

Harold

First Banly, as aired

. . . . . 1968, at approximately 6:00 p.m., in Memphis, Tennessee, Dr. Martin Luther King was killed by an assassin's bullet, while standing on the terrace of the Lorraine Motel.

FACT: On April 17, 1968, James Earl Ray, alias Eric Starvo Galt, was charged in Memphis, Tennessee, with the first degree murder of Martin Luther King. A federal warrant was issued the same day charging Ray, alias Eric Starvo Galt, with conspiracy to interfere with the rights of a U. S. citizen; namely, Dr. King.

FACT: On June 18, 1968, two months after King's killing, James Earl Ray, traveling under the alias of Raymond George Sneyd, was arrested in London by Scotland Yard.

FACT: An extradition hearing for Ray was set for June 27th, at Bow Street Magistrate's Court. At Birmingham, attorney Arthur Hanes, announced that Ray had requested his services. Hanes flew to London but was refused permission to see his client.

FACT: Ray lost the extradition hearing and was returned to London's Wandsworth Prison. Ray's court appointed British attorney announced he would appeal, but Ray later waived that appeal.

FACT: About 10:00 p.m., the night of July 18, Ray was taken from Wandsworth Prison and placed aboard an air force jet. Ten and a half hours later he was in jail in Memphis, Tennessee.

FACT: On July 22nd, Ray was arraigned in Memphis on charges of shooting and killing Dr. King and carrying a dangerous weapon. His attorney, Arthur Hanes, announced that Ray wished to plead not guilty; trial was set for November 12th.

FACT: On November 10th, two days before the scheduled trial, Ray fired Arthur Hanes. Percy Foreman, nationally known Houston criminal lawyer, announced that he had been retained to represent Ray. A new trial was set for March 3rd, 1969.

FACT: Days before the trial was to begin, Foreman succeeded in putting off the date until April 7th.

FACT: On March 10th, at a hastily scheduled hearing before Judge Preston Battle, James Earl Ray pleaded guilty to a charge of first degree murder. Ray was sentenced to ninety-nine years.

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But tonight we are not interested in making Dr. Martin Luther King the paramount area for consideration. Instead, we are interested in having his death serve as a basis by which we can pursue a discussion having to do with justice, it's manipulation, or the absence of it; so that the issue is larger, it's larger than Dr. Martin Luther King's death; and finally a man is imprisoned for ninety-nine years in Memphis, Tennessee; and the question becomes-- is that the right man in that prison in Memphis, Tennessee, or is that man a decoy, and assassins roam the land with an implied blessing of a sort?

Tonight there are going to be men on this stage and I am going to ask these men direct questions. If they are less than candid, if they are less than honest in their response, they will give rise to a reasonable doubt as to their integrity; and if such becomes the case, then we may very well have a basis for a reopening and a re-examination.

Those men will be Harold Weisberg, who has a book "Frame-Up." The other is attorney Arthur Hanes who was the first lawyer for first defense

counsel employed by James Earl Ray. When we've gotten that information, it may very well be that we shall have to reopen and re-examine the case of James Earl Ray. I'm John Bandy.

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Harold Weisberg, author of a new book called "Frame-Up." Weisberg attempts to prove that James Earl Ray, the man we have been told is guilty of killing Dr. Martin Luther King; the man presently serving ninety-nine years in prison, was in fact framed; that all of the evidence available suggests that Ray was not alone in the killing and that, in fact, there was a conspiracy.

Weisberg: May I add one thing?

Bandy: If you wish.

Weisberg: And that Ray in all probability did not fire the shot.

Bandy: Right, now we'll get to items in logical order and I'm certain we will get to a query which will enable you to elaborate upon the position just taken.

Is there any dangerous business always when you publish information, exposing the frailties, the weaknesses, the deceptive practices, the greed, the people in private walks, and powerful people in high positions in government. Aren't you frightened by what you have done or are doing? Are you driven by a motto complex or is there some death wish?

Weisberg: No, nothing at all like that. I think you pay me too high a compliment.

Bandy: We'll see about that.

Weisberg: I am a writer. I believe that the craft of being a writer is an honorable craft. I believe that a writer owes obligations to his society and I believe citizens owe an obligation to their society to make it viable.

Bandy: But that doesn't answer my question about whether or not you are frightened?

Weisberg: Of course/<sup>I'm</sup>not, I'm here.

Bandy: But you state in your book that you did have some reservation about a previous effort of yours where you thought you were tailed by the FBI; where you thought possibly they followed you everywhere; and in that book you talk about in some part of Louisiana where they attempted to discredit your reputation.

Weisberg: Well, as a matter of fact, I have reason to believe that I had a tail from the time I got to Union Station yesterday-- I didn't look back to see.

Bandy: All right, so that's the answer to my . . . (interrupted by Weisberg)

Weisberg: Someone who was supposed to meet me there, and didn't, told me he saw me being followed as I went to the subway and as I went to a phone booth. Now, I mean . . . . . care, I was involved in a simply, in which Senator Irvin is investigating in Minneapolis; my baggage was intercepted; my every paper that was in my baggage, that could be intercepted, including papers that disappeared. A brand new typewriter was rendered inoperative and unrepairable. The same thing happened to a brand new tape recorder.

Bandy: So that in a lot of the incidences . . . (interrupted by Weisberg)

Weisberg: So that didn't stop me--that was in 1968.

Bandy: I see, but you're not frightened by any of this; you're not intimidated; you're not coward?

Weisberg: No, I'm much more frightened by what has happened to our society.

Bandy: All right, we'll get more into what has happened to our society, because I've got a question regarding this book. Now you put out this book and it's called, "Frame-Up."

Weisberg: Yes.

Bandy: What are your reasons for suggesting that James Earl Ray may have been framed?

Weisberg: I suggested more than Ray has been framed--all of our processes of justice and all of history. I am particularly happy with your perceptive, and perspective, giving introduction, that we are not just talking about a murder and I am saying that history was framed; that the right of the public to know what happened has been framed; and of course, that Ray was framed.

Bandy: Who framed Ray and how was he framed?

Weisberg: Ray was framed by the processes of society which did not function in any aspect. The only ones to whom I think I can pay a justifiable tribute, are the working reporters. Now, I'm not talking now about the policies of newspapers, I'm talking about such people as Bernard Gavzer, of the Associated Press, whose reporting

was excellent; of Henry Leifermann, then of United Press International and now of Newsweek, who suddenly found himself being inducted into the Army, excellent reporting; Martin Waldron of the New York Times; Paul Valentine of the Washington Post.

Bandy: I'm impressed by all of those, but I want to know specifically how was Ray framed? You tell me by the processes, but I want to break it down so that when I talk to my waiter friends, and when I talk to my taxi friends, I don't have to tell them that you said the judicial process failed them. How was he framed and who framed him?

Weisberg: First of all, he was framed by the withholding of exculpatory evidence by the prosecution.

Bandy: What is "exculpatory?"

Weisberg: Evidence that either tends to or proves that he was not guilty.

Bandy: That's all right isn't it, fine, all right.

Weisberg: Evidence that proves that the witnesses alleged to say a certain thing by the State, could not possibly have said them; could not possibly have seen what they said; evidence that the statements made under oath by these witnesses, as a basis for this prostitution of a trial called the "mini-trial," were false, utterly false.  
I think . . . (interrupted by Bandy)

Bandy: Who was interested, Harold, in having all of this testimony; in having all this evidence altered; in having all of this evidence shaped in such a fashion as to maybe make a certain type result possible. Who specifically would want that done?

Weisberg: I think that this really breaks down into two aspects.

Bandy: That's what I want to do, I want to break it down.

Weisberg: First, we live with a national fiction that we are a non-violent society and whenever a man, and there are always men who are trying to give the denied those a fair share of our life, men who are leaning toward peace, they are always the victim of a lone alienated nut and whenever possible there is a leftist inference.

Second, of all from the Chamber of Commerce down in Memphis, just as in Dallas, they had very acute problems; they wanted to find a rug that was big enough to sweep it all under. The prosecution did not dare take this case to trial.

Bandy: Why didn't he dare?

Weisberg: Because there is no single allegation of fact against James Earl Ray that can withstand a proper cross-examination--not one that was introduced in the mini-trial. Now this is one of the reasons why my book is so long, because I undertook to provide, as a writer can provide, not as a lawyer, I'm not a lawyer, the one thing that our whole system of justice requires--cross-examination, which we now call the wonderful machine for the establishment of fact.

I took, as you may remember, every allegation of the transcript, and I have the transcript with me, of the mini-trial, and I gave the other side; I drew upon newspaper stories; I drew upon direct quotations of these witnesses. In fact, I had to sue the great and majestic United States Department of Justice to get some of it

because in this era before 1984 they have actually confiscated all the records of the public trial of an American citizen.

Bandy: All right, before we go too far afield, I want to hold it because there are certain points I want to get out. You stated that there was a conspiracy that Ray was possibly a member of that conspiracy, but that he did not actually fire the weapon said to be an integral part of that conspiracy.

Weisberg: I'll go further.

Bandy: I don't want you to go further. I want you to respond to what I ask. Now give me that.

Weisberg: Yes. I think that the evidence produced by the government of Tennessee, in Memphis, proves, if it is at all creditable, that James Earl Ray could not have fired that shot from that bathroom window; not only that he didn't, but that he couldn't.  
Now . . . (interrupted by Bandy)

Bandy: Why?

Weisberg: Let me break it down.

Bandy: All right.

Weisberg: The most creditable evidence and that which is easiest to understand, is an affidavit by an FBI firearms expert, without undoubted competence, Frazier.

Bandy: Right.



Weisberg: And this is one of the things I got by the suit. Frazier . .  
(interrupted by Bandy)

Bandy: He could not state that the bullet fired from that gun really  
came from the gun from which they say it was fired--right?

Weisberg: That is not what they said in Memphis, but that is exactly . . .  
(interrupted by Bandy)

Bandy: I understand that that was what Frazier of the F.B.I. said --  
right?

Weisberg: Right?

Bandy: Now that we have established that point, what is the next one?

Weisberg: The bundle, and you may remember . . . (interrupted by Bandy)

Bandy: Of the long . . . .

Weisberg: Of the bundle that was found outside of Canipe's.

Bandy: Yes.

Weisberg: That's a staged picture. That picture . . (interrupted by Bandy)

Bandy: What do you mean "staged picture?" What are the facts that belie  
what's there?

Weisberg: The picture as it was deposited. . (interrupted by Bandy)

Bandy: The package.

Weisberg: The package, as it was, we should explain what was in the package;  
the rifle in a box and other personal property attributable to  
James Earl Ray by means of fingerprints and things like that. That

package could not possibly have been intact with the history attributed to it by the least creditable witness in all of legal history, Charles Quitman Stevens, who also said it was wrapped in newspaper. That package was deposited to link to Ray. Ray you may remember is supposed to have . . . (interrupted by Bandy)

Bandy: Are you suggesting by that package, that because they found the radio from the Missouri Prison; that because they found his laundry mark; and because that rifle was purchased in some place in Tennessee, or other than Missouri; the actual total accumulation of that package made it an absolute farce to have put all those pieces together.

Weisberg: All pointing to Ray.

Bandy: Saying that it was "pawned" as it were, right?

Weisberg: Meanwhile, Ray is supposed to have fired a shot from a bathroom.

Bandy: All right.

Weisberg: There is no fingerprint of James Earl Ray in that bathroom. Ray is supposed . . . (interrupted by Bandy)

Bandy: It is possible to fire a rifle from the bathroom without leaving fingerprints, because if you left any fingerprints, it showed that you were a very clumsy firer of a rifle--continue.

Weisberg: Continue, yes. Ray is supposed to have fired the rifle from the inside . . . (interrupted by Bandy)

Bandy: Before you go into the bathroom you get your hands out of the way before you fire, sorry.

Weisberg: Well it required a little bit of gymnastic skill to get into a position to fire the shot. It could not possibly have been done, I tried to do it, the way the prosecution said in the mini-trial. You cannot possibly stand in an old-fashioned bathtub, with a sloping back, and get about two feet away from that and fire a shot at an angle.

Bandy: Depends on whether or not you are a contortionist--but continue, I . . . .

Weisberg: Yes, it is possible to stand on the back edge and as I did keep one foot in the bathtub, but it is not possible to do this without using your hands. The window had to be opened.

Bandy:

Weisberg: The furniture allegedly was moved in his bedroom--no fingerprints. Remember this mad dash all the way across the south.

Bandy: All right, so than you are saying, in light of what we have found so far in Memphis, it is not sufficient to connect Ray as being the firer of that rifle, that launched that bullet, that killed Dr. King--is that what you say?

Weisberg: I think that's an understatement.

Bandy: All right, fine. Let's get on with the next aspect. What with all of the hue and cry, why has there been no violent hue and cry from the leaders of the black community? Why is it that they have not pressed for an investigation?

Weisberg: I wish I . . . (interrupted by Bandy)

Bandy: Why have they been strangely silent in this area?

Weisberg: You realize you are asking me to put myself in somebody else's . . .  
(interrupted by Bandy)

Bandy: I always realize what I am asking, but I'm simply asking for the response.

Weisberg: I'm in a position of having to put myself in somebody else's mind and I can do that two ways--one, and I think this was true with the Kennedy family when John Kennedy was killed, especially, that the acute personal pain of even thinking about it is too much for these people to tolerate; and then there is another aspect . . .  
(interrupted by Bandy)

Bandy: I think that's a hedge rather than an answer; I think it is an evasion rather than coming to the point of . . . Now if you are telling me that you are in possession of some information that might place in jeopardy some of the informants . . .

Weisberg: No. No.

Bandy: I'd like a response. Why is it that the leaders of the black community did not press for an investigation in this matter . . . . talked about on all the other subjects.

Weisberg: I can tell you what one of them told me.

Bandy: Well, that's all right.

Weisberg: And it's in the book, I have no reluctance in going into it. They were afraid of what J. Edgar Hoover would do with his despicable espionage on Dr. King.

Bandy: Would you care to elaborate; I mean, can you break that down?

Weisberg: Well, of course.

Bandy: All right.

Weisberg: Mr. Hoover did his best to bamboozle every Attorney General into authorizing wire tapping on King; he extended that to bugging, which is not the same as wire tapping; on the ground that King was in association with dangerous radicals. But the real fact is . . . (interrupted by Bandy)

Bandy: That's what I want--the real fact.

Weisberg: That he was spying on King's private life. Nobody who knew Dr. Martin Luther King ever considered him a radical; this was a man of peace, a man of non-violence and it is no secret in Washington that there were auditions of the tapes before southern Members of Congress. I have, and I quote in the book, what the Councillor, the newspaper of the White Citizens' Council did with it, and they spied on Dr. King in Los Angeles, and Chicago, and New York, whenever they could.

Bandy: Are you suggesting that all this was done under the influence, or with the blessings, or with the approval of the Justice Department, or the Federal Bureau of Investigation, is that what you are suggesting?

Weisberg: It was done by the Federal Bureau of Investigation.

Bandy: All right.

Weisberg: There's just no question about it. It was kept in what is called a "June File."

Bandy: All right -- what is meant a "June File."

Weisberg: This was a code name for it, you know, like "Operation June," and it was a very extensive operation. Ramsey Clark rejected a request by J. Edgar Hoover to renew this authorization two days before Dr. King was killed.

Bandy: Let me ask you a question. In this book you refer to each of the attorneys employed by James Earl Ray. You suggest the possibility that each was a "money grubber," as it were; each exploiting this man's predicament for personal gain. Do you still feel that way?

Weisberg: Well, Ray wrote letters from England, one of them to Mr. Arthur Hanes, former F.B.I. agent and former equivalent of a Mayor in Birmingham, Alabama, and to Mr. F. Lee Bailey.

Mr. Bailey replied he had a conflict of interest because of his friendship with Dr. King and Mr. Hanes was on his way to London, and from Washington he had a telephone conversation with William Bradford Huie, which assured him, as I remembered, a minimum of \$35,000 for taking the case in return for Huie having literary rights.

Mr. Hanes, as you said, and I think it was a terrible thing that he wasn't allowed to see James Earl Ray, was not allowed to see

Ray the first time; but on the 5th of July 1968, he did see Ray for about a half hour and during that time he got Ray to sign a contract. Now, as I read that contract, and I have the copy as Mr. Huie printed it.

Bandy: All right, what are the points . . .

Weisberg: Mr. Hanes provided, what Mr. Hanes guaranteed, was that he would represent James Earl Ray as his attorney in literary matters but I can't find anything in that contract that says he is going to defend James Earl Ray for the crime with which he was charged.

Bandy: What about Foreman? Did you find that Foreman's relationship with James Earl Ray the same as Hanes?

Weisberg: No, but I'd like to finish on Mr. Hanes.

Bandy: All right.

Weisberg: Now the contract with Mr. Huie provided that on the signing of a contract for the book, Huie would give \$10,000, and that upon Ray's return to the United States, there would be \$5,000 a month until the sum was reached. Now, one of the immediate problems this confronted Mr. Hanes with, and I think it was unfortunate that he had to face this problem, was how was he going to get the money until they got back to the United States. So here you have Mr. Hanes in a position of having to counsel James Earl Ray as to whether or not he should appeal the extradition.

Bandy: Right.

Weisberg: His personal interest calls for Ray to come back to the United States so Huie can pay him.

Bandy: We will produce Attorney Arthur Hanes, but will take time out now for a message.

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Bandy: . . . therefore James Earl Ray who was later fired and replaced by Percy Foreman, Mr. Hanes feels now, more than ever, after knowing the case, and knowing Ray, that indeed there was a conspiracy and that Ray in fact was not even the killer. Mr. Hanes, it is said in the record, that you have known James Earl Ray, maybe longer, or as well as, if not better than, a great number of the people who surrounded him. Can you tell us something about this man.

Hanes: I think, I think that is correct. Probably I have spent more time with James Earl Ray, eyeball to eyeball, jawbone to jawbone, as we say, than any man has, and has had the , and I feel like that I knew the man as well as anybody could know James Earl Ray.

Bandy: What kind of a man would you, if you had to give a summary, or if you had to sort of capsulize, what sort of man was James Earl Ray?

Hanes: Well, James Earl Ray was a typical convict--small petty mind. He thought like a criminal; he was an old convict; he knew the ways, he was crafty; he was neat in his appearance, was very neat in his manners; and my dealings with the man was soft spoken, and as far as I could ascertain, really was not a violent man by nature--tracing his background, his past history, the record of his crimes and how he committed them--were not too violent, but he was very crafty.

You got the impression that he was not giving you everything. He was a man that believed in the old adage of not putting all your eggs in one basket. He would never let his left hand know what his



right hand was doing, so to speak, and I think that came from many years confinement in various penitentiaries and jails.

Bandy: What was the relationship between you and Ray's brothers--there were two, I believe?

Hanes: Well, I never met James Earl Ray's two brothers, James, or Jerry and John. I talked to John on the telephone. I tried on many occasions to meet with the brothers, to discuss the case with them, and to this good day, I have never met either of the two brothers.

Bandy: From the outset, those two brothers really seemed to have opposed using you as attorney. In fact, from what I can recall from Weisberg's book, from the outset they always wanted to get Foreman, but I believe you were contacted by Ray from London through his representative . . . . .

Hanes: Yes, that's correct. James Earl Ray was apprehended on Saturday, June the 8th, in London at the airport. The following Thursday, I received a call from London, England, from a Mr. Michael Eugene.

Bandy: Ray's representative in London, right?

Hanes: Yes, government appointed counsel there, and asked me if I would be interested in representing James Earl Ray if and when he were extradited to the United States. Of course, being a lawyer, my first question was--does this man have any money, can he pay?

Bandy: I am glad you brought this up, I was going to ask you that.

Hanes: Mr. Eugene indicated that the man had money, and based upon that, I said, "that in that event I will undertake his defense if and when he is, indeed, extradited to the United States," and Mr. Eugene said, "would you confirm that by writing," and I said, "certainly would," and that day got a letter off to Mr. Eugene confirming our telephone conversation.

Bandy: All right, now, let me ask you some specifics, Mr. Hanes. When you got to London, from this book, I understand that you were not permitted to see the client.

Hanes: That's correct.

Bandy: Is that right? When did you have your first talk to talk with Ray in the capacity of client--lawyer?

Hanes: Well, actually, the first time I got to see Ray was my second trip to London. I departed Chicago for London on July the 4th, and it was then Friday the 5th, July the 5th, that I first got to see James Earl Ray.

Bandy: So the first trip netted you nothing and then you had to make a second trip.

Hanes: That's right, that's right, that's correct, sir.

Bandy: Would you say that this man, of course we can't very well America by what they do necessarily in England, but normally isn't there a constitution provision that allows a client, or at least get together with his lawyer.

Hanes: Yes, that's what I have always believed and, indeed, the higher

courts now are protecting the individual rights and there was a time in my home town, or in my county, my district where I practice, that you could only see a client at certain hours, but we kept rebelling against that, so now anytime we want to see a client, we get into see him.

Bandy: But then you can't, but you are supposed to be able to see a client . . .

Hanes: Oh yes, and I raised the question very strenuously, and very strongly, in London on my first visit with the British home government and also with American counsel.

Bandy: What were the objections, Mr. Hanes, in London, to your getting together with this man? Why didn't they want you to see James Ray and who was trying to keep you out?

Hanes: I have no idea. All I know is that I was told that I would not be permitted to see him, both by the British government and both by the American government. I arrived there on Thursday and stayed until Sunday and attempted every hour on the hour to get to see my client.

Bandy: Now let me get down to some real specifics. Mr. Hanes, you are on record as being anti-communist and when you set out to defend or to protect the interest of James Earl Ray, whom according to Mr. Weisberg, you regarded as a communist dupe, what specifically was the inducement that would cause you to defend a communist dupe, which would result in your really defending the interest of the communist conspiracy against which you, in private, really oppose. How do you reconcile that? What was in the . . . (interrupted by Hanes.)

Hanes: Well, let me say this . . . When I got into the case, I had not idea who James Earl Ray was, never head of him, had no idea . . . (interrupted by Bandy)

Bandy: You had no idea that the King had been killed?

Hanes: Oh yes, I knew that.

Bandy: Then you knew Ray by reputation, but you didn't know the man?

Hanes: All is I'm saying just as any layman or anybody would know who followed the case. So, but as I say, when I got into the case, I didn't know who Ray's associates were, what organizations he belonged to, if any, or this sort of thing, you see. Now, I had set up certain criteria to try to evaluate this thing, when I first got called from London, as to motive, financial ability to pull off this monstrous deal.

Bandy: That's the one I'm really interested in.

Hanes: You see.

Bandy: All right.

Hanes: Who was able to finance it, who was able to mastermind it, what group or organization, and so on down the line.

Bandy: Did you think possibly they could pay him, they might also be able to pay you?

Hanes: No, you see, because afterall when I took the case I didn't know but what this man might have a half million dollars in a Swiss bank somewhere.

Bandy: All right.

Hanes: Then a lawyer, if he had it and he wanted to pay me the money, I would represent him, you see.

Bandy: So you are suggesting that if the money were in fact there, it might cause maybe a partial compromise of your principle, in that even though you defend this man, you would have the knowledge that you would be representing a communist conspiracy interest in defending that man.

Hanes: No.

Bandy: Are you suggesting that enough money makes the difference?

Hanes: No, not at all, Mr. Bandy. I value my integrity, and my good name far above a million dollars, ten million dollars. I don't think I compromised any principle whatsoever.

Bandy: All right.

Hanes: I am a lawyer, I represent blacks, I represent whites, I represent Baptists, Methodists, Rotarians, Kiwanians, Lions, PTA members . . .  
(interrupted by Bandy)

Bandy: I understand they all to get money.

Hanes: Rich man, poor man, and if they have money and they want to retain me, I'll give them a good horseride for the money.

Bandy: All right. Question--was there a conspiracy, given total the circumstance, your involvement in it, your knowledge of the man, what you subsequently found out as a lawyer, was there a conspiracy?

Hanes: Mr. Bandy, I'll say this. In my judgment . . . (interrupted by Bandy)

Bandy: That's all I need.

Hanes: In my judgment, there was a conspiracy.

Bandy: All right.

Hanes: Now, let me point this out to you. On April the 17th, 1968, exactly two weeks after Dr. Martin Luther King was slain, Ramsey Clark, the then Attorney General, ordered the United States Attorney, for the Northern District of Alabama, Southern Division, to issue a conspiracy warrant, and for your information, Mr. Bandy, that conspiracy warrant is still outstanding, has not been cancelled, has not been withdrawn.

Bandy: So then you are telling me that the subsequent position of the federal government in denying that there was a conspiracy, runs smack into the face of the fact that when the initial warrant was issued, federally, the charge was participation in the conspiracy to interfere with the life of.

Hanes: Yes, to violate the civil rights of Dr. Martin Luther King.

Bandy: Well that puts the Federal government in a rather awkward position doesn't it, in that it issues a warrant which suggests the conspiracy and then subsequently later denies . . . (interrupted by Hanes)

Hanes: Exactly, and now, hereafter of course, at this stage of the game I'm defending a client, and I defend my client to the best of my ability.

Bandy: All right.

Hanes: Now, Ramsey Clark, although ordering against the will of the United States Attorney for that District to issue that conspiracy warrant, ordered him to do it and then immediately started hollering to the press of the world, there was one man acting alone. Nothing was said about that, but when I opened my mouth and I said, "no, I disagree, I simply was a conspiracy," then Judge Battle wanted to hold me in contempt of court, you see.

Now when the Sheriff of Shelby County, Tennessee, stated to the public and to the press that James Earl Ray was being held in confinement under ideal conditions, I said, "I disagree, I think they're poor and inhumane to hold anybody under those conditions" bingo -- Judge Battle wanted to cite me for contempt for opening my mouth. Now, I am ethical enough not to discuss the merits of any case prior to trial. I will not to it for anyone or for anybody.

Bandy: May I ask you a question. As a man who practices the law, it presupposes that you have a functioning area between your eyebrows and your hairline, and you don't need a legal degree to answer what I am going to ask you now. What do you think that creators of that need; that is, who was applying those screws to the point where every time you engaged in what you regarded as your basic, your essential, and your private conviction, you were constantly faced with contempt of court? What force bigger than Judge Battle do you suppose was at work?

Hanes: Mr. Bandy, I don't know, I have my theories. Judge Battle was under great pressure, great tension, he was afraid, and let me say

this, whether you know it or not, I'm sure you do, there is a power structure in every city--they're very powerful--this is your Chamber of Commerce, your downtown action committee, your merchants, and all these

Now, people generally think that they run their cities, that they create bond issues, and , but they don't. The power structure says when you are going to have a new tax, power structure dictates when you are going to have a new bridge, or new civic center, or new city hall, or new courthouse, or new tax--they are the ones who dictate. Now there was great pressure on Judge Battle from the power structure.

Bandy: Pressure to do what?

Hanes: To get a conviction.

Bandy: Why was it necessary?

Hanes: Because the blacks were threatening to burn Memphis to the ground unless he got a conviction.

Bandy: So then did they really need a body?

Hanes: I think they did, yes, and I think that's why I was let out of the case the day before the trial.

Bandy: Can you stretch that a bit to say that they needed a body at any cost?

Hanes: Yes, and I think that when I showed up on Sunday, November the 10th, checked into my motel, prepared to go to trial, and I went down about 8:30 Sunday night, November the 10th, to see James Earl Ray.



When I arrived there, two security men said, "the Sheriff wants to see you, Sheriff Meyers." I went in Sheriff Meyer's office, he handed me a copy of the letter, very grim-faced, and it was from James Earl Ray, handwritten, said that he wanted to thank me for what I had done for him but he was going to seek other counsel and therefore I would be relieved, you see. That was Sunday night, I was prepared, had my witnesses subpoenaed, ready to go to trial.

Bandy: You were really ready to go to trial with this man.

Hanes: Oh, of course, and in my judgment that first jury never would have convicted him. I'm not saying they would find him not guilty, but I'm saying that there was a great possibility of a mistrial or hung jury, Mr. Bandy.

Bandy: Now, let me ask you this. Percy Foreman has an enormous reputation as a brilliant criminal lawyer; in some instances, it has been said that his legal capacity exceeds that of the fable, Clarence Darrow.

You said you were prepared to go to trial, for and with this man; yet Percy Foreman said to Judge Battle, or suggested as much, that you really didn't have a case; that you were attempting to satisfy a publishing deadline, as such; and that your case essentially was a farce. Would you make a comment.

Hanes: You should read your press comments. Mr. Foreman is a big wind from Texas on a lot of occasions.

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Bandy: To my left is Arthur Hanes, the first attorney to represent James Earl Ray; to my right is Harold Weisberg, who has written a book referred to as "Frame-Up," which he regards James Earl Ray as possibly being part of the conspiracy and may very well be the wrong man we have in that prison in Tennessee.

There are questions that I have to ask you, about the shortcomings, the deficiencies in Arthur Hanes' representation of James Earl Ray as a defense counsel. What are some of those reservations? What are some of those areas.

Weisberg: Let me pick two -- first, on the extradition proceedings. I think that Ray should not have been counselled to abandon his appeal under the British Expedition Treaty.

Bandy: "Extradition," you said "Expedition."

Weisberg: I'm sorry, I thank you. A political crime is not extraditable. I think that the assassination of Martin Luther King was a political crime, could have been proved to be a political crime, beyond a reasonable doubt.

Bandy: What does Arthur Hanes do with that?

Weisberg: It's my understanding he encouraged Ray to abandon that and to come back to Memphis and fight it out on the line in Memphis.

Hanes: Your understanding is clearly wrong, Mr. Weisberg. James Earl Ray himself expressed a desire to come home and clear himself of these charges. Now, when I got to London the last time, he wanted to return to the United States. He was tired over there, it didn't

matter, the courts had ruled that he was to be extradited. Now it was a hot political international issue. The man had absolutely no chance in the world to avoid extradition. The British government was pushing him from the British Isles, from behind. The United States government, knowing this was political, was tugging at him from the front.

The man did not have a chance to stay in England. Furthermore, the only recourse was in the House of Commons that was his last court of result. No doubt at all in his mind, nor my mind, but what there had been a rule the man should be returned to the United States.

Bandy: I'd like to get to some other aspects. I'm much more interested in the monetary arrangements. There was an arrangement contractually between you, Huie, and James Earl Ray. When Ray fired you, or dismissed your services, do you think it was a way by which he could get your percentage of what he was going to take from Huie? . . . (interrupted by Hanes)

Hanes: No, no, I don't think that entered into it at all, Mr. Bandy. I think here again, when I showed up to go to trial; when I issued my subpoenas for my witnesses, and they knew I was for real; that I was going to trial for James Earl Ray, insisted upon it; then I think the forces got to work and I had to be replaced, because I think that the prosecution had a weak case, and indeed, they acknowledged it to me later, and I knew they had a weak case.

Bear in mind, I'm an ex-FBI agent, so I know the picture from both sides, you see. I know ballistics pretty good, fingerprints, rules

of evidence, the importance of evidence . . . (interrupted by Bandy)

Bandy: Do you realize what you're saying, because if what you say is true, then what happened to Percy Foreman's position; namely, that if Ray did not agree to this deal he would be electrocuted and yet you tell me the prosecution didn't have a defense, in fact, they later said they didn't.

Hanes: That's exactly right. Whether you like James Earl Ray or not, whether you like me or not, if I'm accused of a crime, I'm entitled to a defense and to my day in court, do you understand?

Now when I spent three entire days examining the evidence in the case, I spent one entire day, back and forth, going over the official police calls that came in on that Thursday night, April the 4th, 1968, wherein contained this phony running gun battle between a white mustang and another automobile. Now oddly enough, the other automobile that was described engaged in a running gun battle with a white mustang, was described as a car belonging to Mr. Hellowman, Commissioner of Police of Memphis, Tennessee, a blue '66 Oldsmobile.

Weisberg: Now, I'd like to go back to the financial matter for a moment because it comes to the point I raised to begin with about a conflict of interest.

Bandy: All right.

Weisberg: It just so happens that James Earl Ray's decision to leave London coincided with Mr. Hanes financial interest.

Bandy: Such as?

Weisberg: Such as when Ray got back to the United States, that's the contract.

Bandy: All right -- explain further.

Weisberg: When Ray got back to the United States, and not until then, Mr. Hanes, through Ray, would get \$5,000 a month. Ray would get this money from Mr. Huie and it went to Mr. Hanes.

Bandy: All right.

Weisberg: So Mr. Hanes' financial interest coincided with Mr. Ray coming back to the United States; the faster Ray got back to the United States, the faster Mr. Hanes got money.

Bandy: Is that one of the aspects of this case that make you regard Mr. Hanes, along with Mr. Foreman, as money grubbers?

Weisberg: Well, I think that it prevented him with what, I think that I can fairly call any irreconcilable conflict . . . (interrupted by Hanes)

Hanes: Now I deny your allegations that I brought James Earl Ray back to the United States simply to make money.

Weisberg: I stopped what I said . . . (interrupted by Hanes)

Hanes: Now let me say this . . . (interrupted by Weisberg)

Weisberg: I said they coincided.

Hanes: Now I'm no Phi Beta Kappa. I don't work for nothing. Now if

you work two years for nothing, then my friend, you are not too smart.

Weisberg: I have been working in the field of political assassinations since John Kennedy was killed, and if there is one thing I can confirm, it is the last thing Mr. Hanes said -- that this is the least promising financial enterprise upon which a man may enter.

When I began this work, I had no prospect of publication. It took me two years to get a publisher. There is not a remote chance that I can begin to get paid back for what I have put into this. Now I think it is also fair for people to understand that John Bandy gets paid for his work, it's proper, it's proper for Arthur Hanes to get paid for his work.

Bandy: James Earl Ray is not my business.

Weisberg: It's no less proper for me to get paid for my work, but the prospect of my getting paid is, I can't get paid back; I haven't averaged five hours a night sleep, seven days a week, since I started on this. Now you tell me how a man can be paid for that in terms of profit?

Bandy: All right, we'll let the sponsor answer that. We'll get back to that in just a moment.

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Bandy: Ladies and gentlemen, on this occasion, Mr. Percy Foreman was to have appeared. Mr. Foreman did come to our studios this evening, but commented that he would not appear on the same show with Harold Weisberg. I would like very much . . . (interrupted by Weisberg)

Weisberg: Now hold it a minute . . . (interrupted by Bandy)

Bandy: I would like to come back to you, you may get that opportunity, but the audience is going to pose some questions and it may very well be that what you would like to say, they may very well anticipate. The gentleman here, would you stand please. I'd like to hear your question.

Audience: I'd like to address a question to the empty chair, since I had a question for Mr. Foreman.

Bandy: You may do that but it may reverberate, but then we'll not be responsible, it's okay.

Audience: Well, Mr. Foreman was recently on Merv Griffin show. I can mention that . . .

Bandy: That's all right. They'll charge you.

Audience: He made a number of statements which made me wonder just how much he really knew about the case . . . (interrupted by Bandy)

Bandy: Merv Griffin or Mr. Foreman?

Audience: Mr. Foreman questions. He said that three prints had been found on the rifle and the prosecution only claimed there was one, and he was discussing the package containing the rifle and other material and he said, I quote, "he laid all of these down at the foot of the stairs in the presence of half a dozen people watching him" -- that's a direct quote. Now the prosecution never claimed that anyone ever saw him drop this package and I wonder if Mr. Foreman can tell me who those six people were?

Hanes: May I answer that please, sir.?

Weisberg: I'd like to too, so go ahead.

Audience: May I make one last sentence. Also I wasn't aware that the package was dropped at the foot of the stairs since it was supposed to have been dropped in Canipe's Amusement Company.

Weisberg: May I take up with that. I spoke to Mr. Canipe at about 10:00 o'clock in the morning of the 24th of last month and Mr. Canipe told me he never saw the face of the man and could not identify the man.

Now what happened is what you predicted, that the question was asked/just fits with these memorable words, under oath, of the man who said that Clarence Darrough was not as great as Percy Foreman. How much did Mr. Foreman know about the case?

Audience: My name is Mel Spivak. I'd like to ask either of the gentlemen if they heard this work conspiracy being used. Anybody suspects . . . (interrupted by Bandy)

Bandy: Are you a lawyer?

Audience: No, I'm not a lawyer, no.

Bandy: All right.

Audience: I was just wondering if anybody suspects that the Klu Klux Klan is at the bottom of this conspiracy?

Bandy: All right. Anyone care to answer.



Hanes: Well, of course this, this Mr. Spivak was run through the whole spectrum of things. I personally don't think the Klu Klux Klan has the ability to plan or carry out such a scheme. Now they were eliminated, and believe me, if they were to have a Klan meeting tonight in Alabama, or New York, or anywhere else, if they had ninety people in attendance, seventy of them would be F.B.I. undercover agents, you see. So there was very little possibility of that. Now, I don't think they had the capability.

Bandy: Thank you very much. We have another question.

Audience: Whether or not he pulled the trigger and shot the man is irrelevant, he did consort with criminals, that makes him an accessory, right, doesn't it? So, I mean if five people plot to kill someone and one person shoots them, I mean, doesn't all of them deserve to go to jail for ninety-nine years.

Weisberg: Not for ninety-nine years.

Audience: Well, let's say for five year even, he's in jail and he deserves to be there -- whether he pulled the trigger or not, he was mixed up in it.

Weisberg: You are assuming Mr. Hunter, that he knew he was part of this particular criminal conspiracy. I think the only thing we can safely say at this point, and if Mr. Hanes disagrees with me, I hope he will say so, is that James Earl Ray knew he was part of a criminal activity, but I don't think we can at this point, especially on the basis of the prosecution has let us know, really say that James Earl Ray knew he was a part of a conspiracy to kill Dr. King. Would you agree with that Mr. Hanes?

Hanes: Well let me say this. First, Mr. Hunter's comment is absolutely correct, you see. Now anyone who is an accessory to or in company of commission of a felony is just as guilty as those who did. Now I'm not saying that James Earl Ray is a paragon of virtue; I'm not saying that James Earl Ray was not there; that he was not near the rooming house from whence the prosecution claims the shot was fired. Now I've never said otherwise than that. All I'm saying is, there were others involved in the case, you see, Mr. Hunter, and I say in my judgment that Ray did not fire the shot.

Audience: Well, then his book would be more complete if he wrote another chapter going into his accomplices. He's done only half the job.

Bandy: Maybe that was to stimulate your interest so that he would have a basis for doing .

Audience: Well it has.

Bandy: Thank you, yes.

Audience: . . . . discussing that some people think that there is a conspiracy. Now what happens after this? Are people just going to go home and forget about it or is there going to be an understanding of what's happened. Are we really going to get into what is really going on or is it just going to be forgotten?

Weisberg: This is what I am doing -- this is my work.

Audience: I mean in this particular case.

Hanes: I'll say this, as I stated earlier, excuse me, Mr. Bandy, the conspiracy warrant is still outstanding, which was issued by

the U. S. Department of Justice, now, and, I'm certain that they still have the files open on the case.

Bandy: All right, we'll hold on for a moment for a commercial. Thank you.

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Bandy: Almost in conclusion, I would like to ask each of you to make a final comment, sixty seconds being the duration. Would you like to begin.

Weisberg: Yes. I would like to close by going back to where we began with Mr. Bandy's very perceptive beginning. We are not talking about a murder alone, we are talking about the sanctity of the institution of our societies. We are talking about the freedom of everyone of you and everyone who may see this, not just James Earl Ray.

We are talking about whether or not the basic rights of any one of us is secure when this can happen to any other one of us and, above all, we are saying that the government of which we are entitled to expect much, has not in any element performed in the way in which a decent conscientious government must perform.

To this, which I hope is less than a minute, I'd like to add one personal thing that nobody knows I am going to say and that's to pay tribute to this station, because going back to the John Kennedy assassination, this was the first station that would air a controversial subject like this with both sides, the same is true of the Martin Luther King assassination, and I do think that this is the American tradition -- this is

what our society needs. Thank you.

Bandy: Thank you. Arthur.

Hanes: Mr. Bandy, let me say first of all it has been an extreme pleasure being on your show and knowing you and the manner in which it has been conducted. Let me say further, that in my judgment, the prosecution had a very weak case of James Earl Ray -- (1), they did not have the weapon that fired the shot that killed Dr. Martin Luther King; (2) they did not have one eyeball witness; and (3) they had much circumstantial evidence, they had over 460 witnesses subpoenaed, but all of it was merely being pressed for jury, had no bearing on the case at all.

I would have continually stipulated that James Earl Ray bought the gun in Birmingham, for instance; that he visited London, England; that he went to California; that he went to Mexico; and so forth and so on; but the point is, the prosecution had a very weak case, and after all on defense, when you are defending a person, you rely mainly on the weakness of the State's case -- that is your strongest defense, you see.

I was ready to go to trial. Solomon Jones -- I could have created that. Solomon Jones, Dr. Martin Luther King's chauffeur, who called him back and said, "you'd better get your topcoat, Doctor, it's cool." He said that when the shot was fired a man crawled out from under the bushes across the street and ran south on Main Street with something white over his face. I talked to Solomon Jones, I had a good defense, I don't think the jury would have convicted James Earl Ray of the murder of Dr. Martin Luther King.

Bandy: Thank you, gentlemen. It was a distinct pleasure to have had you -- delighted indeed about your participation. That moment has come when I must make some concluding comment to you. In the presence of the people tonight, you have had access to many shades of opinion, some suggestion of fact, an enormous amount of pure speculation.

So what we are saying to you tonight is, that maybe the government that you like to regard as being a democratic one, maybe it really is. Maybe, it still is, but a part of our responsibility is to bring to you the benefit of situations that can enable you, if you must be a responsible citizen, to wonder about it.

That's what a democracy is about -- it's not for the stupid. Democracy is not for the unaware. The very existence of that kind of a concept presupposes the capacity of each and every one of you to utilize that area between your eyebrows and your hairline. Democracy was never intended for the stupid and the unaware.

There is nothing more dangerous than ignorance in action. It's all part of the responsibility that we execute insofar as seeing that you are informed, is to bring your attention to bed on what the crises and the problems and the issues are of the day, so that you can make up your own minds as to what it is you like, or you not like, about your government and get on with it, and on the basis of any reasonable doubt in your mind as to whether or not the prosecution really prepared it's case correctly -- that may be just enough doubt to make the difference in whether or not we reopen and we examine the case of James Earl Ray. Goodnight.