

BY MARK LANE

KILLER AT LARGE

THE TRUTH IS THERE TO BE FOUND. BY INVESTIGATING THE POLICE AND FBI COVER-UP, WE MAY FIND CLUES THAT LEAD DIRECTLY TO THE CONSPIRATORS WHO KILLED DR. KING.

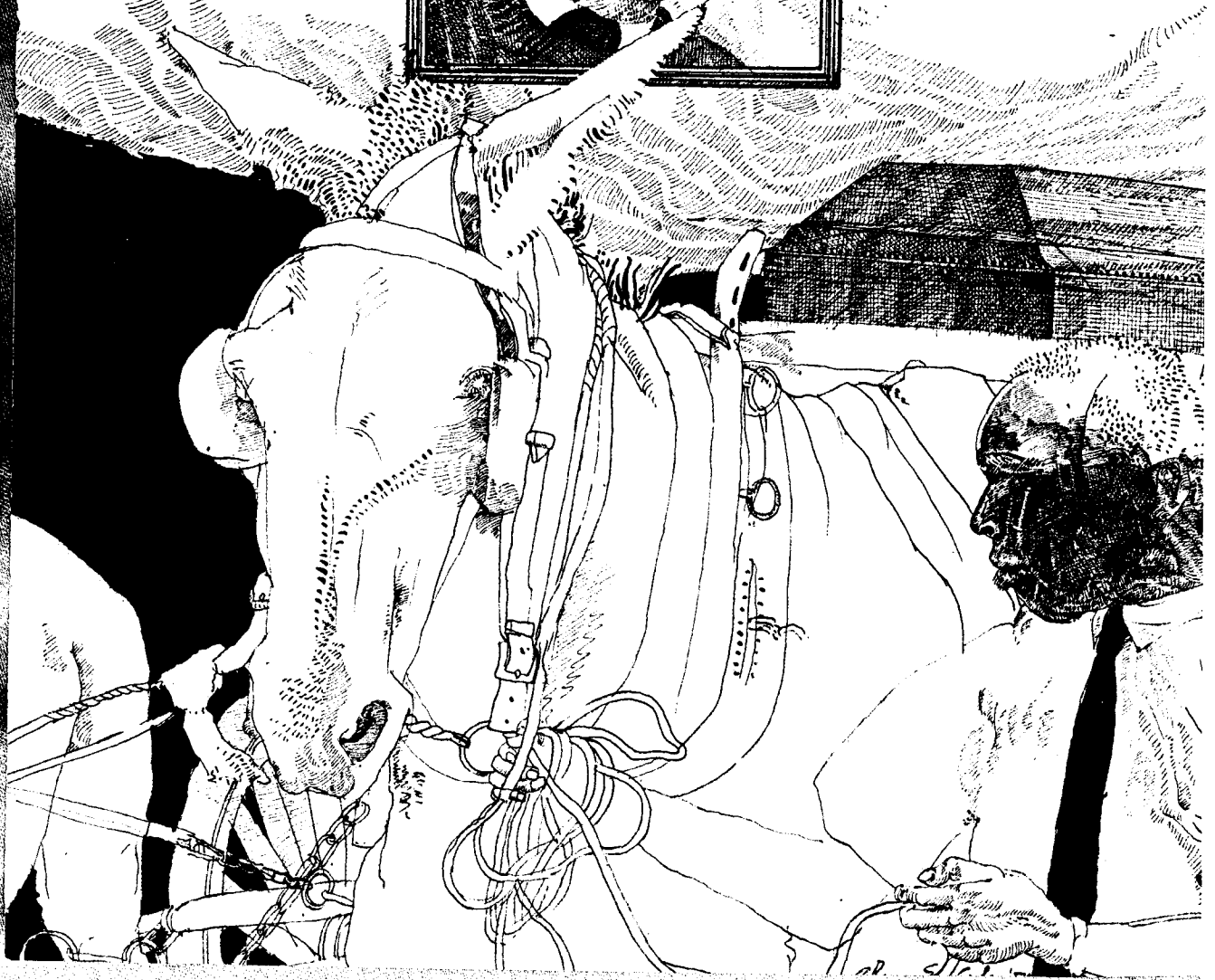
After the murder of John Kennedy, the Warren Commission decided not to investigate the crime but to evaluate, in its own fashion, the evidence purportedly linking Lee Harvey Oswald to the assassination. The technique was emulated several years later in Tennessee, when the state prosecutor evaluated evidence suggesting the guilt of James Earl Ray in the murder of Martin Luther King while ignoring the facts of the crime. In the Ray case the government's offense was more obvious, the defendant having lived to face a trial which was then denied to him. Ray was persuaded to make a deal. Generally, prosecutors don't do any plea bargaining until the defendant agrees to tell all, implicates others and states that he is willing to testify against them. In this case one suspects the deal was that Ray agreed to tell nothing and implicate no one. His desire to avoid the death penalty led Ray to accept the dictates of his counsel and enter the guilty plea.

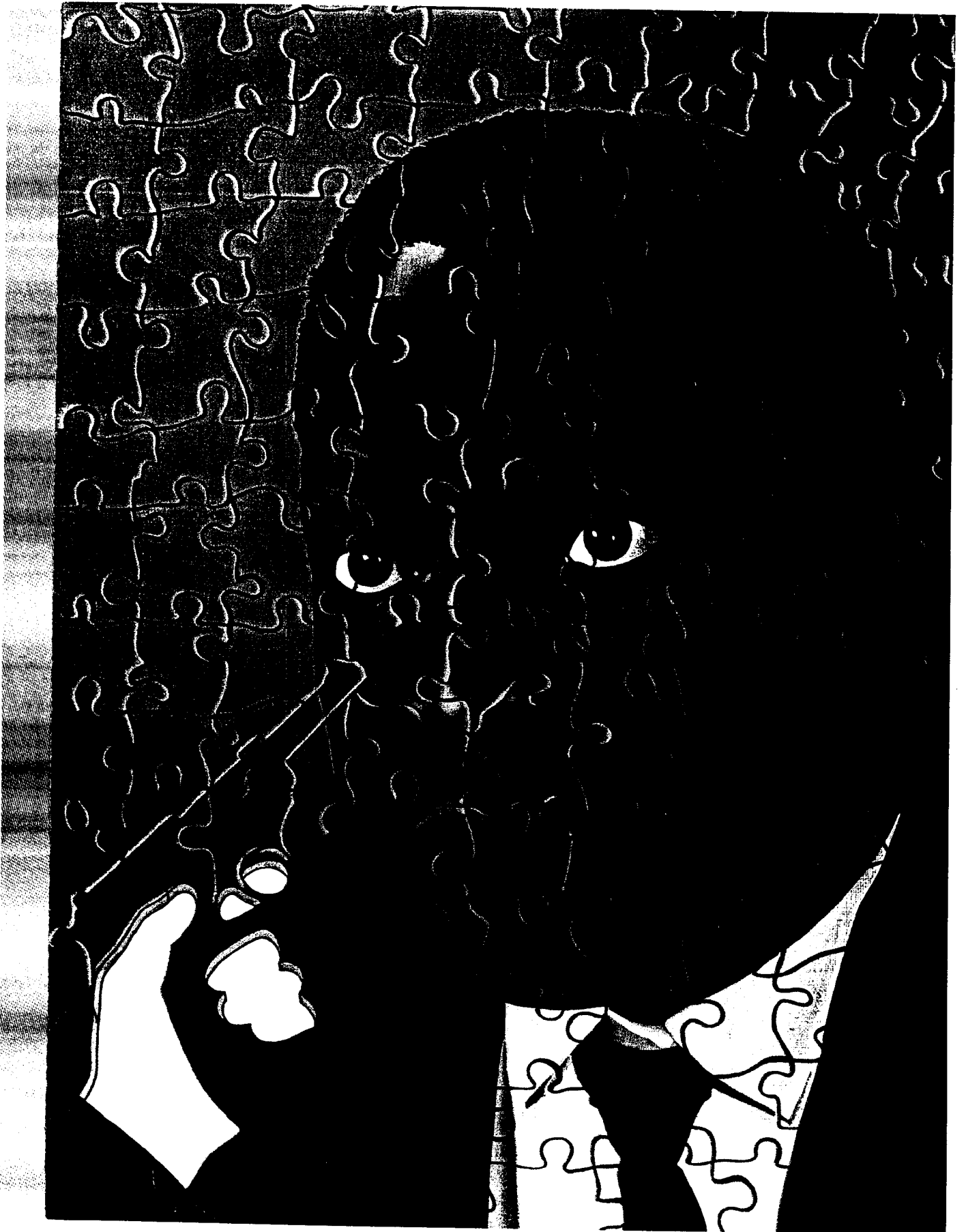
Ray's attorney, Percy Foreman, in what must be one of the most bizarre letters ever sent to a defendant by counsel, told Ray that he might earn a substantial sum of money if he pleaded guilty and if

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ILLUSTRATION BY MELINDA BORDELON

April 9, 1968 Atlanta, Georgia ... the mule-drawn cart bearing the casket
of Dr. Martin Luther King Jr. plods along among many thousands of
marchers en route to South View Cemetery in Atlanta.





he behaved himself. Ray apparently forfeited the prize by stating in open court that others had been involved, that there had indeed been a conspiracy. Ray later said that on the eve of trial Foreman promised him that, if he insisted on a trial, the attorney would let the jury know that he felt his client was guilty, and that guilty or not, Ray would be convicted and executed. Ray had no choice if he wanted to remain alive.

The trial judge, Preston Battle, had been quite clear about the question of the defendant's right to seek new counsel and about the delay that would result if he did. Judge Battle would have none of that. Almost immediately after the plea was entered Ray fired his lawyer and requested a trial. That request was, and continues to be, denied. Since there was no trial, no adversary proceeding, who can honestly say that he knows the full truth about the murder of Dr. King? No one who respects due process of law and who values cross-examination in an open court. Who, except those who fear the truth, could oppose a thorough and open search for the facts, if for no other reason than to reassure people whom the news media call "assassination buffs" and "conspiracy theorists"? Of course, the doubters now number about 150 million Americans if the polls are to be believed. If our doubts are not soundly based, then our errors of fact and logic should be demonstrated. I don't expect that to happen.

I support a sober and meticulous inquiry. Substantial questions remain without answers almost a decade after the death of King. Speculation persists. Those who have had the authority to settle the issue by undertaking a serious investigation, the Memphis police and the FBI, haven't done it. Those authorities have become accessories after the fact in the murder of Dr. King.

Those who most strongly oppose a public investigation into the facts are the federal police agencies, the intelligence organizations, their friends and some volunteer investigators and authors. Serious critics of the official truth worked together to bring about the establishment of a select committee of the House of Representatives to conduct a thorough investigation into the killings of Dr. King and President Kennedy. We formed the Citizens Commission of Inquiry, organized

groups in more than half of the states, and generated more than three quarters of a million letters, telegrams and signatures on petitions to Congress calling for such a committee. We briefed members of Congress (almost 200 of them) and congressional aides, raised funds to send exhortations to the press and to Congress, and worked closely for more than a year and a half with the members of Congress who led the effort. To my knowledge, not a single apologist for the Warren Commission report or the Memphis police report played an active part in attempting to secure a thorough examination of the facts, and some, as is the case with William Bradford Huie, have actually spoken out against an impartial review.

It may be said that in pleading guilty Ray waived his right to a testing of the evidence. The American public, however, has not waived its right to know the truth.

If fear of learning the truth is not the motivating force for those who have failed to work for an investigation of the evidence, what reasons do they have? One might conjure up several possible and passably rational reasons.

Why Not the Truth?

We know the truth already. This article of faith is buttressed only by belief in the competence of the Memphis police department and in the integrity and impartiality of J. Edgar Hoover's FBI. Here, too much is asked of us.

In assessing the case against Mr. Ray, we begin with the knowledge that the state of Tennessee was unable to find a single credible witness who could testify that Ray had been in the rooming house from which the shot was allegedly fired. The FBI ballistics experts were also unable to state that Ray's rifle had fired the bullet that later in the day was taken from King's body.

The state and Huie were unable to secure from Ray the admission that he fired the shot or even that he was

aware, before the shot was fired, that an attempt was underway to kill King. Even if one, disregarding the evidence, reaches the conclusion that Ray had fired the shot from the rooming house bathroom window, the crucial unresearched question remains: Was he part of a conspiracy to kill Martin Luther King?

To answer that question, one needs answers to others. For example, we should determine why the police officer in charge of security for King was taken off that assignment just two hours before King was killed. We should learn why it is that a rifle with Ray's fingerprints, discovered outside of the rooming house minutes after the shot was fired, was in the FBI office in Washington, DC, by ten o'clock that evening, April 4, 1968, yet the FBI sent out a wanted poster for "Eric Starvo Galt," not James Earl Ray, 13 days later. We should discover why the Memphis police burned their domestic intelligence files, which may have contained invaluable material about their own relationship with King. That fire took place more than eight years after King's murder and just eight days after it was learned that a congressional committee was to investigate the murder.

These questions and others as serious remain unanswered. Without answers, who can honestly say he knows the truth already?

There are the local authorities who were unable to present a case for Ray's guilt, lone or as part of a conspiracy, and who failed to respond to Ray's dramatic courtroom challenge to their lone assassin theory when he entered his plea.

There was the FBI, which had a special interest in Dr. King. The FBI's house of horrors was fully employed in an effort to destroy King during the last years of his life. J. Edgar Hoover had dispatched to King a letter that King and his advisers considered to be an ultimatum to commit suicide or face disgrace. Hoover, it appears, wanted King dead. Hoover's Intelligence Squad at the Atlanta office of the FBI used illegal means over a period of years to embarrass, weaken and destroy King. After King's death, this squad was given the primary responsibility for investigating his murder.

If the secret investigations of the local police and the FBI cannot be trusted, where can one turn for the

skeptic

truth? I would suggest, as I have in the past, an open and public investigation by a committee of Congress. Richard A. Sprague, the counsel to the House Select Committee on Assassinations and one of America's most experienced and successful prosecutors, after making a cursory study of the existing record in the two assassinations, concluded that it would take a staff of 170 and an investigation of about two years to arrive at the truth, insofar as it could be known. There remained too many unanswered questions and too many unresolved issues for a less exhaustive investigation to work.

Who Can Say We Know?

Our flawed judicial system does not recognize its own fallibility. Ray was never tried. His accusers were never tested, never subjected to cross-examination. My own belief after studying the case is that Ray would have been acquitted. It may be said that in pleading guilty Ray waived his right to a testing of the evidence. The American public, however, has not waived its right to know the truth. Had Ray been convicted, had a jury of his peers examined the evidence fairly and found him guilty, even then the final legal word would not have been writ. For the greatness of the legal system resides in its redemptive nature. A convicted defendant can file motions for a new trial, then appeal to a higher state court, then another. If a federal question can be isolated, then a case can be removed to a federal district court, appealed to the court of appeals and ultimately to the United States Supreme Court. All these paths to the truth are there as a bulwark against prejudice and error. On occasion even after all appeals have been exhausted in a case and after years have passed, it is found that fundamental and costly errors occurred and remain uncorrected. If the law has erected so massive and complex a superstructure to test and test again the original verdict in an ordinary case, who is there who can honestly say, in this most extraordinary case—the case of James Earl Ray—in which there was no trial, that no sober and probing inquiry is required? Who can say we know all that we need to know and can ever know?

The local and federal police authorities, having demonstrated both their unreliability and bias, may be

discounted as adequate "jurists." Are we then to accept the notion that the truth is known in the work of such as William Bradford Huie and George McMillan?

Huie testified as a defendant on November 11, 1969, in the United States District Court for the Western District of Tennessee in an action brought against him and others by James Earl Ray. After months of investigation into the King murder, Huie was able to conclude *that there had been a conspiracy to kill Martin Luther King, Jr.* Huie then titled his book *They Slew the Dreamer*, according to his Tennessee testimony. He wrote two articles for *Look* magazine in 1968 about the result of his long investigation, and titled them "The

What King and his associates did not know is that the police, without telling them, had removed the guard just before King was shot.

Story of James Earl Ray and the Conspiracy to Kill Martin Luther King," and "I Got Involved Gradually and I Didn't know Anybody Was to be Murdered."

After communicating with Ray for two months and conducting his own intensive investigation, Huie concluded that the conspiracy to murder King existed as early as August 15, 1967, that Ray was drawn unwillingly into that plot in Montreal on August 18, 1967, and thereafter that Ray moved as he was directed to by the conspirators. Huie determined that as late as March 23, 1968, less than two weeks before the murder, Ray did not know that the plot included the murder of anyone or that King was a target of the conspiracy.

According to Huie's testimony in Tennessee, he believed after several months of investigation that there had been a conspiracy to kill King, and it was not until early December or late November, some three-quarters of a year after the murder, that he decided for the first time that there had been no conspiracy, that Ray had acted alone. Huie says this new insight resulted from "the postponement—Ray's desire to postpone the trial was one of the things that caused

me to decide, because I thought the decision to postpone the trial was very ill-advised from Ray's point of view."

Here Huie may be quite correct. A decision to ask for a continuance, quite a common occurrence in a criminal case, may be ill-advised. How such a request, however, can create or even encourage the belief that there had been no conspiracy defies logic and confounds common sense. Huie then added, "I couldn't find any evidence that somebody else was there or any evidence that somebody else may have had knowledge of the crime. I can't find any believable evidence that anybody else was involved."

Down But Not Out

In 1969 Huie wrote his third and final article for *Look* on the subject. This article, which seemed to be the basis for his then retitled book, *He Slew the Dreamer*, appeared in *Look* on April 15, 1969, more than a year after the murder. Yet even here, Huie, while offering the conclusion that Ray fired the shot in Memphis, raised serious questions about a possible conspiracy. He wrote:

Ray's pleading guilty to murdering Dr. King does not answer all the questions that continue to trouble me and many Americans.

These questions are:

1. Who, if anyone, assisted Ray, financially or otherwise?
2. Did Ray make the decision to kill, or did someone else make it?

Huie asked, "Was there a conspiracy?" and then he answered: "Well, there are large conspiracies and little conspiracies." He said that originally he believed that "powerful men" probably had made the decision to kill King, but later decided that the conspiracy to kill King was "a little conspiracy" since "small conspiracies involve only little men." A successful conspiracy to murder Dr. King, the origins of which (thanks to the efforts of the local and federal police) remain hidden almost a decade later, might qualify as a rather substantial effort to those with a different, not to say more sensitive, perspective.

In 1976 George McMillan entered the ranks on behalf of the theory that there had been no conspiracy by publishing *The Making of an Assassin*. (continued on page 55)