

# Who Killed King?

*A Preview to the Second Round of the King Assassination Hearings*

BY JIM KOSTMAN

James Earl Ray has spent a good part of his adult life behind bars and it does not look like his chances of seeing the sun again are any brighter. Since the day he was sentenced to 99 years in prison for the murder of Martin Luther King, Ray has claimed that he was coerced by an attorney into admitting his guilt and has insisted on his innocence. Now, his ten-year-long bid for a new trial has been stymied by the

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House Select Committee on Assassinations (HSCA), whose August hearings on the King assassination have substantially strengthened the public perception that Ray has lied and told inconsistent stories over the years in order to protect co-conspirators.

While the first round of hearings apparently confirmed Ray's role in the assassination, few observers believe that he acted alone. The second round will focus on the likelihood of a conspiracy, the contours of which first became apparent last summer when *The New York Times* revealed the allegations of a man named

Russell G. Byers who claimed he had been offered \$50,000 to kill King. The information was buried in FBI files for five years.

Ray always claimed that he had not been involved in any assassination plot. According to his story, when he bought the alleged murder rifle and rented a room in Memphis, he thought he was part of a gun-running scheme led by the mysterious "Raoul." Ray says that in Montreal he met Raoul, a New Orleans-based smuggler, who supported his activities in the year between his escape from Missouri State Prison and the shooting of King.



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## OUTRAGES

But Ray failed to provide any leads to the identity of Raoul, and it is beginning to seem that Raoul is an invention of Ray's, intended to mask his true associates. Ray himself now seems more of a knowing conspirator than the innocent dupe he claims to be. For example, Ray always said that he was headed for New Orleans when, shortly before the assassination, he left Los Angeles at the direction of Raoul. But the HSCA found a change-of-address card filed by Ray at the time, which gave Atlanta, where King had his headquarters, as his destination. A laundry receipt introduced as evidence at the hearings showed convincingly that Ray had returned once more to Atlanta on April 1, 1968, three days before the murder—something Ray had strenuously denied. King was in Atlanta that day, having returned from an earlier trip to Memphis, and the new evidence bolstered the theory that Ray was actually stalking King during this period. Ray's principal alibi (that he was at a Memphis service station at the time of the shooting) was destroyed by the testimony of Dean Cowden, who told reporters several years ago that he had seen Ray at the service station, but who now admits he fabricated his story.

In January 1978, local investigators in St. Louis who were looking into some recent art thefts came upon the name of Russell G. Byers, a 46-year-old auto parts salesman. The investigators checked Byers' FBI file. In the file they found that he had told an FBI informant in 1973 that two St. Louis-area men had offered him \$50,000 to kill Martin Luther King on behalf of a group of businessmen. This information had been routinely entered in the files of both Byers and the informant but had not been communicated to higher officials in the St. Louis FBI office.

Four years later, in March 1978, the information was sent to FBI headquarters for the first time and was promptly relayed to the HSCA, which is now investigating Byers' allegation. Details of the Byers story first became public in a series of articles in *The New York Times* (July 26, 27 and August 3, 1978).

When he appeared before the HSCA last May, Byers identified the two men who had approached him as John R. Kauffman and John H. Sutherland, and he fixed the time of their offer as late 1966 or early 1967. Kauffman, a stockbroker who was convicted in 1967 of attempting to sell 500,000 amphetamine tablets to an undercover agent, is reported to have been active behind the scenes in St. Louis County Democratic politics. One of his former attorneys told the *St. Louis Post-Dis-*

*patch*, "It would not surprise me. When a person wheels and deals to make a living, he could do something like this."

Sutherland was a patent lawyer, who lived near Kauffman in Imperial, Missouri. He was born in Charlottesville, Virginia and thought of himself as a traditional "Southern gentleman," according to associates. Known as an ardent segregationist, in 1964 Sutherland organized a group called the St. Louis Citizens' Council which distributed anti-Black literature and opposed civil rights legislation. He was a contributor to the 1968 presidential campaign of George Wallace and a Wallace elector from Missouri. (Kauffman is said to have backed Wallace also.) Sutherland, who died in 1970, left an estate worth over \$300,000, a great part of it in oil and chemical stocks and Rhodesian companies. He also bought 3,000 shares of a water company owned by Kauffman.

The widows of both men testified to the HSCA this summer and expressed their disbelief that their husbands could have been involved in a plot to kill King. Mrs. Kauffman, however, confirmed that the two men knew each other.

The original FBI document containing the Byers allegation has now been released. It discloses that Byers told the FBI informant in 1973 that he was taken by a man he now identifies as Kauffman to the home of a lawyer whom he now says was Sutherland. The lawyer (Sutherland) "had Confederate flags and other items about the house that might indicate that he was a 'real rebel,'" according to the FBI document. After Byers' allegation that the two men offered him \$50,000 to kill King was revealed by *The Times*, it received some corroboration; an anonymous source told the *Post-Dispatch* that Byers had told him about the offer in 1968 (shortly after the King assassination) and had mentioned a stockbroker and a patent lawyer as the sources of the offer. But several key discrepancies remain between what Byers told the source in 1968, what he told the FBI informant five years later and what he says now.

In the first place, the FBI document revealed that Byers claimed in 1973 that Kauffman was the man who actually "made the payoff" to James Earl Ray after the assassination. Byers now refuses to comment on this point.

According to the anonymous source, Byers speculated that the Ku Klux Klan or a similar organization was involved: "That's all he said. I thought it was just street talk." Byers says now he turned down the offer immediately, thinking that the two men were simply looking for someone to be set up to take the blame for the

assassination. He says he never transmitted the offer to anyone, but believes it could have been passed to inmates of the prison where Ray was incarcerated. But in 1968 the anonymous source got a different impression; Byers told him that Ray had been approached by the two men through a prison doctor who was acquainted with Kauffman. Dr. Hugh Maxey, chief physician of the prison while Ray was there, was a close friend of Kauffman.

Byers' brother-in-law, John Paul Spica, was at the prison serving a life sentence for murder and resided six cells away from Ray. Spica was paroled in 1973, and now denies ever hearing of the \$50,000 offer or having any dealings with Ray. He calls Byers "a liar" and threatened the life of a *Times* reporter who tried to interview him. The HSCA has so far found no evidence that Spica did know of the offer but has uncovered a suspicious network of links between Spica, Kauffman, Dr. Maxey and members of Ray's family.

Dr. Maxey ran a "rehabilitation program" for inmates of the prison at a motel owned by Kauffman. One of the prisoners who participated in the program was John Spica. Dr. Maxey is 84 and nearly totally deaf. The *Times* interview with him turned up little, but the newspaper did manage to find out that Spica had worked for Maxey in the prison's medical department from May 1964 to January 1966.

*The Times* also discovered court testimony indicating that in 1966 Kauffman was engaged in smuggling amphetamine powder into the prison. Dallas Barr, a former convict working as an undercover agent for the FDA, said under oath, "Mr. Kauffman...stated that he had previously had access to small quantities of amphetamine powder. I asked Mr. Kauffman for what use or purpose.... Mr. Kauffman stated that he had some friends that were in the Missouri State Penitentiary that he had to take care of."

This has focused new attention on allegations first revealed in 1969 by Tennessee state prosecutors that James Earl Ray himself had trafficked in amphetamines while in prison and had used the proceeds to finance his activities after his escape. This, in turn, has rekindled interest in the Justice Department's revelation about Ray's sending money out of the prison to his sister. There have been reports that the sister, Carol Pepper, used some of the money to obtain a lease on the Grapevine Tavern in St. Louis, where she held a license between November 1967 and December 1968.

The Grapevine is now under investigation by the HSCA. Robert

## OCCASIONAL VOICES

Regazzi, the former husband of a woman once employed at the Grapevine, has given some interesting testimony. Regazzi's son drowned on July 23, 1968, and during the search for the body, his former wife introduced him to a companion who turned out to be Ray's brother, John L. Ray. On another occasion, she introduced him to Ray's other brother, Jerry. Regazzi said he also met John Spica in the early 1960s when they were both in jail in Clayton, Missouri but he claims he never discussed the King assassination with Spica. The committee is pursuing the question of whether Spica was acquainted with members of Ray's family.

The Byers story should prove one of the most interesting subjects of discussion at the forthcoming hearings; several of those named above will be witnesses. Whether it will lead to the conspiracy which killed Martin Luther King remains to be seen, but no more promising lead has yet been uncovered. The whole affair lends credence to a previously-undisclosed statement made to a reporter in 1976 by one of Ray's former attorneys, Robert Livingston of Memphis. In the five years during which Livingston represented Ray, his client mentioned only one person other than Raoul who might have been a co-conspirator—"a rich St. Louis in-

dustrialist" who Ray said gave him money after the assassination. According to Livingston, "I got the impression Ray knows exactly who the industrialist is."

In addition, the Byers story gives the first definite indication that the King investigation was thwarted by the FBI. The Bureau has now admitted publicly that the Byers allegation, received in early 1974, should have been sent to headquarters. The FBI plans no action since the agent who knew of the story, still unidentified, has now retired. But Kauffman was still alive at the time (he died on March 1, 1974), and the story could easily have been checked out then. □

# Business Goes On As Usual: A Sketch

BY MICHELE RUSSELL

"We wear our flesh like wax."

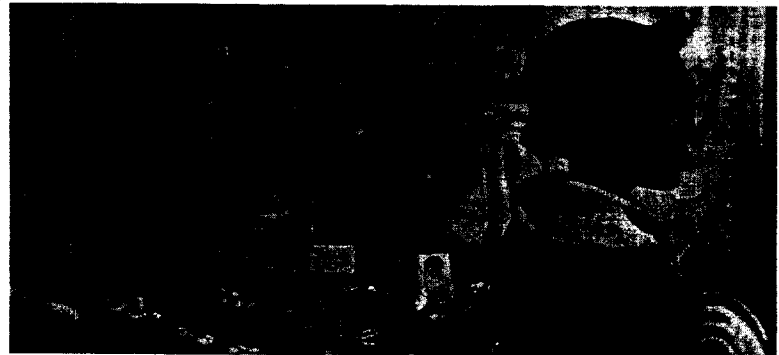
—Audre Lorde

It is early morning for Black women on the Woodward Avenue bus in Detroit. The hour of maids and cooks, drill press operators, first period students and clerks. Black and blue. We emerge with powder thickened into masks and tools on display. A stream of purposeful motion. Our uniforms are in place, giving us time to get ourselves together behind them. Wigs on, lips pursed, only an occasional eyebrow-line gone wild suggests the turmoil we are schooled to hide. Girded for work.

Noon-time on the same bus line: A backward sister, still in the garb of the evening before, does repair work in transit to the next trick. Everything about her is shaky—from loose flesh to the way her platform spikes hoist and then propel her down the aisle to a seat. The only thing between her and total collapse is that it doesn't occur to her. She doesn't have time for it. Only her hands, swollen from the effects of maintaining her high, are steady enough to apply nail polish as the bus careens. But her mind, not ordering things properly, tells her to go on with the wet paint before earrings and neckband. A mess? Until the sister closest to her helps.

In the afternoon, when school gets

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HARVEY WANG

out, so do the switches, the three layers of hockey socks to protect shins and the tight wraps to emphasize ass: the teenager teetering between flaunt and fear. Most are weighted down with all varieties of chains. Pierced wherever cartilage will allow. Voluntarily.

By quitting time for the office shift our mood has become "I got to get me something, *anything*, NEW, please." And we dash desperately, in the 15 minutes before the downtown department stores close, snatching after some ornament to salvage from the wreckage of the day. To convince ourselves of what? That we are worth something? That our jobs are? That our enforced regimen of subordination can at least buy a trinket signifying pride. Another trophy conquered from shame.

Day in, day out we camouflage and guard ourselves with weapons for deflecting flak. Wigs, dyes, skins. Nails

like talons, wrapped, coated and filed to a point. Gold-capped teeth to bite through any substance with flash. Tiers of hair in flame: orange, gold. Burning bushes mirroring the rage within, signaling the existence of a fire-zone, sounding alarm.

How are we to understand this efflorescence in the midst of the American desert? What chemistry produces such tortured blooms? What dreams of beauty emerge from these fragments? How can our humanity survive the bombardment? The ground be plowed new? The ruts of abuse made into furrows producing life?

A day is too short to do more than keep your balance in the crush of bodies, shifting gears, and eyes, everywhere bright, looking for answers, just like you. That, and make contact, stay in touch, share spare change and remember your own destination. □