

# The Literary Scene

NY Post 4-7-71 JOHN BARKHAM

**FRAME-UP:** The Martin Luther King-James Earl Ray Case  
By Harold Weisberg. Outerbridge & Dienstfrey. 530 pp. \$10.

It seems to follow, as the night the day, that when a national figure is assassinated there will always be those who attribute it to a conspiracy. Only when the assassin is caught in the act, tried and convicted, as is the Robert Kennedy case, are the doubters silenced.

To this day some believe that President Kennedy and Dr. Martin Luther King, Jr., were the victims of conspirators, though official findings have pinned the guilt on individuals.

\* \* \*  
Harold Weisberg, an investigative reporter, is such a doubter. He wrote a book questioning the findings of the Warren Commission and has now done the same for the King assassination. Although James Earl Ray pleaded guilty to the King murder, Weisberg contends that his plea served to abbreviate court proceedings which might otherwise have revealed a conspiracy.

He even questions the circumstances of the plea itself, arguing that the judge (now deceased) did not ask Ray outright whether Ray had been the killer or whether he had done the killing alone. As put by the judge the question was: "Are you pleading guilty . . . because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of murder in the first degree under the law as explained to you by your lawyer?" To this Ray replied: "Yes, legally guilty."

I quote this passage to give some indication of the author's hairsplitting approach. There is no question that the agreement between the prosecutor and Ray's counsel to accept this guilty plea transformed the proceedings from a full-length trial in which all the evidence would have been led into the briefest of minitrials. Nevertheless the fact remains that Ray pleaded guilty to murder in open court and received a sentence of 99 years.

Weisberg goes on to attack the agreement which led to the guilty plea. He is highly critical of Ray's counsel for his role in the matter and points to the large sums offered by magazines and others eager to buy the "inside story." Here Weisberg is on solid ground; these money offers for "exclusive" information about the murder leave a most disagreeable taste.

Crass commercialism should never play a part in the actions of principals in any trial, let alone one of such historic import. Among the wealth of documents cited by Weisberg is a letter by Ray's lawyer setting out certain of these lucrative arrangements. It was quoted in William Bradford Huie's book, "He Slew the Dreamer," and was also printed in the New York Post on April 8, 1969.

\* \* \*  
Weisberg's theory is that Dr. King was a victim of a conspiracy and that Ray was the decoy rather than a kill-

er. Who then was the real assassin? Here Weisberg falls back on vague allegations about "a fat man" and "a short, slight man." This is flimsy stuff.

Weisberg is more voluble challenging Ray's sole guilt than at producing the actual conspirators — if in fact there were any. "Ray," he concludes, "was part of a conspiracy he did not control and in which he was never intended to be the murderer." All of which remains to be established—if Ray ever succeeds in reopening his trial.

The book is not helped by the emotional tone in which it is written, nor by the occasional carelessness one is able to detect. One of my reviews, for example, is cited by Weisberg, who reports my name as "James Barkham."

Let us hope there will be a more balanced analysis of this tragic affair in the book which Gerold Frank is said to be completing. Until evidence of a conspiracy beyond a reasonable doubt is adduced in open court, the present verdict stands.

Weisberg's book and others to follow — for inevitably there will be others — make it more than ever regrettable that a full trial was never staged.

\* \* \*