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King Assassination

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By WOODY BAIRD
Associated Press Writer

MEMPHIS, Tenn. (AP) -- After 25 years, the confessed killer of Martin Luther King Jr. will get to call witnesses into court in an attempt to prove his innocence.

James Earl Ray won permission for the proceeding from a Tennessee judge Friday though he lost his bid for a full trial.

Criminal Court Judge Joseph Brown said witness testimony and other evidence presented by Ray's lawyers may help clear questions, including claims of a conspiracy, that have lingered since King was shot to death on a balcony of The Lorraine Motel in Memphis.

"This conspiracy, if it exists, might successfully escape exposure and accountability," Brown said.

Allowing Ray's lawyers to call witnesses into court, which they have not been allowed to do before, may be improve "the historical record" on King's assassination, Brown said.

The U.S. House Committee on Assassinations looked into King's murder and concluded in 1978 that Ray was the killer but may have been helped by others. The committee's records are sealed until the year 2029.

Ray, 66, has been trying unsuccessfully to take back his guilty plea and go to trial since shortly after he confessed in 1969 to King's April 4, 1968, murder.

The legal process approved by Brown cannot lead directly to Ray's release from prison, but it will let him compel witnesses to testify and have that testimony under oath.

His lawyers can take the record of that testimony to an appeals court in trying to overturn Ray's guilty plea.

Brown said he was bound by state law to uphold Ray's conviction since there was no evidence his confession was other than freely given.

Defense lawyer William Pepper said he planned to call up to 40 witnesses but doubted Ray would be one of them.

Ray contends he was duped into taking part in the murder. He has argued for years that he was set up by a shadowy figure he knew only as Raoul. He admitted buying the weapon authorities identify as the one used to kill King, but says he got it for Raoul.

Prosecutor John Pierotti said his investigators have found no

evidence to support Ray's claim of new evidence proving his innocence.

"It's garbage. It's all garbage," Pierotti said.

Pepper and Pierotti are to tell Brown on June 6 when they want the process of calling witnesses to begin.

Pierotti said he will cross-examine Ray's witnesses but does not expect to call any himself.

Pepper played the part of defense lawyer last year in a mock TV trial for Ray. He contends that while preparing for that show, he discovered new evidence pointing to a conspiracy in King's assassination.

Pierotti said Pepper's information has long been known to prosecutors, and Ray's claims of ineffective counsel and a coerced confession have been dealt with by state and federal courts.

Ray's latest petition rests heavily on allegations that a former Memphis businessman, Loyd Jowers, was involved in King's slaying.

Jowers appeared on ABC's "PrimeTime Live" last December claiming he was paid by a former associate, now deceased, to hire a hit man to kill King, and it was not Ray.

Pierotti rejected Jowers' request for immunity from prosecution in exchange for his testimony. Pepper said he plans to subpoena Jowers as one of his witnesses.

Ray is due for a parole hearing May 25 in Nashville, where he is imprisoned at the state's Riverbend Maximum Security Institution.

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Ray-Chronology

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Key dates in James Earl Ray's life:

March 10, 1928 -- Born in Alton, Ill.

1967 -- Escapes from the Missouri State Penitentiary where he was serving time for robbery and being a habitual criminal.

April 4, 1968 -- Martin Luther King Jr. is slain at The Lorraine Motel in Memphis. Race riots follow in more than 100 cities.

June 1968 -- Ray is captured in London, England, in connection with the King slaying.

March 1969 -- Ray pleads guilty in Memphis to the King assassination and is sentenced to 99 years in prison. He recants three days later.

1978 -- The U.S. House Select Committee on Assassinations concludes there was a conspiracy to kill King. The panel says Ray shot King, but a St. Louis-based conspiracy of racial bigots was behind the slaying.

1991 -- Ray releases a book, "Who Killed Martin Luther King? The True Story by the Alleged Assassin," in which he claims his guilty plea was coerced and his court appearance was a sham.

March 1993 -- A mock Ray trial is held on the HBO cable TV channel. He is acquitted.

December 1993 -- Former Memphis businessman Loyd Jowers claims he was paid by a former associate to hire a hit man to kill King, and it was not Ray. Prosecutors discount the claim.

April 1994 -- A Memphis judge allows Ray's attorney to call witnesses and present evidence in court to try to prove Ray's innocence.