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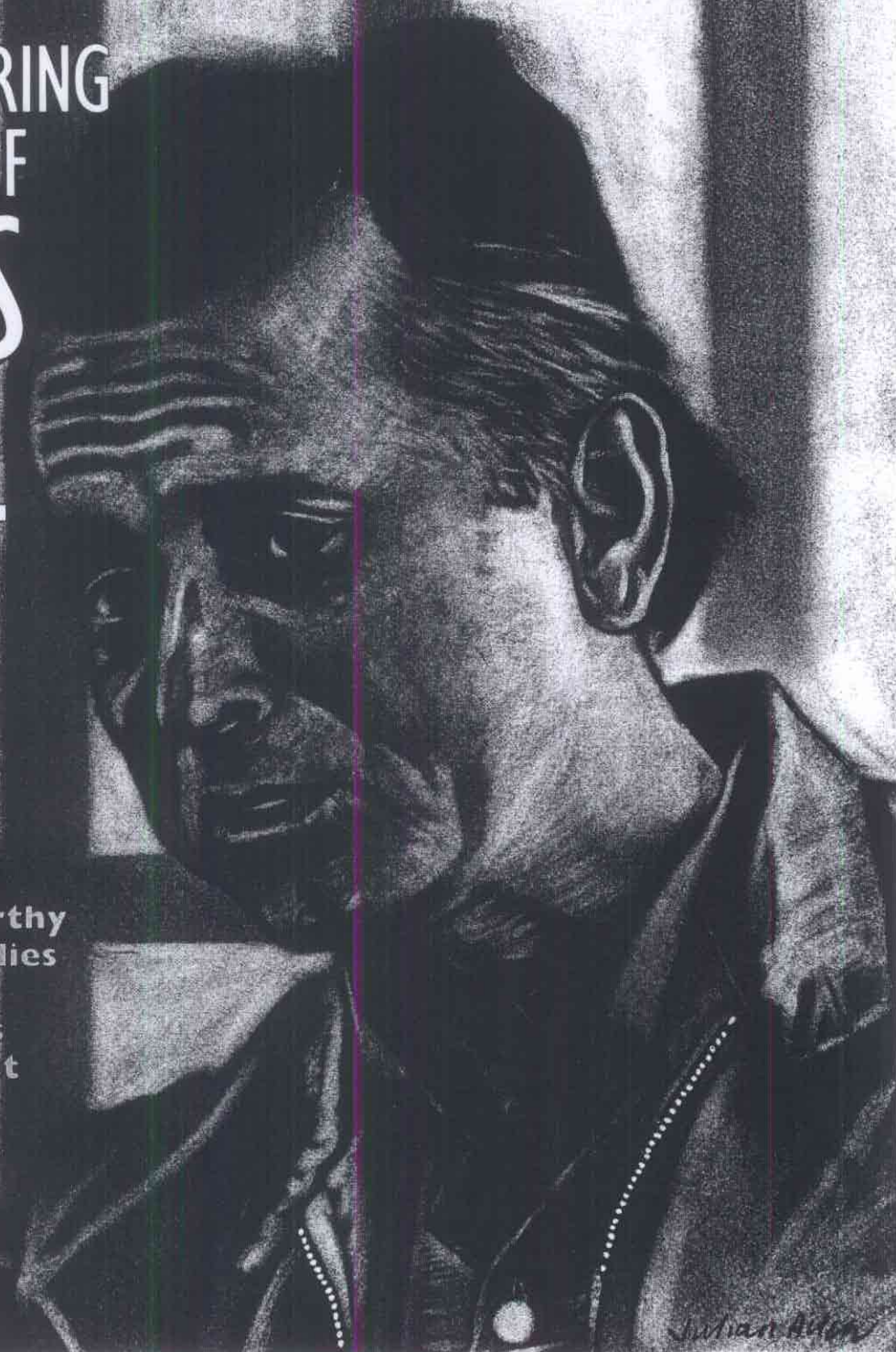
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THE ENDURING MYSTERY OF JAMES EARL RAY

BY
JOHN EGERTON

Colman McCarthy
on Peace Studies

Frank Zappa's
Revolt Against
Mediocrity





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The Enduring Mystery of James Earl Ray



WIDE WORLD PHOTOS

BY JOHN EGERTON

In a decade of cataclysmic turmoil, 1968 was a year like no other. It began with the United States mired knee-deep in the Big Muddy of Vietnam and ended with Lyndon Johnson packing to leave the White House, Richard Nixon poised to replace him, and the longest war in U.S. history still grinding ever deeper into the pit of disaster.

Events of the months in between read now like a modern-day version of the Biblical Revelation: violence in the universities, riots and burning in the cities, a poor people's march on the nation's capital, a splintering of the principal political parties, assassinations of a Presidential candidate and of the spiritual leader of the nation's oldest and largest minority group.

Even now, eighteen years later, it is hard to assimilate so much shock.

Against a backdrop of looming defeat in Southeast Asia, racial unrest in the urban ghettos, strife on the campuses, and alienation among the poor, political factions in the United States grappled for control of the parties and the Presidency. On the last day of March, President Johnson announced that he would not seek reelection; Robert Kennedy, Eugene McCarthy, and Hubert Humphrey led the Democrats who wanted to replace him, but on June 5, Kennedy was killed by an assassin in Los Angeles. George Wallace forged a right-wing third party; Richard Nixon won the Republican nomination over Nelson Rockefeller and Ronald Reagan in riot-torn Miami, and Humphrey got the ill-fated Democratic nomination in Chicago as police and demonstrators waged

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bloody battles in the streets outside the convention hall.

Throughout five tumultuous spring and summer months, social upheaval shook the nation to its roots. And in those long days and weeks of sustained crisis, no single spark was more volatile than the one that flared in Memphis, Tennessee, on the afternoon of April 4, 1968, when a sniper's rifle bullet struck and killed Dr. Martin Luther King Jr., the most visible and charismatic leader in the drive of twenty million black citizens for equality and justice under the law.

The crime set off an explosion of ghetto rage in scores of American cities. An international manhunt to find the killer finally led, two months after the murder, to the arrest in London of James Earl Ray, a convict who had escaped from the Missouri State Penitentiary. He was taken to Memphis, where on March 10, 1969, nine months after his arrest, he entered a guilty plea and was sentenced to ninety-nine years in prison.

But that was not the end of the Martin Luther King murder case. Since then, countless stories at odds with the prosecution's case have surfaced, at least a dozen books have been written, and a select committee of the U.S. House of Representatives spent two years and more than \$5 million investigating this and other assassinations.

James Earl Ray, through a long line of attorneys, has attempted without success to win a jury trial. He has also tried five times to escape his confinement, once getting outside the walls for fifty-five hours.

As the years have passed, the recorded statements of Ray, his numerous attorneys, the Tennessee officials who prosecuted and judged and incarcerated him, the Federal Bureau of Investigation and other Federal officials, Congressional committee members and their staffs, the press, private sleuths, authors, and others with an interest in the case have mounted into tens of millions of words.

And still, the state has never attempted

to prove beyond a reasonable doubt to a jury of his peers that Ray was the one and only guilty party, and Ray has never testified under oath before a jury. In the minds of many, perhaps most, of the people who have followed the case closely, there is still more doubt than certainty that he, acting alone, planned and carried out the assassination of Martin Luther King.

Nothing seems to resolve the doubt and deliver the certainty. Even the House Select Committee on Assassinations, when it finished its investigation nearly eight years ago, expressed the belief that Ray killed King "as a result of a conspiracy"—that is, with help from unknown others—and that conclusion raised more questions than it answered.

But now, after eight relatively quiet years to absorb and reflect upon the known facts, a number of the principal figures in the case, including some doubters, some believers, and the prisoner himself—who had not granted an interview in many years—agreed to talk about it one more time. Ray maintains that he did not shoot Martin Luther King, that the killing was the result of a conspiracy in which he may have been an unwitting participant, and that it wouldn't surprise him if the FBI was involved.

James Earl Ray's life has not been uneventful in the past eighteen years. He has been represented to one degree or another by at least twenty attorneys and has handled enough of his legal work personally to be considered a pretty fair "jailhouse lawyer." He has sued, among others, attorneys Arthur J. Hanes Sr. and Percy Foreman, writers William Bradford Huie and George McMillan, *Playboy* and *Time* magazines, and the FBI.

In June 1977, he escaped with six other convicts from Brushy Mountain, a maximum-security prison in the rugged back country of east Tennessee, and it was more than two days before bloodhounds tracked him down.

Through attorney Mark Lane, Ray



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'If I got a jury trial, I'm almost positive I'd get acquitted. They don't have no case against me . . . not enough to convict me.'

wrote to the nation's leading black public figures in 1978, stating flatly that "I did not kill Martin Luther King Jr." and asking them to help him get a new trial. Several of them, including Southern Christian Leadership Conference veterans Ralph David Abernathy, Jesse Jackson, Hosea Williams, and James Lawson, came to visit him, and all declared their belief that Ray did not act alone and that he deserved a new trial. On October 13, 1978, when Ray was married at Brushy Mountain to Anna Sallings Sandhu, a courtroom artist from Knoxville, it was Lawson, an ordained minister, who conducted the ceremony.

On June 4, 1981, Ray was stabbed twenty-two times in the head, neck, and chest by four black inmates in the prison library, and seventy-seven stitches were needed to close his wounds. He was then transferred to Death Row at the main prison in Nashville and segregated from other inmates—presumably both to protect him from others and to minimize his chances of escaping. He has remained there in isolation for the past five years, and his requests for transfer have been denied.

Many unanswered questions remain about the death of Martin Luther King and the guilt of James Earl Ray. As the years slip by and memories fade, the entire case drifts into the blurred pages of history and legend as certainly as Ray himself recedes into obscurity. Time has not changed many minds; those who were convinced in the late 1960s that a conspiracy was organized to take King's life still tend to hold that conviction, and those who said Ray acted alone still tend to believe that he did. In the absence of a jury trial of the facts, the state has never had to submit its case to cross-examination and Ray has not been able to testify under oath in his own defense. As a consequence, the division of opinion on the basic questions of what really happened and who was involved are as unsettled now as they were in 1968.

Eleven locked doors separate James Earl Ray, Number 65477, from the world beyond the walls of the castle-like fortress known as the Tennessee State Prison. His windowless cell in Unit 6—Death Row—is the place where he has been isolated from other inmates since 1981. He can talk with prisoners in adjacent cells, but cannot see them. Once a day, he is led in handcuffs to a small interior yard where he can exercise for one hour. The only other

times he leaves the cell are when he goes to the showers (he is taken to and from in handcuffs) and when he has visitors. Regular visitors—his wife Anna and his brother Jerry—can see him for an hour once a week. All others must have his permission and the approval of the warden to meet with him in the unit's visiting room.

The room is actually a cell within a room. Ray is brought there first and locked in the cell; then his visitor enters and is locked in the cell with him. They sit in hard plastic chairs at a formica-top table. No one else is in the room, but guards look in frequently through a glass panel in the outer door.

At age fifty-eight, Ray looks much the same as he did when he was jailed in Memphis eighteen years ago. He is an inch or so under six feet tall and weighs slightly more than his former 170 pounds. His dark brown hair has turned gray at the temples, and he reads with the aid of a pair of gold-rimmed glasses. No wrinkles line his face, but there is a thin two-inch scar on his left cheek, a reminder of the time five years ago when he was attacked and stabbed.

He dresses in a blue prison shirt with snaps for buttons, dark blue pants with vertical white stripes emblazoned DEPT. OF CORRECTIONS, and soft-soled slippers, and he wears a plain gold wedding band on the ring finger of his left hand. On first meeting with a stranger, he seems indirect and distracted, somewhat ill at ease, even shy. But as the conversation progresses, he relaxes a bit. His pale blue eyes move quickly away from and back to his visitor as he speaks in rapid bursts in a voice that is slightly high-pitched and nasal.

On August 1, 1986, we talked for three hours.

"My health is pretty good, considering," he began. "I probably eat too much, but I'm interested in nutrition, and I try to take care of myself. I never have smoked, don't use drugs—not even caffeine—and I lift weights every other day out in the yard. Until about two months ago, they wouldn't take me out there except at night, and I was pale as a sheet, but now I've got some color back. Actually, this Death Row unit is kind of unhealthy. I've been trying to get transferred back to the general population, but they won't do it. They say I'm here for my own protection. When anybody else gets stabbed in prison, they put the person that did it in segregation; with me, it's the other way around."

Jerry Ray comes from Missouri to visit his brother once or twice a month, and Anna Ray, who lives in Tennessee, also visits about that frequently. "My wife used to come once a week," said James Earl Ray, "but she got assaulted by an inmate a year or two ago—he hit her with one of those big floor ashtrays—and it kind of scared her off. She doesn't come now as much as she used to."

Ray shrugs at how commonplace prison violence is. "I was in the general population at Brushy Mountain when I got stabbed," he said. "There was two rival gangs—one black and one white—and I just happened to be in the middle. I don't think it was anything personal toward me. It's no big deal getting stabbed—there's hundreds of people that get stabbed in prison. The only big deal for me is, I'm the one that got locked up for it. I've never said who stabbed me. It wouldn't make no difference who it was anyway."

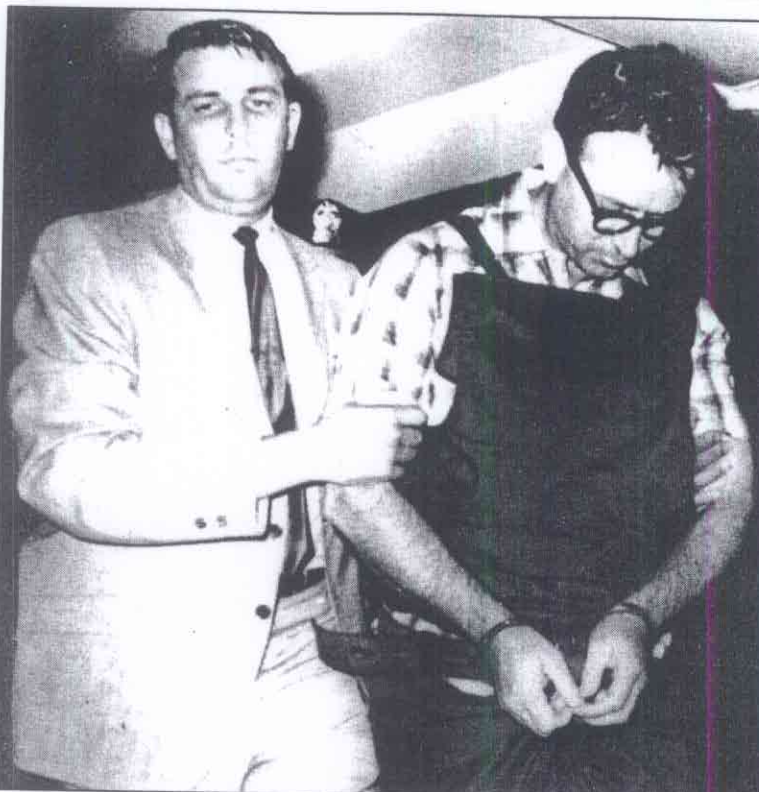
Ray spends most of his waking hours writing or reading ("law books, mostly, to help in the suits I'm involved in"). He says he hasn't read most of the books about the King assassination, though he has scanned several of them—and sued some of the authors. As for current events, Ray says he doesn't pay much attention—seldom watches the television set in his cell, or listens to the radio, or reads the papers or newsmagazines. But it is apparent from his conversation that he is familiar with people and events in the news.

He reads and writes well. Recently he turned over to an editor—someone he declines to identify—a book manuscript he worked on for five years. "It shows the Government's duplicity," he says, "all the classified records, the double standard. The book deals with my confinement in segregation, the stabbings, how the prison system operates. We also go into who we think financed the King murder. It won't necessarily clear me—I can't prove too much from jail—but what you can show is the tactics the Government used to convict you, and if the public reads that, it's going to raise some questions about whether the person is guilty."

Ray now handles most of his legal business himself. "I've got a lawyer helping me in a civil case," he told me, "but other than that, I'm not tied up with a lawyer now. I've never had any money to hire attorneys, so I've just had to get whoever I could. Mark Lane is probably the most effective lawyer I've had. He'll go all out for you, too. If I got a new trial, he'd probably be the first one I'd ask to defend me."

Getting a new trial is a subject that Ray talks about often, even though previous failures now make the prospects dim. "If I get a new trial," he said, "the only thing the courts will consider is whether I was denied my constitutional rights, such as being coerced into

Chronology of an Assassination



Handcuffed and wearing a bulletproof vest, Ray is led to his Memphis jail cell after extradition from London.

WIDE WORLD PHOTOS

The comments of the principal figures in the case of James Earl Ray don't settle what really happened in Memphis on April 4, 1968, but some of the facts, at least, are uncontested:

¶ Martin Luther King Jr. was in Memphis on March 28, 1968, to lead a march in support of striking sanitation workers; he left the next day and returned on April 3. He and several members of his staff registered at the Lorraine Motel.

¶ James Earl Ray, using the alias Eric S. Galt, bought a 1966 white Mustang in Birmingham on August 29, 1967. On March 30, 1968, in the same city, he used the name Harvey Lowmeyer when he purchased a 30.06 Remington rifle, some ammunition, and a telescopic sight. On April 3, 1968, he registered under another alias, John Willard, at a rooming house on Main Street in Memphis. From his room and from the bathroom at the end of the hall, Ray had a view of the front of the Lorraine Motel.

¶ At 6:01 P.M. on Thursday, April 4,

while King was standing on the balcony of the Lorraine, a bullet struck him in the lower right jaw and penetrated into his trunk, killing him almost instantly.

¶ James Earl Ray was within a mile of the Lorraine Motel at 6:01 P.M., though his exact whereabouts is in dispute. He left Memphis in his white Mustang within minutes of King's murder. The rifle he had bought in Birmingham, and other items belonging to him, were found wrapped in a bundle lying in a doorway near the entrance to his rooming house.

¶ Investigators concluded that Ray was the prime suspect. His trail led to Atlanta, Toronto, London. On June 8, he was arrested in London and then extradited to Memphis on July 19.

¶ Arthur J. Hanes Sr., former mayor of Birmingham, former FBI agent, former defense attorney for Ku Klux Klansmen accused of murdering civil-rights activist Viola Liuzzo, made arrangements with Ray to represent him in court. William Bradford Huie, a well-known Alabama author, made a three-

way agreement with Hanes and Ray for exclusive rights to Ray's story.

¶ A trial date was set, then postponed, then set again for November 12, only to be postponed again at the last minute when Ray dismissed Hanes in favor of Percy Foreman, a famed and flamboyant Texas criminal lawyer.

¶ Foreman negotiated a plea-bargain agreement with Phil M. Canale, the state's chief prosecutor, giving Ray a ninety-nine-year sentence in return for a guilty plea. Ray opposed the agreement, preferring to plead not guilty and testify in his own defense, but he relented. On March 10, 1969, Judge W. Preston Battle read the charge in court, and Ray pleaded guilty. A jury was selected, each member agreeing in advance to assess a ninety-nine-year sentence in exchange for the guilty plea. When the jury was seated, Ray asked for permission to speak. He said in part, "I am not bound to accept these theories of Mr. Clark . . . Mr. Hoover . . . Mr. Canale, Mr. Foreman. . . I mean on the conspiracy thing." (U.S. Attorney General Clark, FBI Director Hoover, prosecutor Canale, and defense attorney Foreman all subscribed to the belief that Ray had acted alone and that no conspiracy existed.) Prosecutors then called five people to testify, after which a narration of the state's case against Ray was read aloud and the agreed-upon sentence was handed down.

¶ Three days later, on March 13, Ray wrote to Judge Battle "to inform the honorable court that . . . famous Houston Att. Percy Fourflusher is no longer representing me in any capacity." Soon thereafter he filed for a new trial, claiming he had been coerced into pleading guilty. Over the next eight years, no fewer than eight lawyers represented Ray. Attorneys Bernard Fensterwald Jr. and James Lesar spent six years attempting to get a new trial, but the effort failed in 1976.

¶ Before the House Select Committee on Assassinations in Washington in August 1978, Ray denied that he killed King. The gist of his story was that he was involved with others in a conspiracy to commit a crime, that he didn't know until after it happened what the intended crime was, and that he could not positively identify any of the people in the conspiracy. The committee subsequently concluded that Ray did in fact shoot King, that he "knowingly, intelligently, and voluntarily pleaded guilty," and that even though other people may have helped him in some way, the burden of the crime correctly fell on him.

—J.E.



'When King was killed, they wanted to pin it on someone like me, somebody who's expendable. They wanted to keep blacks from burning up the cities.'

pleading guilty, or a conflict of interest among the attorneys. It's all very complicated, but those would be the grounds for granting a new trial, and then the state would have to prove that I'm guilty.

"I don't know what they'd argue in court, whether they'd say it was a lone nut that did the killing, or a conspiracy, or what. They've never committed themselves one way or the other. If I got a jury trial, I'm almost positive I'd get acquitted. They don't have no case against me. It's not so much that what's in there is enough to acquit me, but it's not enough to convict me, not enough to support their case.

"We can't get access to their case because so much of the information has been classified—in the state courts, in the Justice Department, in the House Assassinations Committee; 185 cubic feet of classified material in the FBI alone. Everything that might be helpful to me has been classified. They wouldn't classify anything that would help to convict me. So I believe the Government doesn't have enough evidence to convict me, and that's why I can't get a new trial."

Ray said he "wouldn't be surprised if the FBI was indirectly involved in planning the King assassination. They use informants to get inside and stir up trouble, and if they get into some heavy stuff, kill somebody or cause somebody to be killed, the FBI protects them and covers up for them. It's been proved that they had people inside the King organization, watching him, trying to discredit him. Then when he was killed, they wanted to pin it on a single person, someone like me, somebody who's expendable. They wanted to keep the lid on, keep blacks from burning up the cities. That's what [Phil] Canale [the state's chief prosecutor] said, and what Governor [Buford] Ellington said. He said if the case went to trial, there'd be widespread destruction in the U.S."

As Ray sees it, it is the press as much as the Government that should be blamed for the way the King murder investigation was handled. "When the media wanted everything to come out about Nixon, it came out," he said. "In the King case, it was just the opposite—the Government wanted to keep the truth covered up, and the news media went right along with them.

"They're all tied up together—the Government, the politicians, the news media. The public don't know what's going on. Public opinion is whatever the TV net-

works and newsmagazines say it is, and the politicians go on doing whatever they want to do anyway. There's no point in talking to the news media, no point in being in the public eye. I don't care anything about seeing myself on TV or reading stories about me in the press. It's just a waste of time. If I got out of here tomorrow, I'd go to another country and forget about all this stuff."

However much or little he pays heed to the pronouncements of politicians and the news media, James Earl Ray does acknowledge the efforts of some black public figures to support his attempt to get a jury trial: "Most whites are uptight about what they say in public, but a lot of blacks in positions of power don't care what the media say. James Bevel came to see me when I was in jail in Memphis and then said he didn't think I killed King. People like James Lawson, Ralph Abernathy, Jesse Jackson, Hosea Williams, they all visited me, and they all spoke up for a trial. I thought a lot of them for having the nerve to do that. I don't recall any white politicians who ever did it."

The invitation to James Lawson to conduct their wedding ceremony was the bride's idea, Ray said, but he had no objection. "Anna contacted him. It didn't matter to me who did it, as long as he was a preacher. I think she may have asked some local preachers, but they were afraid of what people would say. Reverend Lawson wasn't afraid. He seemed like a highly intelligent person, and a tough person mentally, strong-willed.

"A lot of people have said I'm a racist. But to me, a racist is somebody who commits hostile acts against a person of another race. I've never been involved in any of that. I just look at individuals—and I have a lot more respect for many blacks than I do for many whites."

Among the many people whose beliefs and feelings about James Earl Ray remain unchanged is the Reverend James Bevel. A close associate of Dr. King, Bevel was staying at the Lorraine Motel on the day of the assassination and was standing nearby when the fatal shot was fired. A few months later, he visited Ray in the Memphis jail and then told reporters he was convinced that someone else had pulled the trigger. "Ray didn't do it," Bevel said. "He might have been involved, but not at a conscious level, not

with foreknowledge. . . . Ray was the fall guy. He was used."

Bevel is pastor of a church in Chicago now. "My feelings haven't changed," he told me. "I still believe as strongly as ever that James Earl Ray didn't pull the trigger. People said he was some great seething racist—that's bull. He's just an ordinary guy—not political, not ideological. He doesn't have the demeanor of a killer. All I wanted was for the man to get a fair trial, to get his day in court, and he never got it. If he did get it, even now, we might be surprised to find out what really happened, and who was involved."

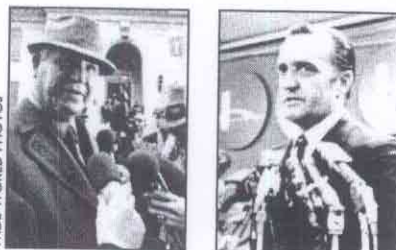
Louis Stokes of Cleveland was the chairman (and one of four black Democrats) of the House Select Committee on Assassinations. With the help of more than four dozen lawyers, investigators, and researchers, he came to a different conclusion than Bevel, ten years after the crime. (He now declines public comment on the committee's 1978 findings, but its final report presumably reflects his views.) In his questioning of Ray, Stokes patiently attempted to draw out a full description of the mysterious "Raoul," the man Ray said was his principal conspiratorial partner for almost a year before the crime and the probable triggerman on April 4. In the end, the committee concluded that no hard evidence could be found to prove that "Raoul" existed.

It was just that lack of alternative suspects that provided the most telling argument against Ray's contentions. In ten years of trying, scores of professional interrogators—prosecutors, defense attorneys, judges, committee members, detectives, researchers, journalists—had pored over the evidence, pursued the leads, questioned witnesses, but no one had matched name and face to a single person who could be charged with conspiracy.

Nevertheless, the committee could not come up with hard evidence to show that Ray was the gunman. He had bought the gun, to be sure, and his fingerprints were on it—but no witnesses positively identified him, and no proof was presented that he fired the shot, or even that the fatal bullet issued from the weapon in question. To this day, it has not been determined absolutely that the rifle Ray bought in Birmingham was the murder weapon.

The committee also revealed abundant evidence that FBI Director J. Edgar Hoover and his top aides had a deep and abiding hatred for Martin Luther King. They kept him under surveillance for years, and their internal memos in the 1960s talked of his "dependence on communists," spoke of "neutralizing" and "isolating" him, and undertook to "mark him now . . . as the most dangerous Negro of the future in this nation." Hoover publicly called King "the most notorious liar" in the country.

From the Right as well as the Left—from J.B. Stoner and elements of the Ku



Attorneys Percy Foreman (left), moments after Ray's conviction, and Arthur Hanes, after the London arrest, meet the press.

Klux Klan as much as from Mark Lane—came blunt accusations that the FBI “planned and carried out” the King assassination. Lane even asserted that black members of the House committee knew of such a plot but were afraid to divulge it. Committee members denied the claim, and the final report explicitly stated that “no Federal, state, or local government agency was involved” in the crime.

James Lawson, a Memphis minister in 1968 and now pastor of a church in Los Angeles, was a disciplined practitioner of nonviolent resistance in the civil-rights movement and as such was a faithful supporter of King. His leader's death grieved him deeply, but Ray's conviction was troubling to Lawson—and it still is.

“I'm one of those people who is persuaded we don't know the whole story,” he said, “or Ray's connection with it. I didn't like the way he was pressured to plead guilty. It was a political decision. He may have been involved in some way, but I doubt very much that he acted alone, or masterminded the plot.”

Lawson visited Ray at Brushy Mountain in 1978 and also saw him and spoke with him at the committee hearings in Washington. “I met Anna then, too,” he recalled, “and later on, when they decided to get married, she called me in Los Angeles and asked me if I would conduct the ceremony. I agreed to do it, and I flew to Knoxville at my own expense. I felt kindly to both of them. It was not just that I doubted his guilt; it went far beyond that. I knew that if Martin were alive and in my position, he would have married them even if he knew Ray was guilty. As one of my sons said to me, ‘If you believe all that stuff you've been preaching, you'll do it.’ He was right, of course.”

Ramsey Clark's perspective on Ray differs from that of Lawson, Bevel, and many other black civil-rights activists. As the Attorney General under President Johnson, Clark was responsible for the swift entry of the FBI into the murder investigation, even though the crime was technically not a Federal but a state offense.

“Many blacks believe Ray had powerful help,” said Clark, now a New York attorney. “I understand their torment and sympathize with it as a human matter. But I had a duty to make an independent, rational judgment based on all the evidence—and from the very beginning, the evidence indicated only one person acting. In prac-

tically everything he did—robberies, travel, everything—he was a loner, a man who didn't plan and carry out things with other people.”

Ironically, the Federal Government had to downplay political and conspiratorial motives in the crime to extradite Ray from England, and then had to claim a probability of conspiracy to justify FBI intervention in the case. And, since the FBI was already engaged in secret surveillance of King, it would have been doubly ironic—or, to state it bluntly, hypocritical—for the Government to say, in effect, “We're entitled to spy on him, but if he gets killed, we can't get involved.” These contradictions caused Ramsey Clark much grief, and he is still bothered by them.

“It's clear from the record that J. Edgar Hoover hated Dr. King,” Clark said. “There's plenty of evidence in the files, much of it widely circulated, to show that the Bureau considered King to be one of the most dangerous men in America. So I can understand why some people look suspiciously at the FBI's involvement in the effort to solve the murder.”

“But the very fact of Hoover's hatred of King made it all the more necessary in his eyes for the investigation to be virtually flawless. In order to protect the Bureau from attack by people who knew of his bias, he felt a unique self-interest in conducting the most intensive and thorough investigation. They did just that, in my view—and now, after all these years, the conclusion they came to still holds up: that Ray, acting alone, planned and carried out Dr. King's assassination. That may not mean that someone didn't put him up to it—but if they did, they kept their distance and covered their tracks so well that no one has ever found incriminating evidence of a conspiracy.”

Washington attorneys Bernard Fensterwald Jr. and James Lesar are totally unpersuaded by Clark's reasoning. Their extensive efforts in Federal court to win a new trial for Ray finally failed in the U.S. Supreme Court in December 1976. Along the way, they became convinced that Ray was set up to be convicted of the crime—and that the Government was perfectly willing, even eager, to let him pay for it.

“There was never any effort on the part of state or Federal authorities to get to the bottom of the murder,” said Fensterwald. “All they ever wanted was to nail one man: James Earl Ray. The FBI got into the case

by alleging a conspiracy to violate King's civil rights and then did everything they possibly could to avoid pursuing it. The state's case, which was put together with massive help from the FBI, was a straight murder charge against Ray—no conspiracy. They could not have proved him guilty beyond a reasonable doubt, and they didn't want to risk losing. The state and the Federal Government had to have somebody to convict, or the social upheaval would have been horrendous, so they pressured Percy Foreman to plea-bargain, and he gave away his client's chance to testify before a jury. Phil Canale even threatened to call writer William Bradford Huie as a witness against Ray.”

Canale, the district attorney in Memphis at the time, denies that he engineered Ray's guilty plea. “Neither I nor anyone working for me put pressure on the defense to plea-bargain,” he said. “In fact, they came to me with the idea. I don't recall saying anything to Foreman about calling Huie to testify. Looking back, I still think we handled it right. There was no conspiracy. No credible proof was ever presented to show that anyone else was involved but Ray. I feel just as strongly now as I did then that justice was done.”

James Lesar scoffs at that notion. He and Fensterwald, in seeking a jury trial for Ray, contended that there had been a miscarriage of justice in the way the plea was obtained, in the financial arrangements between Foreman and Huie, and in the way the case was handled in court. And beyond all that, Lesar is convinced that someone other than Ray killed King.

“I don't think he fired the shot,” he said. “I don't even think the fatal shot came from the rooming house. That means there had to be another gun and another gunman. Ray was set up.”

Phil Canale acknowledged that he and other Tennessee officials, including Governor Ellington, welcomed the help of the FBI in the King murder probe, and conceded that the state's case against Ray was largely based on investigative work done by agents of the Bureau. But the FBI's credibility as an impartial agency had already been seriously eroded by its handling of other civil-rights-related cases, and its reputation for right-wing bias lingered long after J. Edgar Hoover's death.

One person in an unusually good position to assess political attitudes and internal operations in the Bureau was Arthur Murtagh, now retired after more than twenty years of service as a special agent. He was based in Atlanta from 1960 to 1971 and was one of a handful of men in the security section assigned to keep a secret watch on Martin Luther King.

“In his vendetta against King, Hoover became progressively more fanatical,” Murtagh told me. “He was a real bigot, so biased that he wanted to see King destroyed, and when the murder happened,



'It would be real satisfying to have this all cleared up, but I don't ever expect that, and I don't think they'll ever find the person who killed King.'

he didn't want the Bureau to get involved in the investigation. It was Ramsey Clark who insisted that we enter the case. But the FBI didn't look for a conspiracy. That would have given validity to the injured side, to the blacks. So if we had to be in it, Hoover wanted in and out as quickly as possible. He wanted to pin a criminal offense on somebody before it could be shown to be a conspiracy, a political crime."

Murtagh takes care to avoid the direct assertion that FBI officials were knowingly and purposely involved in a plot to assassinate King. Instead, he says that many people in the Bureau leaned to the Right with Hoover and "worked within the informal network of right-wing groups to get and sometimes give information, and supported informers who committed serious crimes, including murder."

"I'm not saying that FBI agents murdered anyone, but I am saying that they created and arranged a climate in which death took place. I have no knowledge that any specific person in the Bureau was a direct participant in this conspiracy—but I'm absolutely convinced in my own mind that there was a conspiracy, and that it included some people known to and even paid by the FBI. That means there are people out there walking around now—unless they've since died—who took part in the King murder, who know what happened, and who believe what they did was right. That's a sad truth, but it is the truth. It's also J. Edgar Hoover's legacy."

Writers, no less than investigators and lawyers, have widely divergent perceptions of the story. George McMillan, author of *The Making of an Assassin*, believes now, "more than ever, that Ray acted alone to commit this crime. Hundreds of people have spent thousands of hours trying to demolish the facts, and they have all failed. Ray was the lone assassin; that's the indestructible fact."

William Bradford Huie reached that same conclusion in *He Slew the Dreamer* and in numerous other public pronouncements on the case. His views and those of Harold Weisberg, author of *Frame-Up*, a private investigator's "defense of James Earl Ray," represent the poles of opposite opinion.

Huie made contact with Ray while he was still in jail in London and began the procedure by which the author and the two

attorneys—first Hanes, then Foreman—came to control the legal rights to Ray's story.

"Everyone wanted to believe there was a conspiracy," said Huie, now seventy-five years old. "I certainly believed it, and that's what I set out to prove." But sometime in the fall of 1968, just as Ray was about to drop Hanes and engage Foreman to defend him, Huie began to have doubts.

"I came to realize that Ray was just a small-time criminal," he said. "He wanted recognition, glory, so he planned this crime and carried it out on his own. He had no help, none whatsoever—he was just lucky, and he almost got away with it. Believe me, I'm an old reporter, and a damn good one. I didn't take anything for granted, and I even had Ray's cooperation through his attorneys, although I didn't talk to him personally until after he had pleaded guilty and gone to the penitentiary in Nashville."

"You have to understand that I had more interest than anyone in finding a conspiracy. It would have been a sensational story, and it would have made lots of money—magazines, books, movies, TV. I put up at least \$60,000 to secure the cooperation of Ray and the lawyers, and the lawyers ended up with almost all of that money. What I ended up with was a story saying that one little insignificant man killed Dr. King. It was hard to believe, and it certainly wasn't the sensational story I thought I'd find, but it was the truth, and there was nothing to do but tell it just that way."

In an interview with a Nashville reporter in 1977, Huie said Foreman got Ray to plead guilty because "he simply saw that Ray was an unstable racist who could not be controlled" in a courtroom. In a recent conversation from his Alabama home, Huie said, "Foreman was more interested in avoiding a trial than the Government was. There was no conspiracy, so there would be no big money, and no drama, and he didn't want to get tied up in a long drawn-out case that he couldn't win. Foreman wanted to make a deal and get out. He called me from Houston just before the scheduled court appearance in March 1969. Ray had told him he didn't want to plead guilty, he wanted to testify, and Foreman was worried."

According to Huie, Foreman said, "We ought to leak a story to the press that Ray is going to go into court on Monday and plead guilty. It'll make Ray mad, and then

scared, and when he simmers down he'll be ready to do what I'm telling him to do."

And so, Huie recalled, "That's just what I did. I leaked the story to a reporter in Huntsville, Alabama, and it was big news all over the country. And sure enough, by the time Foreman got to Memphis, Ray was ready to cooperate. The deal had been made—a guilty plea in exchange for ninety-nine years—and Ray had to go through with it or he'd have been sent to the electric chair."

The way eighty-four-year-old Percy Foreman recalls it, he didn't have any trouble convincing Ray to plead guilty. "Hell, it was Ray's idea," he said from his office in Houston. "Once I saw how strong the state's case was, I was sure they wouldn't settle for anything less than a death sentence. I might have been able to get a hung jury if I could have hired a prominent black lawyer or a white liberal like John Jay Hooker Sr. of Nashville, but Ray wouldn't agree to that. He wanted me to try to make a deal to keep him out of the electric chair. Hugh Stanton, the public defender, was working with me, and he said he thought Phil Canale would consider a proposal from us. So I got Ray to write it out in his own handwriting that he would plead guilty, and I took that to Canale and the judge, and that's how the agreement was reached."

Foreman said he has no doubt at all that Ray was Martin Luther King's lone assassin. "He not only did it," the attorney asserted, "he wanted to be known as the one who did it. He wanted the boys back in the Missouri penitentiary to know he had made it to the big time. That was his motive. He did it without any help, except from his brothers, and he'd have gotten away if he hadn't thrown down the bundle that had his rifle and his belongings in it. I saved his life, and he practically got down on his knees to thank me—and then within a day or two, he repudiated everything and started trying to reverse it."

Author Harold Weisberg draws upon the tens of thousands of pages of information he has accumulated on the King assassination to contradict virtually every important assertion made by Foreman and Huie. The seventy-three-year-old Weisberg, a Maryland resident, is a former newspaper reporter and private investigator. He has studied and written about assassinations in this country since 1963, when President Kennedy was murdered in Dallas. In *Frame-Up*, his meticulously detailed account of the King-Ray murder case, he maintains, among other things, that Ray was a decoy, not a knowing conspirator, that neither the FBI nor the state ever even looked for a conspiracy, that the state's case could have been destroyed under cross-examination, that Ray's guilty plea was coerced, and that the people who planned and carried out King's assassination are still at large.



Mark Lane argues with the House Assassinations Committee, as Ray pauses in his testimony.

"I've done more investigative work on this case than anyone else," he said. "All I've ever wanted is to bring out the truth, the whole truth, and let the chips fall where they may."

The truth as Weisberg sees it is that Ray was in a criminal association for more than a year with unknown others who set him up to be the unwitting decoy and the prime suspect in the King murder. "Ray didn't commit the crime, and the Government knew it," Weisberg said. "I don't agree with those who say the FBI plotted the crime, but they never investigated it, either. By their own admission, they focused on Ray right from the start and carried out a full-scale fugitive hunt to find him, but they never conducted a conspiracy investigation to solve the murder. It suited everybody—the prosecution, the defense, the Memphis establishment, the FBI, and William Bradford Huie—to pin it on Ray and close the books, so that's what they did."

And who were the people who planned the crime and drew Ray into it? "I don't know," said Weisberg, "and I doubt if Ray does either. He might know enough to get a good investigation started, but I doubt if he knows any real names—and if he did know, he probably wouldn't tell. If he put the heat on somebody, he'd probably be killed."

"There are no dependable witnesses to testify that Ray was in the rooming house, gun in hand, when the fatal shot was fired. There is no proof that he ever fired the rifle he bought in Birmingham, or even that it was the murder weapon. He has been called a cold-blooded killer, a racist, a right-wing political nut, a criminal who yearned for notoriety—and yet, in his long history of crimes, he never once fired a shot, never physically hurt anyone, and no one has yet been able to expose him as a fire-breathing hater of blacks, a political fanatic, or a man who craves public exposure for any reason. He is an intelligent man, a cunning man, but nothing in his career indicates that he is capable of planning and carrying out a crime like this, and then making his escape."

Time is not on Ray's side in his efforts to obtain a jury trial. The courts have rejected all his appeals, leaving his original guilty plea and his testimony before the House Committee on Assassinations as his official response to the charges against him. They are a weak re-

sponse, at best. He says he pleaded guilty because "I had been put into a position where I didn't have no other choice. I made a serious mistake there. I wasn't under oath. It was a narrow technical plea—I was saying that I was just as guilty under the law as other parties in the conspiracy, if there was a conspiracy. See, what I didn't know at the time was that Foreman had agreed to accept everything Canale said as truth—he had agreed to ratify the state's case. I certainly didn't mean to plead guilty to that."

As for his House testimony, Ray maintains that the written statement he read at the Washington hearings in 1978 "was all I knew about what happened that day. There might be some small, insignificant errors, but in general, what I wrote down and read to the committee was my actions."

"I had been to a service station and was on my way back to the rooming house when I saw the police had blocked off the road. One of them waved me off, said I couldn't go in there. I still didn't know what had happened. I turned south and drove through a predominantly black neighborhood, looking for a phone. I had this New Orleans number, and I was going to call to see if anything had happened on the gun deal I thought I was part of. But then, when I got toward the edge of town, I heard on the radio that King had been shot, and pretty soon I heard that the police were looking for a white man in a white Mustang. That's when I decided to head for Atlanta."

"The state claimed that I or whoever shot King ran from the rooming house and threw some items down on the street and got in a Mustang and drove off. But since then I've found out that there were two Mustangs there, and about twelve or fourteen policemen within a hundred feet. But their testimony is classified. So is the information on the rifle. I never fired it, and I doubt very much if anyone did. Harold Weisberg said in his book that it never had been sighted in, zeroed in. CBS filed suit in 1975 to get the rifle for a ballistics test, but the court refused to let it be fired. I told the House committee that somebody else killed King, and I don't know who they were."

It is not knowing "who they were" that has sealed James Earl Ray's fate. He maintains that if he could get a new trial, he could present evidence to indicate who financed the King assassination, but he adds

that "we don't have the actual person's name or anything like that." He says he would testify in his own behalf, but his testimony would not include anything about his own actions that he hasn't already told, and only the Government's classified materials on what others said and did could possibly clear Ray or prove the existence of a conspiracy.

His primary interest, he says, is not in clearing his name or seeing someone else brought to justice, but simply in getting out of jail: "Of course, it would be real satisfying to have this all cleared up, but I don't ever expect that, and I don't think they'll ever find the person who killed King. It was a professional killing. We might be able to show who the bag man was, and who he represented, but it would be very hard to do. I don't think there was ever more than four or five people that knew all the details of this case—and if they're still living, they'll probably never tell."

"So I'm just interested in getting out of jail. I'd like to have a trial so I could show how devious and repressive the power structure is. That's more important to me than what people think—most of them are going to believe whatever they read or see on TV anyway. I'd just like to be able to say I outlived the prosecutors and judges that put me here, because I know what a big thrill they'll get if I die in solitary confinement."

The pattern in Tennessee has been that prisoners with ninety-nine-year sentences usually get parole consideration after serving about thirty years. Even with one or two years added to his sentence for his escape in 1977, Ray might still be able to go free in the year 2001—fifteen years from now—when he will be seventy-three years old. "I don't think they'd let me go unless it served their purposes," he said. "If I was eighty-five or ninety years old and wanted to make a big confession, they might release me and call it a humanitarian act—but I'm not counting on it. The only way I'm going to get out is through a new trial, and I still have hope of that."

"I'm not making plans to stay in some rat-hole like this for the rest of my life. I might be here, but I just don't make no plans about it—that would be a depressing thought. You've got to figure you're going to get out one way or the other. I never have gone into a jail figuring that it would be my home for the rest of my life. They say if you stay in long enough, you get into a frame of mind where you're satisfied. I think that's really what the state wants. That's why drugs are the best friend a warden ever had. People get on drugs and they're not thinking about escaping or getting a new trial or anything else—they're just thinking about getting their fix."

"I can't see that. Drugs take all your money, your time, your thought. I'd rather have hope, and keep on trying to get out of jail." ■