

SKEPTIC 4/77

BY MARK LANE

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# KILLER AT LARGE

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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.

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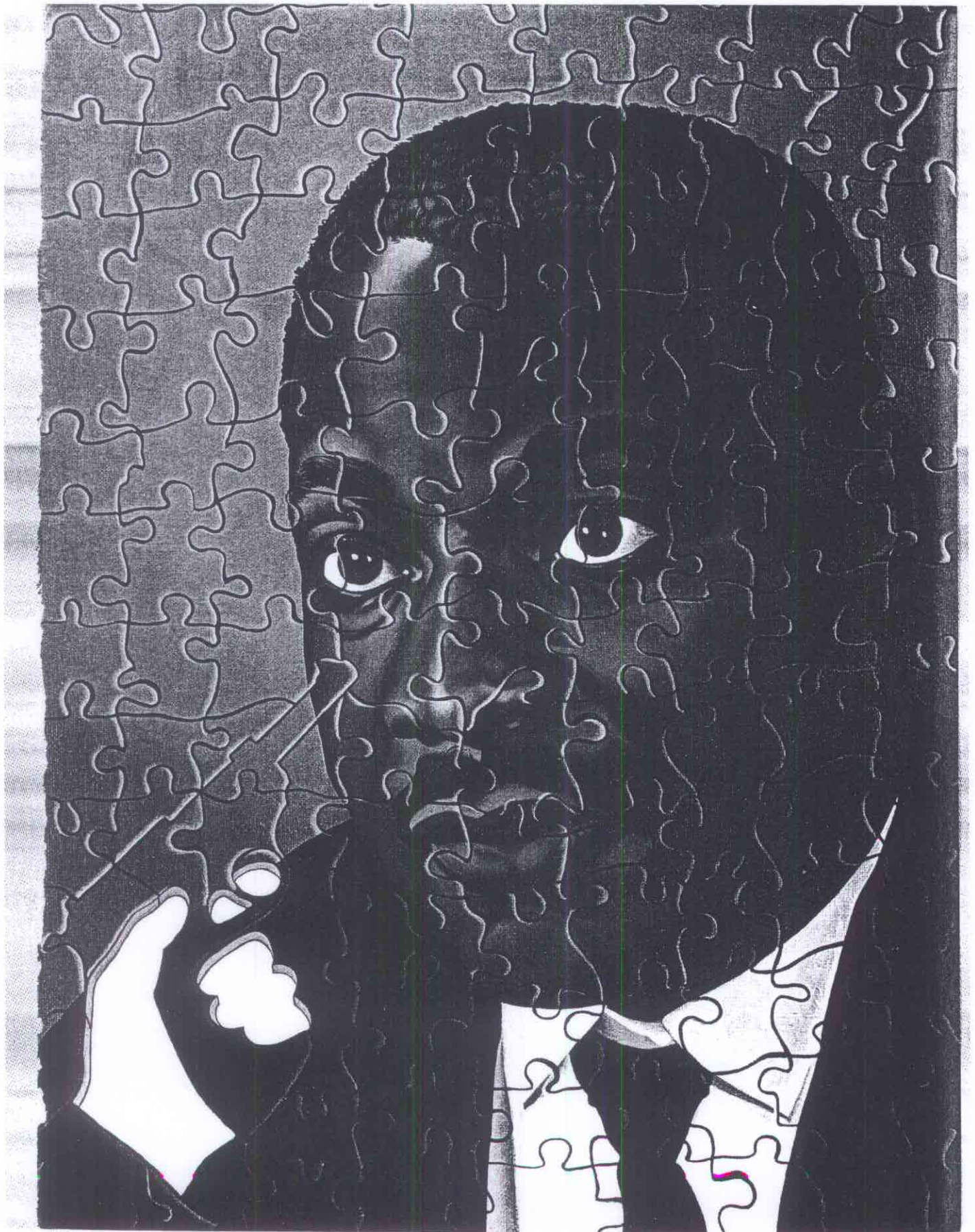
After the murder of John Kennedy, the Warren Commission decided not to investigate the crime but to evaluate, in its own fashion, the evidence purportedly linking Lee Harvey Oswald to the assassination. The technique was emulated several years later in Tennessee, when the state prosecutor evaluated evidence 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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*Mark Lane is the director of the Citizens Commission of Inquiry, which has advocated a new investigation of the assassinations of President Kennedy and Martin Luther King. He is an attorney and author of *Rush to Judgment*, a critique of the Warren Commission. His book on the murder of Martin Luther King, Jr., *Code Name Zorro*, will be published in April by Prentice Hall.*

ILLUSTRATION BY MELINDA BORDELON



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.

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**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.**

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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

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 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

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

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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)



By WILLIAM BRADFORD HUIE

# The One and Only

JAMES EARL RAY REALLY BELIEVED THAT KILLING MARTIN LUTHER KING WOULD MAKE HIM A NATIONAL HERO. THE DAMN FOOL DID IT, AND HE DID IT ALONE.

**T**o those of us who know that James Earl Ray, alone, killed Dr. Martin Luther King, Jr. in Memphis, Tennessee, on April 4, 1968, the current congressional "investigation" of this nine-year-old murder case is a shameful waste of public money and a contemptible concession to the conspiracy racket.

When I say "those of us who know," I speak of Ramsey Clark, who was attorney general of the United States when Ray killed King; and of Percy Foreman, who was one of Ray's attorneys; and of myself. I bought Ray's story and the right to portray him in films, and, with Ray's

assistance, worked on his story until March 10, 1969, when he pleaded guilty and was sentenced to 99 years in the Tennessee state penitentiary. Clark, Foreman and I are Southerners who supported King and the movement for racial change in the South. Our credentials for finding truth in racial murder cases are far superior to those of any of the congressmen or any of the 170 bureaucrats who are to be profitably "investigating" this case for two years. If Clark, Foreman and I can't be believed in the Ray case, then no one can.

An "investigating" congressman tells us on television, "We *must* remember that Ray quickly *rescinded*

William Bradford Huie is the author of a number of books, including *The Klansman*, *The Execution of Private Slovik*, *The Americanization of Emily*, and *He Slew the Dreamer: My Search for the Truth about James Earl Ray and the Murder of Martin Luther King*.

ILLUSTRATION BY JOHN YOUSSE

his guilty plea!"

You think that's significant, do you, Congressman? You think Ray's rescinding his plea justifies an expensive new investigation? Nonsense.

When he was preparing to kill Martin Luther King, Ray believed that the murder would make him a hero to most Americans; that famous lawyers would volunteer to defend him at their own expense; that a jury probably would not convict him; that if a jury did pronounce him guilty he'd soon be freed by President George Wallace; and that his "story" in a book and a film would be worth "millions."

After the murder Ray was jolted by a series of disappointments.

When he was arrested in London on June 8, 1968, he expected the famous lawyers to begin volunteering to defend him. But only one lawyer volunteered, and he wasn't famous. He was J.B. Stoner, of Savannah, Georgia, long associated with the Ku Klux Klan. And not even Stoner wanted to defend Ray for the honor and the publicity in it. Stoner wanted to defend him while raising a "national defense fund."

Ray then asked his court-appointed British lawyer to call F. Lee Bailey in Boston and convey to him the good news that Ray wanted Bailey to defend him. When Bailey told Ray, in effect, to go to hell, Ray was flabbergasted. In desperation he was reduced to calling a capable lawyer but not a famous one, Arthur Hanes, of Birmingham, who had defended the Klansmen who murdered Viola Liuzzo on the last day of the Selma march. Hanes went to London, agreed to defend Ray, but not until Ray had sold his story and film rights to me for an advance to Hanes of \$30,000. (The cash went to Hanes because Ray couldn't keep money or have money owed to him. Any money coming to him had to be "protected" by a lawyer's lien. Otherwise it could be seized in a civil action by King's widow. Ray didn't need to be told this. Like Caryl Chessman he had spent years studying law in prison libraries.) Only by dealing with me did Ray escape the ignominy of his having to be defended in Memphis by the public defender.

During the fall of 1968, Hanes, after pleading Ray not guilty at the arraignment, was preparing for trial. Look magazine, and other magazines

abroad, published two installments of my "pre-trial" Ray story. What I wrote pleased Ray for I presented his account of how he escaped from the Missouri state prison on April 23, 1967, and of how he lived, got money, altered his appearance with plastic surgery, and traveled as a fugitive until March 31, 1968.

I had agreed that *only after Ray had been tried and sentenced* would I publish my account of how and why King had been murdered. *Before* the trial I would publish only what Ray wanted published. *After* his trial and sentencing I would publish only the truth as I saw it. Ray, in return for my advancing money for his defense, had contracted to furnish me, directly and through his lawyers, the entire truth.

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Ray was pleased with his contract with me. What continued to distress him as his trial approached was that he didn't have a famous lawyer. He was angrier still when, after Sirhan Sirhan killed Robert Kennedy, famous lawyers volunteered to defend Sirhan. Wasn't Ray more important than Sirhan? Ray wrote to me that he deserved to be defended by "a battery of famous lawyers." At Ray's insistence his brothers kept trying to employ Foreman, and in November 1968, Ray eagerly dismissed Hanes and employed Foreman by transferring from one man to the other further prospective monies from his book and film deal with me. Ray assured Percy Foreman that his portion of the earnings from the book and film would be "a minimum of \$400,000." At Ray's insistence I advanced to Foreman \$10,000 against Ray's anticipated earnings.

#### **Red Cents and Wooden Nickels**

By the middle of February 1969, Ray's trial had been scheduled to begin on March 10. Foreman couldn't get it postponed again. I had completed my investigation, so it was time for me to jolt Ray with another disappointment. "Your story is

worthless," I told him. "Eight months ago, on Meet the Press, Attorney General Ramsey Clark said there was no evidence that anyone other than James Earl Ray was involved in the murder of Dr. King. Mr. Hanes, Mr. Foreman and I, with your help, have tried to find evidence that someone else was involved. All we have done is corroborate Mr. Clark's statement."

The most ironic experience of my writing career was my effort to make Ray and his brothers understand that my book about him could not be sold, and that therefore no film about Ray was ever likely to be made, because Ray alone had murdered King!

My publishers, in the United States and in Europe, wanted me to deliver a book titled *They Slew the Dreamer* (from the Biblical story of Joseph: "And they said one to another, Behold, this dreamer cometh. Come now therefore, and let us slay him ... and we shall see what will become of his dreams"). Now I had informed my publishers that my title could only be *He Slew the Dreamer*. We knew, furthermore, that though I could write the book effectively, and they could publish it handsomely, it wouldn't sell. Nor would anyone want the film rights. Ray was so naive as to think that the story of how he slew the dreamer was bound to be a big book and film. He couldn't understand that what book readers and film viewers want is *conspiracy*... how a cabal of rich, cruel racists conspired to murder a famous man they hated... or even better, how the FBI or the CIA conspired to end the dreams of Martin Luther King.

"A trial can be helpful only if you tell the truth," I said to Ray. "The state's case against you has already been published. None of it can be refuted. A plea of guilty by you will assure the commercial failure of our book. But it can sell only a few thousand copies anyway. I hope you'll stand up in court and tell the truth. You won't be widely believed. But you will have told the truth." In telling the court how he alone murdered Dr. King, Ray did tell the truth. Only once did he lie. At the end of his statement he blurted out, "... but there was a conspiracy!"

I felt sorry for him when he said that. He had learned from me that the only way he could keep anybody interested in him from that point on was to use that "selling" word, *con-*

*skeptic*

spiracy. To keep himself from being forgotten he would now have to deny that he had ever been a hero whose story was worth millions and who deserved to be defended by F. Lee Bailey, Percy Foreman and a battery of other famous lawyers. He would have to insist that in the killing of the "Big Nigger" he didn't fire the shot...he didn't know what was going on...he was only a dunce who had been set up as a patsy or a fall guy by clever professional killers who were paid \$250,000 by H.L. Hunt or J. Edgar Hoover.

Both Foreman and I knew that Ray's plea of guilty would be rescinded when Foreman ceased to be his attorney and Stoner became Ray's attorney of record. Neither Hanes nor Foreman would allow Stoner to associate with them in Ray's defense. But the trial judge had allowed Stoner unlimited access to Ray during all the months when Hanes and Foreman were Ray's attorneys of record.

Except by having Ray rescind his plea of guilty, how could Stoner use Ray to seek publicity for himself? Stoner began seeking publicity by charging Hanes, Foreman and me with conspiring to violate Ray's civil rights. This suit, dismissed with prejudice by the US District Court, nevertheless went to the US Supreme Court, all at no cost to Stoner because Ray was a pauper. But it cost me \$15,000 to have the Supreme Court rule that I had violated none of Ray's rights, and that I own his story and film rights.

So how's that again, Congressman? We're not to forget that Ray rescinded his plea of guilty?

I'm not likely to forget it, since Ray, the pauper, sues me every year for violating some claimed right of his. It costs me about a thousand dollars a year to get his suits dismissed. I expect to be paying that thousand dollars a year for the rest of my life. For how else can Ray compel attention to be paid to him? How else can he busy himself as a "jailhouse lawyer"? How else can he keep his case under investigation by publicity-seeking congressmen, bureaucrats, and conspiracy racketeers?

#### Revelations

The excuse for this "new investigation," we are told, is the revelation that J. Edgar Hoover despised King; that John and Robert Kennedy, having

made a political investment in King, ordered the FBI to "bug" him and see that his sexual and ideological conduct didn't embarrass them; and therefore the FBI may have murdered King or have been less than zealous in seeking to identify his "real" murderers.

Now congressmen and bureaucrats want to spend perhaps \$13 million to learn what "really" happened. Meanwhile, here are facts from which any thoughtful citizen can see for himself what "really" happened:

When King was killed, how could any rational American have concluded that the killer was a hireling? James Earl Ray left at the scene of the murder a recently purchased rifle, scope and binoculars, all bearing his

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fingerprints, and a transistor radio he had bought in the Missouri state prison at Jefferson City and into which his prison identification number was engraved.

Mr. Foreman asked Ray, "Boy, why in the hell did you leave that transistor radio that had your prison number cut in it?"

Ray replied triumphantly, "I wanted the boys at Jeff City to know I did it!"

While they are wasting those millions on their "new investigation," the congressmen and bureaucrats should have Ray's honest reply to Foreman enlarged, framed and displayed on Capitol Hill.

Consider the time of day, the place, the weapon and the year of King's murder. It was daylight; in a place where King was being guarded. The weapon was a rifle, which usually leaves ballistic evidence, not a shotgun, which leaves none; and the year was 14 years after King became a world-famous leader of the civil rights movement!

During those 14 years King would have been easy to kill. He went in and out of his home unguarded. In either Montgomery or Atlanta I could have

waited in darkness outside his house with a shotgun, and I could have killed him and had an excellent chance of never being identified. For a thousand dollars I could have hired an experienced killer to do it.

King was hated far more virulently in 1955, or 1961 or 1965, than he was in 1968 when he was past his prime and rapidly losing influence in the civil rights movement. If any wealthy man or men or J. Edgar Hoover himself had wanted King killed, wouldn't they have killed him sooner? By 1968 he was a loser. The garbage workers in Memphis had lost their struggle for union recognition and higher pay because King was trying to help them. The garbage workers won only after and because King was killed. It was James Earl Ray who enabled the garbage workers to win.

As for J. Edgar Hoover, the Kennedys, King and sex, King's sexual track record matched that of John F. Kennedy. They both exercised often with assorted maids, wives and widows. I once mentioned to King that such conduct by a candidate for sainthood might be used against him by his detractors. He indicated that it was a risk he was willing to accept.

I suppose it's possible that Hoover, who may have been a homosexual, resented King's wide-ranging heterosexuality. I know continent black people who wish they had never heard of the saint's incontinency. I would never have been the first to tell them. But I can't believe that even the most unfaltering bureaucratic investigator, or the most vicious conspiracy racketeer, is capable of believing that in 1968 J. Edgar Hoover conspired with James Earl Ray, or used Ray as a patsy, in the murder of King.

#### Too Many Cooks?

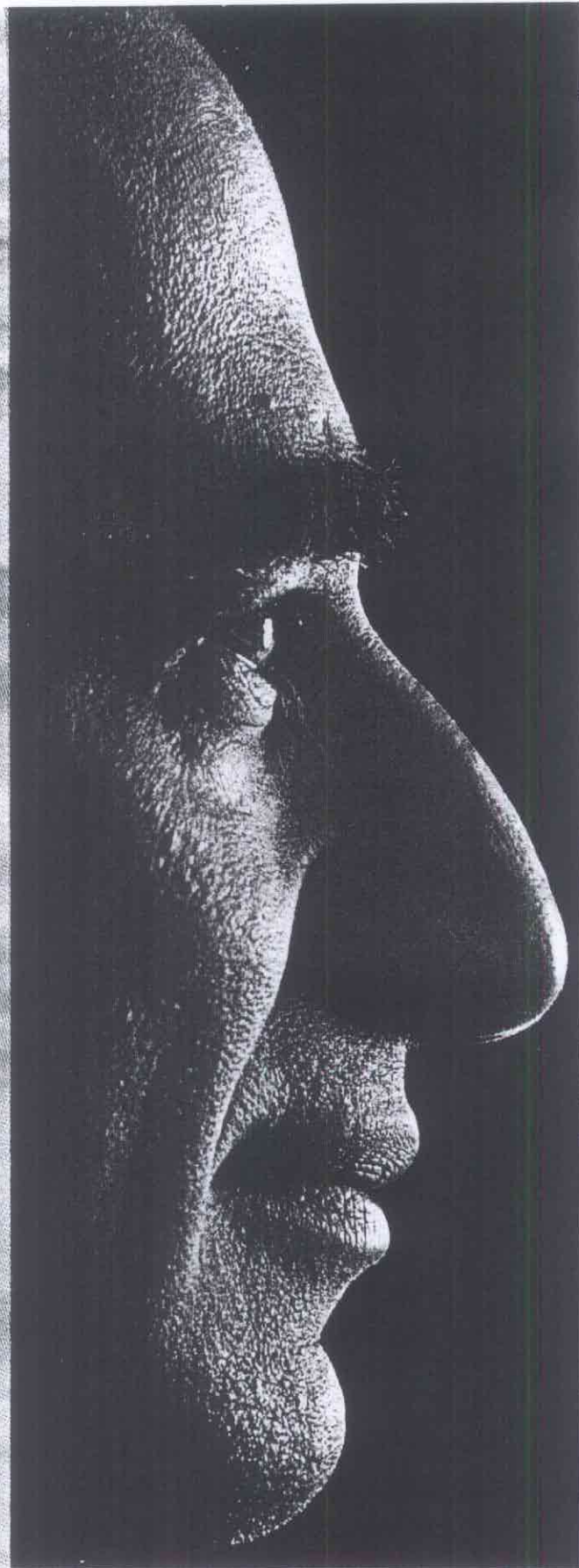
Certainly these well-heeled new investigators will have much to say about how wily, ruthless old Percy Foreman "overrode" an innocent Ray or "used" Ray and "forced" him to plead guilty. Whenever the investigators do this, they will only be mouthing Stoner's old charges, and they will be far from the truth.

After becoming Ray's attorney of record, Foreman's first action in Ray's behalf could have resulted in an enormous advantage for Ray in a trial in which he pleaded not guilty.

Whenever a famous defense lawyer

(continued on page 56)





BY DAVID SANFORD

# BELIN VS

CAN A NEW OFFICIAL INVESTIGATION TURN UP ANYTHING WE DIDN'T ALREADY KNOW ABOUT THE KILLERS OF PRESIDENT KENNEDY AND DR. KING? TWO EXPERIENCED INVESTIGATORS TALK SHOP.

**M**ore than 13 years have gone by since President Kennedy was killed in Dallas and nearly nine since Dr. Martin Luther King, Jr. was shot dead in Memphis. Yet after all this time a fresh investigation of the two murders was begun last September 17 by the US House of Representatives. On October 4, the House Select Committee on Assassinations appointed Richard A. Sprague as its chief counsel and director of the investigation. Sprague brought to the job a reputation as a tough prosecutor. He had worked for the elected district attorney in Philadelphia for 18 years. He'd prosecuted dozens of first-degree murder cases. As special prosecutor for Washington County, Pennsylvania he was responsible for successfully bringing first-degree murder charges against former United Mine Workers president W.A. "Tony" Boyle in the 1969 killing of the union insurgent Joseph A. Yablonski. Sprague was not only tough, he was successful—just the sort of man to resolve doubts about the Kennedy assassination. Or so it seemed.

The Warren Commission had sought to satisfy the public that Lee Harvey Oswald, acting alone, killed JFK. But the credibility of

that conclusion has been chipped at over the years by critics. Furthermore, substantial allegations have been made that the CIA and the FBI withheld relevant information from the Commission.

David Belin, who participates with Sprague in the *Skeptic* conversation, worked for the Warren Commission and believed it was the last word until he learned that the CIA had kept from the Warren Commission the fact that it had plotted to murder Fidel Castro in the early 1960's. Had the Warren Commission known about that, it might have taken Oswald's Cuban connections more seriously.

In the House two men, Thomas N. Downing (D-Virginia) and Henry B. Gonzalez (D-Texas), have



# SPRAGUE VS BELIN



taken a special interest in a congressional investigation. Downing, chairman of the Select Committee until his recent retirement from Congress, believed that "In the case of President Kennedy... there was a conspiracy involved." Gonzalez, the committee's likely new chairman, subscribes to the theory that the CIA was involved in the death of JFK.

Downing reportedly first considered offering the chief counsel job to Mark Lane, a persistent critic of the Warren Commission (whose *Skeptic* article appears on page 20), or to Bernard Fensterwald, who had been a lawyer for King's admitted killer James Earl Ray. Lane says he convinced Downing the committee needed Sprague.

The decision to delve into the King murder was somewhat arbitrary. Other assassinations in the 1960's are just as controversial. The congressional Black Caucus promoted the idea that the King case should be included, and so it was. Gallup says 69 percent of Americans think there was a conspiracy in the death of

King. The original FBI and Memphis police investigations of the murder had an unfinished quality about them. James Earl Ray pleaded guilty saying that there was a conspiracy; the evidence was never presented to a jury; no detailed confession was taken from Ray. The courts have turned away Ray's appeals for a new trial and a change of plea. Last December the Supreme Court refused to consider his claim that he had been framed by the FBI and the Memphis police.

*Skeptic* asked Richard Sprague and David Belin to discuss how such important investigations ought to be conducted. Belin too has had impressive experience with official inquiries. In 1964 he was an assistant counsel to the Warren Commission. Then and now he has consistently defended the finding that Lee Harvey Oswald, alone, killed President Kennedy and the Dallas policeman J.D. Tippit. In 1973 Belin published a book partisan to the Warren findings called *November 22, 1963: You Are the Jury*. President Ford ap-

pointed him to head the Rockefeller Commission's CIA investigation.

Belin devoutly believes Oswald was the only gunman. Sprague says he has an open mind about that. He took his job with the Select Committee without so much as an opinion about whether the investigation ought to be done. It's a job of work and he intended to do it, letting the evidence take him where it might. Sprague is tough. He believes in law and order and the death penalty, lie detectors and stress evaluators. The day he spoke into *Skeptic's* tape recorder he was

still planning to tape phone conversations and secretly record people's voices for subsequent Psychological Stress Evaluation. The theory is that subtle, inaudible voice changes show when a person is lying. But such a civil libertarian outcry was raised on Capitol Hill that Sprague agreed to tell people that he was taping them and that recordings might be subjected to PSE. In January Sprague's personal reputation and professional conduct began to be impugned in news stories he calls "smears" originating in *The New York Times*. As *Skeptic* goes to press the new 95th Congress had yet to come to terms with Sprague or with his budget request of \$6.5 million per year for a tentative two-year investigation. Sprague, for his part, seemed prepared to endure personal abuse and budget cuts and stick with the job. An aide of his said late in January, "There's no talk of resigning. Of course, if they toss him out there's not much we can do about it."

**SKEPTIC:** Mr. Sprague, do you really feel it's desir-



David Belin

# SPRAGUE VS BELIN VS

able to reopen the investigation of a crime that occurred 13 years ago?

**SPRAGUE:** Until I was appointed to do this investigation, I really did not give it any particular thought. I was aware that some people, with and without assassination theories of their own, felt that certain areas of inquiry had not been thoroughly looked into before and felt that the initial investigation may not have been as independent as it should have been, not for any fault of the original Warren Commission, but because of the investigative team that they had working for them. Many people believe it would be good to have a thorough, independent probe, not just to get at the evidence and to reach conclusions, but also to disprove false allegations. From that standpoint I think it would be in the public interest.

**SKEPTIC:** Mr. Belin, I don't know how you feel about the Martin Luther King assassination, but you are on record as having opposed the reopening of the Warren Commission inves-



tigation. Do you still feel that way? Are you comfortable with the idea of a congressional committee's going into this?

**BELIN:** I'm actually on record as favoring the reopening of the Warren Commission investigation. On November 22, 1975, I called for Congress to reopen the investigation. In my capacity as executive director of the Rockefeller Commission I learned for the first time that the CIA had been involved in assassination plots directed against foreign leaders. That information had been withheld from the Warren Commis-

sion. I also learned that a threatening note Oswald sent to the FBI had been destroyed. I felt these disclosures justified reopening the investigation even though a thorough, independent investigation by Congress would reach the same conclusion the Warren Commission did, that Lee Harvey Oswald was the sole gunman who killed President Kennedy and Officer Tippit and that Jack Ruby was not conspiratorially involved. Now I didn't suggest that there would not be anything new that would be shown by that investigation. I also said that I thought it would be very helpful for the American people to see how easily they had been misled through the use of mass media into believing that Lee Harvey Oswald was not the sole gunman. I am pleased that Congress has reopened it.

**SKEPTIC:** Mr. Sprague, I read in the paper that you have had investigators in Mexico looking into the stories that Oswald had discussed killing Kennedy with the Cuban embassy in

Mexico City. That implies to me that you must already have reached the conclusion that Oswald shot Kennedy. Is that a reasonable inference?

**SPRAGUE:** No, I don't think so. It is no secret that we have had some people in Mexico. But I do not propose to discuss what we are doing from an investigative standpoint as we proceed.

**SKEPTIC:** Tell me how you are going about the investigation in ways different from the Warren Commission.

**SPRAGUE:** Well, I can't say, because I haven't studied the Warren Commission. I can only relate the way in which we are going to proceed. We intend to obtain an independent investigative staff without membership from any agency that itself will be investigated. The FBI, the CIA and the Secret Service, agencies of the executive branch of government, will not be our investigative components. We intend to use polygraph personnel and stress evaluator personnel in the work out in the field. I do not think that you



Richard Sprague

# SPRAGUE

investigate a case just by bringing people before a committee and having them testify under oath as though that is the sum total of all the evidence. The field work involves looking for corroboration. Everybody who was at an event of particular significance must be found, if they are still alive, and interviewed. I think we have an obligation to speak to critics of the Warren Commission, the whole gamut of them, and then to have the patience to look into what they say. And then we ought to present facts and dispel rumors.

**SKEPTIC:** Are you impeded or is your credibility in any way harmed by the public statements that Congressman Downing and Congressman Gonzalez have made, that they believe a conspiracy exists?

**SPRAGUE:** I don't think so. Obviously, if neither of those gentlemen had feelings about the matter they would never have called for the investigation. What matters, really, is the evidence. The chairman's



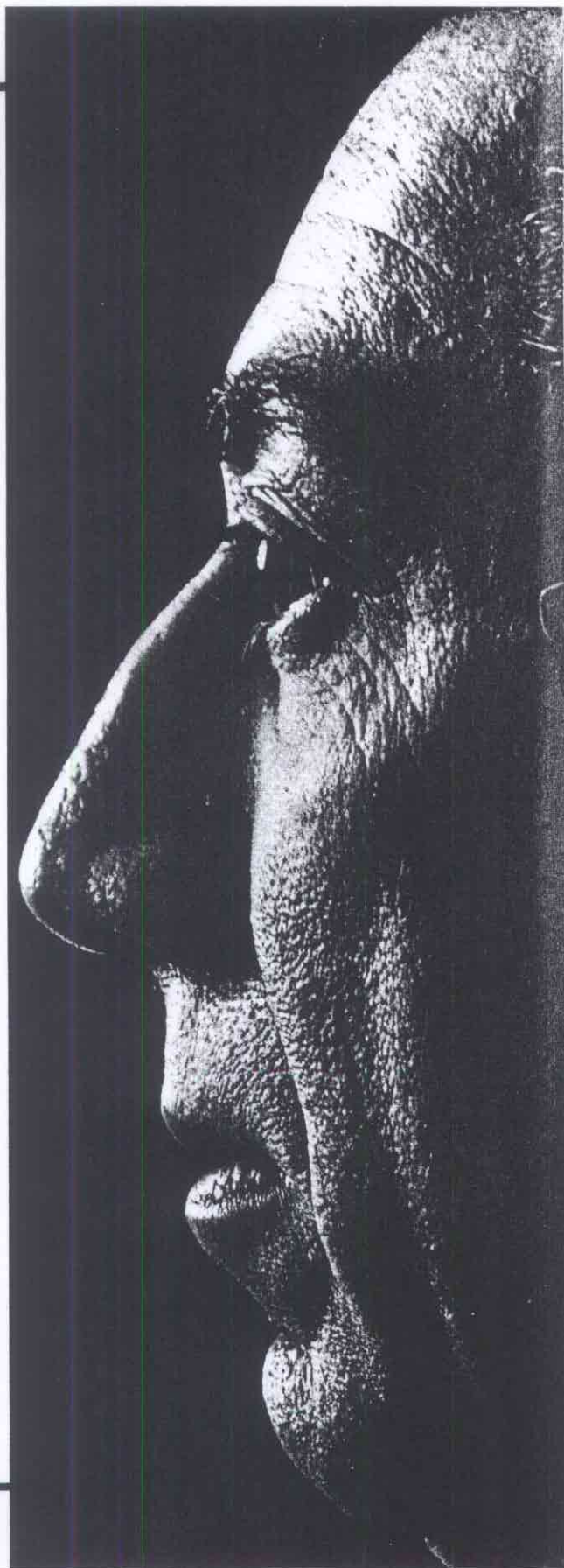
opinion totally lacks relevance.

I am talking to Mr. Belin; he's got an opinion. Does that in some way pollute me? Can't I run an independent probe because I once worked for Arlen Specter? It has been suggested that because Arlen Specter had certain theories while he was with the Warren Commission, that in some way I must be brainwashed. Well even if I am, which is not so, the end result of what we do is going to have to speak for itself in terms of the evidence presented, in terms of what is proven.

**SKEPTIC:** Mr. Belin, you expressed to me a certain amount of disquiet about the statements made by the two congressmen. Also, you have had 13 years in which to watch public controversies swirling about the Warren Commission conclusions. Are you optimistic that this current investigation is going to resolve any of these questions and silence the kooks?

**BELIN:** Well, I don't want to accuse everyone who is a critic of the conclusions of the Warren Commission of being a kook. I think that, as an outgrowth of Vietnam, as an outgrowth of Watergate, a lot of people wonder about the findings of any governmental commission. I think it is healthy that we have a degree of skepticism. As a matter of fact, when I first came to Washington to serve as a counsel with the Warren Commission, I thought that there probably must have been a conspiracy because of the fact that Lee Harvey Oswald had been killed by Jack Ruby.

PHOTOGRAPHY BY TOM KELLER



In fairness to the congressmen, I think they have been presented with one side of the story by people who have a position to espouse. I think in espousing that position they have deliberately and consciously at times misrepresented the record. It will be a very healthy thing in the long run for the American people to see how this was done. At first I frankly was concerned about what the current chairman and his successor said. Subsequently, as I thought about it, I changed my mind, for the following reason. Knowing as I do that there was only one gunman who killed President Kennedy — there were no shots from the front—and having a certain degree of confidence that Congress would do a thorough and objective job, I knew that Congress would have to reach the same conclusion. Therefore, if one of the goals of this investigation is to have its findings accepted by the American public, I think that the American public might be even more disposed to accept the findings of this committee when they realize that the initial chairman and his successor had public views that disagreed with their ultimate findings about what actually happened in Dallas.

**SPRAGUE:** I would not subscribe to the notion that Congress has done a poor job if they should come to a conclusion that would be different from Mr. Belin's. But I do believe that if this probe is to be done, it must be done in a dedicated, professional manner, in a totally nonpolitical manner. When it presents findings it must be done so as to merit confidence. And that gets to something that I do not have any control over. The worst of all steps would be if the Congress does not give at least the bare-bones staffing I have said is necessary.

**SKEPTIC:** The 170 people?

**SPRAGUE:** Yes, and the needed appropriations. If not they would be doing a disservice. You cannot do this in a token manner. You do it thoroughly or it would be better not to do it. What is called for here is total striving for the truth as best we can determine it. Now is the Congress going to understand it has to be conducted in that manner? Are they going to foot the bill? It was very easy for the Warren Commission, if it wanted to investigate something in Dallas or in San Francisco, to have an agency such as the FBI contact its

local field office, and dispatch some people to conduct some interviews. Our operation needs an independent staff; the witnesses are not here in Washington. Staff people from Washington have to be sent out. The amount of travel, the investigative effort, is tremendous.

**SKEPTIC:** You prosecuted 70 first-degree murder cases in Philadelphia and got convictions in 69 of them. There's a kind of Joe Friday-Jack Webb quality about you, at least in the publicity about you. The hopes of the critics of the Warren Commission are riding on your reputation as the man who got Tony Boyle, the man who has done the impossible. You have had an almost perfect record of getting what you were after.

**SPRAGUE:** Can I interrupt? You talk about getting what I'm after. Even in the Yablonski case, it would be incorrect to say that that investigation was to get Boyle. The investigation was to find out who committed the murder, was anybody else involved, and if so, who. The road led to Boyle.

**SKEPTIC:** Still, I can't help wondering whether you won't be terribly disappointed and feel that you have failed if you end up agreeing with the findings of the Warren Commission.

**SPRAGUE:** The answer is no. The challenge for me in taking this position had nothing to do with the conclusion that is ultimately reached.

**BELIN:** Let me just add one thing here in response to what Mr. Sprague said. I think it is important that the committee does what they say they are going to do, and that is not rely on the FBI or the CIA but try to get an independent staff together. They also shouldn't be relying on people I call assassination sensationalists who have deliberately misrepresented the record.

**SKEPTIC:** When Kennedy was killed, people were worried about conspiracies; there was a possibility of panic. Questions had to be answered. When King was killed, there were riots in the streets. There was a reason to have an investigation. Now, what is at stake? The credibility of public institutions? You're not trusting the FBI and the CIA as the Warren Commission did 13 years ago.

**SPRAGUE:** Don't say that I'm not trusting, because even that is an assumption I don't think ought to be made. I think there is a need to avoid the possibility of criticism, questions

about whether those agencies—the CIA, the FBI—deliberately withheld certain information. If we are doing an impartial job, it cannot be associated with agencies that themselves are going to be looked into.

**BELIN:** One thing I think that should be made, to use a phrase, perfectly clear, is that at least in my work with the Warren Commission, neither my colleague, attorney Joseph Ball of California, nor I relied primarily on the FBI or the Dallas police force or the CIA. We basically relied on the witnesses to the events. That meant going down to Dallas, interviewing people at the scene.

**SKEPTIC:** I hear that Mark Lane is a "consultant" to this committee. Is that true?

**SPRAGUE:** No, it's not true.

**SKEPTIC:** He has no formal standing with the committee?

**SPRAGUE:** That's correct.

**SKEPTIC:** What about Bernard Fensterwald? Is he a consultant to the committee?

**SPRAGUE:** No.

**SKEPTIC:** But these are people you are willing to talk to as you would anybody else?

**SPRAGUE:** Not willing to talk to. I think there is an obligation to speak to them. I don't want anyone ultimately saying that they did not have a full opportunity to convey whatever information, analysis, comments that they have. I think we have an obligation to see if there is any basis to charges that are made, and to evaluate evidence. But if I get a call from somebody in Tibet who says he has had a vision, I do not think we are going to make the effort to run that down.

**SKEPTIC:** In other words, you are saying, give me 170 men and \$6.5 million and I'll find out what really happened in Dallas and in Memphis?

**BELIN:** He is saying give him 170 people, not men. I have to say this just from my experience as executive director of the Rockefeller Commission last year. You get all kinds of people coming forward, some of whom do more than just make an allegation. I remember one 70- or 80-page, typewritten document which was put out by a Ph.D. A major section of it was devoted to proving that Castro was a CIA agent in Cuba. Whatever documents you receive, you have to take the time to review (continued on page 57)

## THE ASSASSINATION OF MARTIN LUTHER KING

(continued from page 18)

One of King's last acts was to plan a march on Washington to dramatize conditions among poor persons of all colors and to fight for a jobs program. He began to promote a \$50 billion program that over ten years he believed could eliminate poverty. He put on blue jeans and a "black power" button and began organizing to bring 3,000 poor people to Washington.

As he was making his plans, garbage workers (mostly black) in Memphis, Tennessee were demanding better working conditions and the right to unionize. The mayor of Memphis gave them no ground. Tension was high when King flew into Memphis to lead a march. Some blacks were ready for the fight they knew was brewing. The local ministers were not organized to stop young rowdies from rioting. Demonstration leaders believed that police were hoping for violence in order to smear the campaign. Rocks and bottles flew. Police ordered demonstrators to disperse. (Which happened first is subject to dispute.) Billy clubs rained on people's heads. The riot lasted three hours; one youth was killed, 60 persons were injured and 280 arrested.

Some controversy followed the march-riot. Who was responsible? Should King pull out? He decided to stay; the garbage workers had to win. As King said, "Nonviolence is on trial in Memphis." Because there were death threats against him, the police watched King despite his refusal to allow armed security. He had told *Playboy* (in a January 1965 interview), "After a while, if your life is more or less constantly in peril, you come to the point where you accept the possibility (of being killed) philosophically. I must face the fact, as all others in positions of leadership must do, that America today is an extremely sick nation, and that something could well happen to me at any time. I feel, though, that my cause is so right, so moral, that if I should lose my life, in some way it would aid the cause."

### The Hunt Begins

King had been dressing for dinner. In a few days he was to lead another demonstration in Memphis. King leaned over the balcony of the Lorraine Motel, the black-owned building to which he had moved after critics complained he was living high off the hog in

the Holiday Inn. As he talked with aides awaiting him below, he was shot. Most witnesses and students of the assassination agree the bullet came from the upstairs bathroom in a rooming house across the street. Yet some witnesses claim they heard shots (or movement) from the bushes below the bathroom. No one saw the trigger pulled.

Witnesses said that a man dashed out of the bathroom and down the stairs, dropped his rifle in a box wrapped in a bedspread and drove away alone or, as other witnesses said, with another man. The "other man" theory has a mysterious French-Canadian named "Raoul" jumping into the car after he dropped the rifle package. This version has "Raoul" placing a white sheet over his head and then leaving the getaway car after a drive of eight blocks. A man, later identified as James Earl Ray, then drove on to Atlanta alone. After abandoning his car there, he made his way across the US to Canada where he eventually got a passport and flew to London. He lived there until he was arrested at the Heathrow Airport two months after the assassination. He had also been to Lisbon, allegedly seeking entry to Rhodesia to fight as a mercenary against black liberationists. There he might also avoid extradition.

Fingerprints left on the rifle led detectives to learn of Ray's identity and many aliases: Eric Starvo Galt, John Willard, Harvey Lowmeyer, John Ryan, Ramon George Sneyd and others. Investigators traced his movements from the time he escaped from the Missouri State Penitentiary, where he had been serving a 30-year sentence for robbery.

Soon after he was captured, he was extradited to Memphis where attorneys Arthur Hanes Sr. and Jr. took his case. Ray knew of Hanes Sr. for his defense of numerous Klansmen. Hanes, a former FBI agent, began to prepare a defense based on the claim that Ray was not guilty of murder. He tried to find the man who Ray said directed his movements for seven months. But he had little to go on, since Ray either knew little about "Raoul" or refused to reveal what he knew, or was lying. Hanes also tried to attack the credibility of witnesses. But Ray fired him just two days before the scheduled trial. He had been influenced by J. B. Stoner, an attorney associated with the National States Rights party, who was also a member of the Ku Klux Klan. Stoner believed Ray was the victim of a "communist conspiracy."

Ray's brother, Jerry, helped persuade Ray to hire the well-known attorney, Percy Foreman. Foreman had defended some 1,500 murder cases, losing only 62 of them. Soon after taking Ray's case, he recommended to Ray that he plead guilty. Foreman was convinced that Ray, acting alone, had murdered King and that, if he went to trial, a jury would convict him and he would be executed.

### Lone Wolf or Cat's Paw?

On March 10, 1969, Ray pleaded guilty before Judge Preston Battle. He was sentenced to 99 years in the penitentiary. The next day, Ray wrote Battle that his attorney had been motivated only by money to take his case. Ray said Foreman forced him to plead guilty and that a conspiracy did exist in the King killing. Skeptics continue to conjecture about conspiracy. J. Edgar Hoover hated King, and had called him "the most notorious liar in the country." Just a month before King's assassination, Hoover, in a memo, instructed FBI agents to prevent the rise of a black "messiah." In addition to the FBI, King had many other enemies. Memphis businessmen and city officials were angry about his activities in support of the garbage workers; racists and segregationists obviously opposed his integration efforts; he had black militant competitors; personal enemies; powerful people in and out of government were distressed about the impending march on Washington.

An early book on the King murder written by Joechem Joesten, an American living in West Germany, *The James Earl Ray Hoax*, asserted that Ray was a dupe and a decoy whose rifle had been planted near the scene of the crime. Others, including investigator Harold Weisberg, who wrote *Frame-up*, speculated that conspirators helped Ray get out of prison so they could use him for the murder. Conspiracy theorists also wondered about:

- Ray's heavy spending prior to and after the murder. Where did his money come from?

- How he was able to develop the aliases and obtain the identification papers he used to travel so widely.

- Ray's persistent claim that he knew nothing of the murder plans, that "Raoul" had done the job without his knowledge.

- The fact that no Ray fingerprints were found in the room he supposedly rented from a landlady who cannot positively identify him as her tenant.

- The lack of ballistics tests taken of the supposed murder weapon.
- The absence of eyewitnesses to the shooting.
- Medical evidence allegedly pointing to the possibility of two separate wounds in King's face and neck.
- Why any fleeing assassin would deliberately leave his weapon behind in plain view.
- The absence of Ray's fingerprints in or on the Mustang getaway car.
- Why Judge Battle (who died soon after Ray pleaded guilty) didn't follow up on Ray's comment that there was a conspiracy. Battle told AP reporter Bernard Gavzer that he believed the full truth still was not known about James Earl Ray and the assassination.

#### No Doubt

While the doubters are numerous, others held to the official version: Ray acted alone. Such was the conclusion of at least four authors: Clay Blair (*The Strange Case of James Earl Ray*), William Bradford Huie (*He Slew the Dreamer*), Gerold Frank (*An American Death*), and George McMillan (*The Making of an Assassin: The Life of James Earl Ray*).

Those who contend Ray did it alone make the points that:

- Ray was capable of getting a Canadian passport since all one has to do is swear he is a citizen.
- He could have supported his travels with the fruits of his crimes.
- Ray was obviously proud, and often said that he was "involved" in the King murder; he enjoyed being on the FBI's "ten most wanted" list.
- Ray was a racist.
- Ray knew it would be easy to kill King because King was not guarded.
- Ray was motivated to kill King.
- If others were involved they would have silenced Ray long ago, killed him in prison.

Questions clearly remain to be answered, controversies resolved. Many persons and organizations called for an independent investigation of the slaying. Charles Morgan Jr. of the American Civil Liberties Union challenged the FBI's objectivity in investigating the murder since J. Edgar Hoover hated King. King's widow Coretta, Ralph Abernathy and the NAACP were joined in their doubts by Mississippi's Senator James Eastland who said he was skeptical that it had been the work of one man.

One of Ray's lawyers, a Memphis public defender, said he believed Ray

had help preceding King's murder. (Attorney Foreman, of course, believed that Ray acted alone.) Scores of groups called for reopening the investigation, and Ray hired attorneys to file appeals for a new trial. His appeals all have been denied. In 1975 pressure to reopen the investigation heated up, prompted by Senate Select Committee on Intelligence revelations that the FBI had harassed and attempted to discredit Martin Luther King. It seems that between 1963 and 1968, the FBI recorded some 5,000 King conversations by using 16 separate wiretaps. The FBI sent anonymous notes and tapes to King and to his wife suggesting marital infidelity. A letter to King himself suggested he commit suicide; or so King thought when he read it.

Former Attorney General Edward Levi assigned Justice Department officials to review the FBI investigation of King's death. The Senate Intelligence Committee called for a special prosecutor to investigate possible crimes committed by the FBI and CIA. Although the Justice Department reported that it found no evidence that the FBI had acted in any "tangible conspiracy" or in complicity in King's murder, Assistant Attorney General J. Stanley Pottinger recommended a new inquiry.

The Black Caucus in Congress started a political drive for a new investigation. And Ramsey Clark, who as attorney general had said there was only one man involved, called for reopening the case. Encouraged by Coretta King, Congress-

woman Yvonne Burke, chairperson of the Black Caucus, helped push through a compromise bill in the House of Representatives in September 1976 that appropriated \$100,000 to hire a small, independent (of the executive branch) staff to conduct an investigation into the deaths of President Kennedy and Martin Luther King. Burke thought that the 12-person House Select Committee on Assassinations would eventually be able to reveal that others besides James Earl Ray were involved in the King killing.

Proponents of the view that the culprit has been caught claim that the current investigation is politically motivated and will not uncover anything of substance. Richard A. Sprague, the man the House hired to direct its investigation, planned an investigation independent of the FBI and CIA that could take the next two years to complete. ■

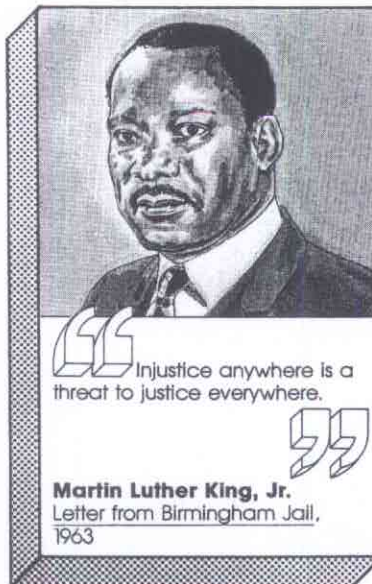
## KILLER AT LARGE

(continued from page 23)

This 318-page book devotes seven pages to the events of April 4, 1968 in Memphis. That brief section contains numerous errors, perhaps the worst of which is the assertion that "without telling King, Memphis police had put a security guard around the Lorraine. Cops had been stationed at a firehouse only a few steps away from the rooming house door." In fact the police had been stationed there at the specific request of King's associates, Rev. Billy Kyles among them. What King and his associates did not know is that the police, without telling them, had removed the guard just before King was shot. There are other errors too, but facts have little to do with the McMillan argument that Ray is a very bad man who had committed crimes, who harbored a burning hatred of King and a compulsion to do him harm. From this profile, McMillan leaps to the conclusion that Ray killed King, and that he acted alone. While McMillan's profile may fit Ray, albeit inexact, it would clothe J. Edgar Hoover better still. Ray may have hated King, but he didn't ever send a letter to King encouraging him to kill himself. Hoover did.

#### Questions in a Holding Pattern

Another reason sometimes proffered by those who speak out against



a real inquiry is: *We probably will never know the truth because too many years have passed.* The argument is generally employed by persons who opposed a serious investigation from the outset, and having succeeded in that holding action for some years, they have now moved on to a new stage of their ever-evolving opposition. Here at least we feel that Huie is with us. For in his final words in *Look* he asked: "Is there a chance that other questions may yet be answered?" and then replied, "Yes, I think so. Remember that there are still many fundamental unanswered questions." The recent burning of the Memphis police domestic intelligence files generated new questions; what motive might one ascribe to that oddly timed conflagration? I believe we can find the truth if we look for it. By examining the local and federal police conspiracy to cover up the facts, we may find the puzzle pieces that lead directly to the conspirators who killed King.

*Investigating this case will not bring King back anyway.* That's obvious. Solving the crime will not breathe life into the victim. But that's not generally a barrier to the investigation of homicide cases. A variation on this theme is "let the dead rest in peace." Do souls rest only if murderers roam free?

*Who really cares anyway?* The most recent polls conducted by news organizations (*Philadelphia Daily News*, *CBS*, *Detroit News*) show that between two-thirds and 96 percent of the American people care about this nine-year-old crime and that it is still part of our national consciousness.

*The probe will cost too much.* A thorough investigation will cost millions of dollars. An independent staff must be hired to eliminate reliance on the existing, discredited police organizations. One can discuss this question in terms of the cost of other investigations. The FBI spent \$2.6 million in a three-month search for Patricia Hearst, and I cannot recall hearing a peep of protest about that. When the news media put the heat on the FBI to locate, not the murderer of the three civil rights workers in Mississippi, but the bodies of the victims, the government organized a massive search with hundreds of searchers at a cost, I am told by an FBI source, of \$250,000 per day. The search went on for months. Ultimately the cost of an

investigation becomes irrelevant. The question is, how much do we value justice and what price will we pay for the truth?

*Some people are still not satisfied that Abraham Lincoln was assassinated by one man; such people can't ever be satisfied.* The evidence suggests that there was a conspiracy to kill President Lincoln and, therefore, there is good reason not to be satisfied with the history-book explanation of the event. The argument reduces itself to the assertion that because the truth is unclear in one matter it probably can never be ascertained in another matter.

Last September, the House of Representatives voted overwhelmingly to investigate the murders of President Kennedy and Dr. King. The Congress said, that day, that the government was at last back in the business of finding and prosecuting assassins.

As we hear the arguments marshaled against this desperately needed search for essential truths about our society, we remember who we are and the problems that still confront us. A poet wrote:

Truth forever on the scaffold,  
Wrong forever on the throne.

But Martin Luther King, Jr., always sang back:

But truth, though crushed  
to earth will rise again. ❧

## THE ONE AND ONLY

(continued from page 27)

enters a case in a state where he is not a member of the bar, his first action should be to try to associate with a respected member of the local bar. Then, in the conduct of the trial, the famous "outside" lawyer should try to share the publicity and the courtroom activity with his associate. Otherwise the famous lawyer may arouse hostility in the jury and damage his client's chances.

Foreman went to Nashville and persuaded Tennessee's most famous criminal lawyer, the late John Hooker, to associate with him in defending Ray. Hooker had successfully prosecuted Jimmy Hoffa for jury-tampering at Chattanooga. John Hooker's associating with Percy Foreman in defense of James Earl Ray would have given Ray an incalculable advantage; and it was to give him this advantage, and to bring Hooker into the case, that I advanced the \$10,000 to Foreman.

Foreman went back to Memphis and informed Ray of his great good fortune. And Foreman and I were startled beyond belief when Ray flew into a rage and shouted, "John Hooker'll never defend me!"

Now remember, this was a lifelong criminal who yearned to be defended by "a battery of famous lawyers," and he was rejecting the most famous lawyer in Tennessee. Why? In the election of November 1968, Hooker's son, John Jay Hooker, the Democratic nominee for governor of Tennessee, was defeated. And here is James Earl Ray's shouted reason for refusing to be defended by the father of John Jay Hooker:

"John Hooker'll never defend me! His son running for governor got the vote of ever' damn nigger in Tennessee!"

Those words, too, should be enlarged and displayed in the Washington offices of the congressmen and bureaucrats who are wasting those millions on a new investigation.

The following day Ray further instructed Foreman in the conduct of his defense. "You don't need no associates. In the recent election 40 percent of the voters in Shelby County (Memphis) voted for Nixon. Thirty-five percent voted for Wallace. Nobody but niggers voted for Humphrey. Now don't tell me that a white man or woman who voted for Nixon or Wallace is ever gonna vote to convict James Earl Ray!" (About that same time Ray's two brothers told me, "That Jimmy! All his life...ever' time he thinks about a nigger he goes wild...wild...wild! Thinking about niggers drives him crazy!")

Foreman then reached some well justified conclusions. Ray was an unstable racist who could not be controlled in a trial in which he pleaded not guilty. He was a "jailhouse lawyer" who wanted to conduct his own defense, as he had done in the most disastrous (for him) of his previous trials. In a trial pleading not guilty to the murder of King, Ray would be his own number-one lawyer; Stoner in absentia would be Ray's number-two lawyer, and Foreman would proceed at their direction. What honest lawyer with a choice, pleading Ray not guilty of the murder of King, and acting in Ray's best interest, would call Ray as a witness in his own defense? And without Ray as a witness, how could he be pleaded not guilty?



It was at this point that Foreman informed Ray that he would go to trial with him only on a plea of guilty, with a written script. But this doesn't mean that Foreman "overrode" Ray. Foreman had been overridden by Ray. Foreman had the same right to withdraw from the case as Ray had to discharge him. And another lawyer was standing by who, if Ray insisted on pleading not guilty and testifying in his own defense, had no choice but to defend Ray under Ray's direction.

When Ray discharged Hanes and engaged Foreman only a week before the first date set for his trial, the trial judge was compelled to postpone the proceedings in order to give Foreman time to prepare a defense. What was to prevent Ray from repeating this lawyer-changing act and thereby delaying the trial again?

In granting the postponement for Foreman, the trial judge ordered the public defender to associate with Foreman, to prepare a defense, and to be ready to go to trial if Ray should discharge Foreman. This was done. So when Foreman advised Ray to plead guilty and avoid a probable death sentence, Ray was not without a choice. He could still have gone to trial, pleaded not guilty, taken the stand in his own defense and said whatever he chose to say, on his own and under the guidance of the public defender. (It has been done before; Chessman, among others, did it.)

### Used and Abused

My last contact with Ray was about two years ago. I appeared on a TV program in Nashville to argue with one of several lawyers who followed Stoner in trying to publicize themselves with concoctions about how Ray was "the patsy" in Martin Luther King's murder. The warden at the Tennessee state penitentiary allowed Ray to watch the argument between the lawyer and me, and to join the argument by telephone. Viewers could hear but not see him.

The lawyer described how "they" decided to murder Dr. King; how "they" hired professional killers for \$250,000; and how these clever professionals used a stupid Ray, who didn't know what was happening, as the patsy.

Ray mumbled that this was true. "You're slandering Ray," I said to the lawyer. "He's an enemy of human society but he isn't stupid. Never in

his criminal career has he been on the scene during the commission of a crime when he didn't know what was happening. So here and now I'm offering him my financial help, and my file in this case, in a suit against you for slander."

The lawyer expected Ray to denounce me. But Ray felt so grateful to me for defending him against his new defense lawyer that he said nothing.

Reflecting on Ray almost nine years after he murdered King, I'll have to say that even though, to date, I've lost altogether about \$40,000 in this case, I have more respect for him than I have for the conspiracy racketeers who have tried to use him to their own advantage.

Forced to choose between a murderer and a panderer, I'll support the murderer every time. ■

### BELIN VS SPRAGUE

(continued from page 32)

them. You can't just summarily throw anything out.

**SPRAGUE:** In many instances people come from out of the woodwork with information that is of some value. I have seen some murder cases where one of the stock defenses by defense lawyers is to attack the credibility of witnesses because they are out of the woodwork, they are cutthroats, they are pimps, you name it. It's not likely that you are going to

have the Bishop of Boston come forward, knowing what went on. You have to take the time to look into these things. It may be exasperating and time-consuming, but that is the essence of an investigation. Now I must get back to something you said earlier, just so that the record here doesn't indicate that silence is assent. You said that I said, give us 170 men and \$6.5 million and we'll do the job. I haven't said that we will do the job, all I have said is that we will do our best. That is the most I can say.

**BELIN:** One question I would want to ask. You mentioned the polygraph, and I assume that you've had substantial experience with the polygraph. It's my understanding that a polygraph can be used successfully in the hands of an experienced operator. The degree of accuracy in large part depends upon the competency of the operator. Isn't that true?

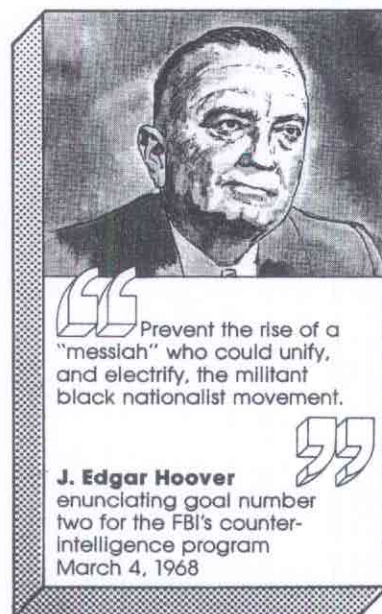
**SPRAGUE:** Yes. I think that the polygraph as an instrument is not of any real significance.

**BELIN:** It's not foolproof certainly.

**SPRAGUE:** The real importance is the ability of the operator. I would never take a polygraph as being determinative of anything, but it's a helpful tool, with weaknesses and strengths. But, you know, you have to keep in mind that a good polygraph operator can determine with appropriate questions what a person knows, what he is holding back. The subject's answers are meaningless. A good polygraph operator can get his results even though the person is mute, not even giving answers. On that machine it is the psychological response upon hearing the question that matters. In the Yablonski case we put a person under the polygraph and, with good questioning by an expert, were able to find out, even though the person wasn't telling us, where he had been meeting certain participants in the conspiracy, how much money was involved, what motels were used for meetings—all that, just from the psychological response.

**BELIN:** Have you had any personal experience with the so-called psychological stress evaluator?

**SPRAGUE:** In a more limited fashion than the polygraph. But I have been impressed with its results. It has a couple of weaknesses that the polygraph does not. The stress evaluator depends on what the person is say-



ing. You cannot use it, as you can the polygraph, to learn what is unsaid. It has one big advantage over the polygraph. People who might not agree to a polygraph test can nonetheless be tested on a stress evaluator merely by recording what they say in answer to one's question.

**BELIN:** Well I have seen studies that support the psychological stress evaluator; I've seen studies that say it's very unreliable.

**SPRAGUE:** The results I have seen have all been favorable to its use. These are instruments that give you clues. To give you an example where it worked well: once we were investigating a series of thefts at a company. The foreman was suspected of stealing. One day we merely called him on the telephone, but recorded the conversation, to ask him whether he had any knowledge of thefts and if there was anyone he suspected. He answered, no, he had no knowledge and he did not know whom to suspect. You then run the tape through the stress evaluator which, on the basis of the expert's reading of the stress in the vocal cords, indicates whether the response was a lie. The reading here was that the man was lying when he said he had no knowledge of the thefts. With that clue we concentrated on working on him to see whether we could then get proof. Finally, he was caught in the act and ended up confessing.

**BELIN:** I wanted the Warren Commission to have Lee Harvey Oswald's wife, Marina, undertake a polygraph examination. There were large portions of her testimony that were not subject to the ordinary tests of credibility, since they concerned events that occurred outside of the United States. Also, she had changed her story between the initial interviews with the FBI and the time she testified before the Warren Commission. There was a fight within the staff. The rationale for not using the polygraph was that you can't use it in a court of law and therefore you shouldn't use it here. The commission eventually turned me down. As an outgrowth of that, I also wanted to have Jack Ruby undertake a polygraph exam. I knew the commission wouldn't let me do it, so I had to go through the back door and have him, in a sense, demand it, which I eventually was able to do. The fact that this is an investigation rather than a trial I assume would

support Mr. Sprague in what he wants to do, although I think many people will question whether it's appropriate.

**SKEPTIC:** If you get the money that you want and the personnel, how are you going to proceed with this investigation?

**SPRAGUE:** Our obligation is to start with each of the two murders. You must establish death. You must establish the identity. I understand it's been suggested President Kennedy is not even dead. Upon establishing—assuming we do that—the death and the identity, we move to what evidence exists as to who participated. It is very important that we do take one step at a time. In that process, we hope to establish who did the killing and who else, if anyone, participated either directly or indirectly on a conspiratorial basis. That gets into whether individuals or agencies of government have heretofore or even now are trying to impede answering those questions; it would be relevant to know why. Now the why may still be independent of responsibility for what occurred. But it is obviously an area that has to be looked into. As we get to certain plateaus we will keep the public informed so that there is that educational process as we go along.

**SKEPTIC:** Why are you investigating the Kennedy and the King assassinations and no others?

**SPRAGUE:** I guess, to put it simply, two is enough. If, after they see what the requirements are for those two, they want to go broader and they want to appropriate funds and provide additional staff, well, we'll kick it around. But for the bare-bones staff required for these two, I'm not going to dilute the effort.

**SKEPTIC:** Are you saying it was an arbitrary decision to do those two and no others, or was it a political decision?

**SPRAGUE:** The resolution specifically said Martin Luther King and President Kennedy. Now it has in there the words "or any other death the committee wants to investigate." But I take those words to mean acts of violence connected to these two assassinations that would be relevant to investigating them.

**BELIN:** That would have included, in the case of the Kennedy assassination, the murder of Officer Tippit and the murder of Oswald by Ruby.

**SPRAGUE:** Sure, and it would at least have the appearance at this point of including the murder of the two people, I don't know the names, the mobsters who were identified as having been involved in CIA assassination attempts against Castro.

**BELIN:** That's Giancana and Roselli.

**SPRAGUE:** Right.

**SKEPTIC:** When you were describing the work that lies ahead, I wanted to ask facetiously how many years this is going to take. You don't want to set any time limits, but practically speaking, how long?

**SPRAGUE:** Well, I have been very explicit that you cannot put a time limitation on it if you want to do a thorough job. That becomes a basis for sloppy work. Secondly, those who are subjects of an investigation use that time frame as a wall behind which they can hide or delay things. Now that does not mean I don't have a general idea. I have said I hope we could do it in the two years of this Congress. But I say that in the same vein as when I try a murder trial and I lock up a jury. The jury wants to know how long they are going to be locked up. I'll say, well, I estimate about three months, but when three months have gone by don't jump up in that jury box and say, but Mr. Sprague, you promised us the trial would be over today. It's only meant as an estimate.

**SKEPTIC:** Mr. Belin, you probably dispute that you have a vested interest in the work and conclusions of the Warren Commission, but let me accuse you of that and ask you to comment on what Earl Warren said at the beginning of his inquiry into the Kennedy assassination. Kennedy was killed at the end of 1963, and 1964 was an election year. Earl Warren said in the proceedings of the commission, "I think if this should go along too far and get into the middle of a campaign year it would be very bad for the country."

**BELIN:** There were a number of comments and actions by Earl Warren with which I disagreed vehemently. There is no doubt that Earl Warren wanted to get this investigation out of the way by June 1. It was not done by June 1 and the reason it wasn't was primarily that the staff of the Warren Commission wanted to do a thorough investigation whether it took five months or nine months. The Warren

Commission was also hampered by decisions that were made which I think would not be made today, and I don't think Mr. Sprague is bound by those decisions. One of the worst decisions that was made by Earl Warren was to yield to the desires of the Kennedy family and not have the autopsy photographs and X-rays viewed even by the commissioners or members of the legal staff. The rationale was that you had the testimony of the medical experts; you didn't need anything more. A number of us really fought it. And I came close to resigning from the commission on that very issue. I think that the Warren Commission also did not have a sufficient number of its own independent investigators. (Although there were instances where we hired independent experts, particularly ballistics people.) Finally, some people believed—and I think Earl Warren might have been one of them—that they would be happier if there was no finding of any conspiracy in general and a foreign conspiracy in particular.

I don't think that there are any limitations on this House committee or on Mr. Sprague's work. Mr. Sprague faces one tremendous problem that we didn't face in the Warren Commission, and that is the passage of 13 years of time. Any trial lawyer knows that whenever you have an event happen, whether it's an automobile accident or a killing, and you have two or three witnesses, you are often going to get two or three different stories. He also knows that the longer the time lapse between the event and when you record the witness's testimony, the greater the margin for error. The mind tends to wander and you tend to be influenced by things you've read or seen. That's one of the reasons that it is sometimes important to sequester a jury, so that they are not subject to any outside influence. Well, you have witnesses now to events that happened 13 years ago, to the shootings themselves, and that's going to be really difficult to put together so long after the event. Now as difficult as that is, it's going to be even more difficult when you get to elements of possible conspiracy. Because here you aren't just limited to a physical happening. Did the bullets come from this rifle? That you can determine. But you have the question of people giving different stories. One person says one thing

and one person says another. I think it's going to be a tremendously difficult task. I know of no hard evidence that shows that Oswald was an agent of Fidel Castro. In my capacity as executive director of the Rockefeller Commission, having access to all of the CIA files, I know of evidence that is susceptible to different interpretations. It may take longer than two years to exhaust all the leads on conspiracy, and I question whether there is going to be any definitive proof of conspiracy, because of the passage of time and because of the fact that much of the evidence that has to be investigated relates to things outside of this country.

And to all of this I would add one other irony, which to me is one of the great ironies of this whole subject. Those who have attacked the Warren Commission unwittingly have covered up the real area of investigation. I know that Oswald was the gunman. The questions that have been raised about a second gunman and all of the other junk that's had so much publicity on television really have obscured the questions that should have been asked from the very beginning. Why was it that Oswald lied about his trip to Mexico in the course of his interrogation by the Dallas police department? He lied about important matters and didn't lie about unimportant ones. He lied about whether he owned a rifle; he said he didn't. He lied about where he bought

the revolver. He lied about key matters involved with these murders; why did he lie about his trip to Mexico? Well, the Warren Commission did not have evidence of CIA involvement in plots directed against Castro. That's just despicable so far as the CIA is concerned.

**SKEPTIC:** Are you saying that, if the Warren Commission had known about the CIA plots against Castro, it would immediately have jumped to the supposition that Castro was retaliating by causing Oswald to bump off Kennedy?

**BELIN:** I don't know. I think that that area would have been investigated far more thoroughly than it was. But at that time we were living in an age that believed that the CIA and the FBI would do what the presidential order said that they were obligated to do, and that's give their full cooperation. It is shocking and frightening to me as a citizen of this country that agencies of our government deliberately violated a presidential order in a matter involving the assassination of a president. If they did it in that instance, where else might they do it when it suits their fancy?

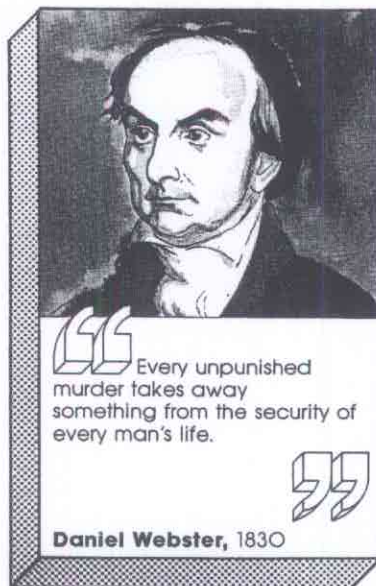
**SKEPTIC:** One of the things that I noticed in reading the Warren Commission proceedings was that the commissioners themselves often seemed to be hapless innocents relying very heavily on the work of staff people like Mr. Belin. They didn't have time to do their own work; they were really sort of figurehead symbols of the conscientious effort that was being made by the minions of the commission to find the truth...

**SPRAGUE:** May I interject? I think that you are going to find that each of the two subcommittees is going to be working in greater measure with us than you might think.

**SKEPTIC:** In the aftermath of Watergate and the revelations about the CIA and the criticism of the Warren Commission and the bleak history of presidential commissions and of congressional investigations, do you think that the public is past the point of believing in anything and accepting anybody's conclusions?

**SPRAGUE:** I think that question calls for a generalization that would be improper for me or anyone else to make. History might answer it. You have to do the best you can.

**BELIN:** Mr. Sprague is going to be in charge of this investigation from



the staff point of view. On his committee some members are going to spend more time than others, and in large part the success of this investigation is going to depend upon the staff. When the staff work gets completed, I don't care how thorough it is, I don't care how complete it is, many people from the very beginning are going to disagree. I'm going to make a prediction that people are going to start taking potshots at Mr. Sprague and his committee within the next few weeks. The media will publicize the potshots and the charges. Mr. Sprague and this committee will go about their work, I hope, not responding to the potshots. When it's all said and done, I think a lot of people are going to say, OK, now we finally have the answer. But a lot of other people, millions of them, are going to be subject to sensationalist charges that this was just another arm of government, just another extension of Congress; we can't believe what Congress does. I regret that this is true, but the cynicism of the age in which we live, I think, is going to stand in the way of the overwhelming majority of these people accepting this report.

**SPRAGUE:** Well, I don't think anyone would suggest that you are ever going to get 100 percent on any issue; you are never going to get unanimity. There are people who don't believe that we had somebody on the moon. And I did not take your question to mean 100 percent concurrence. I heard you ask, is the broad public of such a mind that they would not accept anything because of their attitudes about morality, public officials, politicians, Congress and national government? That I just do not know.

**SKEPTIC:** Could you be persuaded to give up this effort and go back to Philadelphia and run for district attorney in the 1977 election?

**SPRAGUE:** No. I say "no" in answer to your question as you worded it. Running for DA of Philadelphia was put out of my mind when I accepted this position. I felt that there was a greater public challenge, a greater public obligation involved in this than in that local office. So it was a conscious decision on my part not to run for office. If you are asking if I'm no longer in this position would I be running, that's a different piece of pie, but I would not leave this position to do that.

**SKEPTIC:** If this effort is underfunded are you going to persist?

**SPRAGUE:** I have responded to that question, each time, by saying I'm not going to get into speculating. I am laying out to the Congress what the staff requirements are, the appropriations. I agree with Mr. Belin that there is an obligation, if it is to be done, to do it in a thorough, definitive manner. You know, they lost an airplane off the English coast; it cost 15 million dollars, *one airplane*. Do you measure something of this importance in terms of what funds are available to other committees in the Congress? I hope not.

**SKEPTIC:** Mr. Sprague, do you feel you have free rein to do the kind of investigation that you want to do?

**SPRAGUE:** Yes.

**SKEPTIC:** Are you optimistic about the effort in view of the fact that so many papers have been destroyed by the police in the King case and were withheld by the FBI or the CIA in the Kennedy assassination...?

**SPRAGUE:** You are making a statement which I'm not prepared to make. What there is we will look into. If items have been destroyed, we will do our best to determine what was destroyed and why. I could not possibly have an opinion at this point about the items that may have been destroyed and what effect that might have on the investigation.

**SKEPTIC:** Will you get to see James Earl Ray?

**SPRAGUE:** I'm not going to discuss who we will interview.

**SKEPTIC:** Will you have access to the Kennedy autopsy photographs and X-rays?

**SPRAGUE:** I think the resolution authorizes us to obtain any material that we want, relevant to our inquiry.

## REVENUERS AND OTHER THUGS

*(continued from page 37)*

cooperation that are the glories of America's heritage.

### Serving No Purpose

In fact, of the services government supposedly provides, many are services only in the sense of a grisly jest. Robbery and compulsion serve us ill. Controls and regulations prevent us from doing what we want to do with our own lives and property; coerced "morality" prevents all of us from

making our own moral choices and decisions. And those services that government *does* perform it renders badly and inefficiently, as does any coercive monopolist (that is, anyone who has a government license to perform a service free from competition). Clearly, for example, delivery of the mail is vital to all of us. But how does the federal government perform the service? By giving its own post office a legal monopoly to deliver first class mail, with no legal private competition. Not only does such a monopolist perform as we might expect (steadily rising rates and lower quality service), it also creates a haven for politics and inefficiency. It subsidizes one type of mail at the expense of others, and even presumes to control the kind of mail we send by restricting or outlawing pornographic mail, and by agreeing to allow federal agencies to open or monitor the mail of political dissenters. No private mail deliverers would ever treat their customers with such contempt, a contempt strengthened by the fact that the postal service covers its eternal deficits by dipping into the tax till.

The example of the post office can be extended to all of the other services provided and monopolized by the government. Each one of them could be supplied far more efficiently, far more cheaply and far more morally, by the free competition of private businesses in a free market. Only in a totally free market can consumers decide how to spend their income, and how much of each service to purchase, or to contribute to out of their earnings. It is only a totally free and unhampered market, a market free of the burden of taxation-theft, that can determine how resources are to be allocated for the maximum benefit of the consumers, while leaving all of us uncoerced in the process.

How could the free market supply essential services that we have come to think of as uniquely governmental? No one can blueprint the market in advance, for there is no way to predict, in any particular industry, what forms creative energy will take, or what will be profitable. But some broad prognoses can be made. In the case of the postal service, the task is easy; for with the disappearance of the lumbering postal monopoly, competing firms will leap into the breach to fulfill the demands of the consumers. During the 19th century, when