered by Attorney General Edward H. Levi last month after disclosures by the Senate Select Committee on Intelligence that Dr. King had been the target of a decade-long surveillance effort by the Federal Bureau of Investigation that developed into an attempt to harass and discredit the black civil rights leader.

This is not the first time that Justice Department lawyers, many of whom have entertained doubts that Mr. Ray was alone responsible for the April 4, 1968, assassination, have gone back over the evidence in a search for missed clues.

In 1971, according to one official, the Civil Rights Division, which has had primary responsibility for investigating the King killing almost from the moment it occurred, re-read the voluminous record of the F.B.I.'s initial investigation "to determine if there were any questions unanswered that would merit reopening" a full-scale inquiry.

The lawyers examined the contents of 13 packing crates of investigative materials and did some detective work of their own, interviewing some of the witnesses and others connected with the murder whose stories they thought raised questions.

'Number of Questions'

One of the Justice Department officials involved in that effort said recently that the re-examination had produced "a good number of unanswered questions" about the assassination, but another lawyer characterized them as "nothing that kept me awake at night."

The King investigation was not reopened then, although unsuccessful efforts were made to bring Mr. Ray before a Federal grand jury to document his private assertions that he had

been part of a larger plot against Dr. King's life.

Nor was the investigation reopened three years later when what one official described as "concerns voiced about" the persistent possibility that Mr. Ray had not acted alone resulted in yet another re-reading of the full assassination file.

The conclusion reached in 1974 was stronger than the one reached three years earlier. The second time, the lawyers decided, Mr. Ray had probably acted alone.

There the matter seemed destined to lie until last month, when the Senate committee disclosed in public hearings that the F.B.I. had set out in the early 1960's to force Dr. King from his pedestal as the nation's foremost civil rights advocate.

The bureau's interest in Dr. King, which began in the late 1950's, is reflected in the stack of files some 24 feet high that it had compiled on the black leader in the decade before his death.

The portions of that file made public by the Senate committee, which has seen only about half of it, are disturbing. What began as an effort to keep track of the man and his activities progressed into a bugging and wiretapping campaign, approved by Attorney General Robert F. Kennedy, that pro-

duced recordings of Dr. King's intimate relationships that were mailed anonymously to him and his wife.

96 Volumes

The depth of the animosity felt by J. Edgar Hoover, the late F.B.I. director, and other high bureau officials toward Dr. King that leaped out of the documents made public by the Senate committee prompted Mr. Levi to ask a few weeks ago for the current internal investigation to look for any evidence of F.B.I. complicity in his murder.

The current inquiry marks the first time that Justice Department lawyers have been given access by the F.B.I. to the 96-volume "pre-assassination" file describing the surveillance and harassment, and it is those documents that they are now studying closely.

The much larger report on Dr. King's assassination, already read and re-read, is not being examined this time around, although some recent assertions that there was a conspiracy have been checked, officials say, and found to be without substance.

The same Justice Department officials have said that, so far, they have found nothing that would implicate the F.B.I. directly or indirectly in the King assassination, although they have not yet finished their reading of the 96 volumes.

Other leads to possible conspirators will continue to be investigated as they come in over the next few months, and the Justice Department may make a final effort to bring Mr. Ray before a grand jury anyway—even though it cannot compel his testimony—simply to make his refusal to cooperate a matter of record.

But barring the discovery in the F.B.I. files of evidence that incriminates the bureau in Dr. King's murder or a decision by Mr. Ray to testify under oath about the conspiracy he asserts existed, the Civil Rights Division's report to Mr. Levi, expected next spring, seems destined to repeat the conclusion that there is no hard evidence of a conspiracy.

The only hope that any light at all will be shed on the admittedly perplexing questions that still surround the King assassination hinges on Mr. Ray's current appeal for a new trial.

If Mr. Ray does possess knowledge that he has concealed for seven years, some of it may seep out in his efforts to prove his innocence. But even so, it will not be by design.

Mr. Ray, one of his lawyers said recently, has no interest in helping to "solve" the case, if indeed it has not already been solved. All he wants is an acquittal.