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On April 4, the 25th anniversary of the assassination of Rev. Martin Luther King Jr., Home Box Office shows "Guilt or Innocence: The Trial of James Earl Ray" (8 P.M. [ET]). The three-hour special is a made-for-TV mock trial that attempts, 25 years after the fact, to give Ray the trial he never got. It tries to settle once and for all the nagging question, never satisfactorily answered, of whether Ray was a lone gunman or part of a larger plot. Some even hope the "trial" reveals what many civil-rights leaders have long maintained: that the U.S. Government was somehow implicated in the murder of Dr. King and in the spotty investigation that followed.

The show is a distillation of a 10-day trial staged by HBO, in co-production with Britain's Thames Television, in a borrowed Memphis courtroom late in January. Entirely unscripted, the trial used a real, former judge; a real, former prosecutor; a real jury in a real courtroom; and even a real defendant: James Earl Ray, brought into the room via satellite from his prison in Nashville, 200 miles away.

In 1969 Ray pleaded guilty to Dr.

THE TV TRIAL OF KING'S ASSASSIN

HBO probes the murky circumstances of Martin Luther King's murder. Is it justice at last—or a gimmick?

BY PETER ROSS RANGE

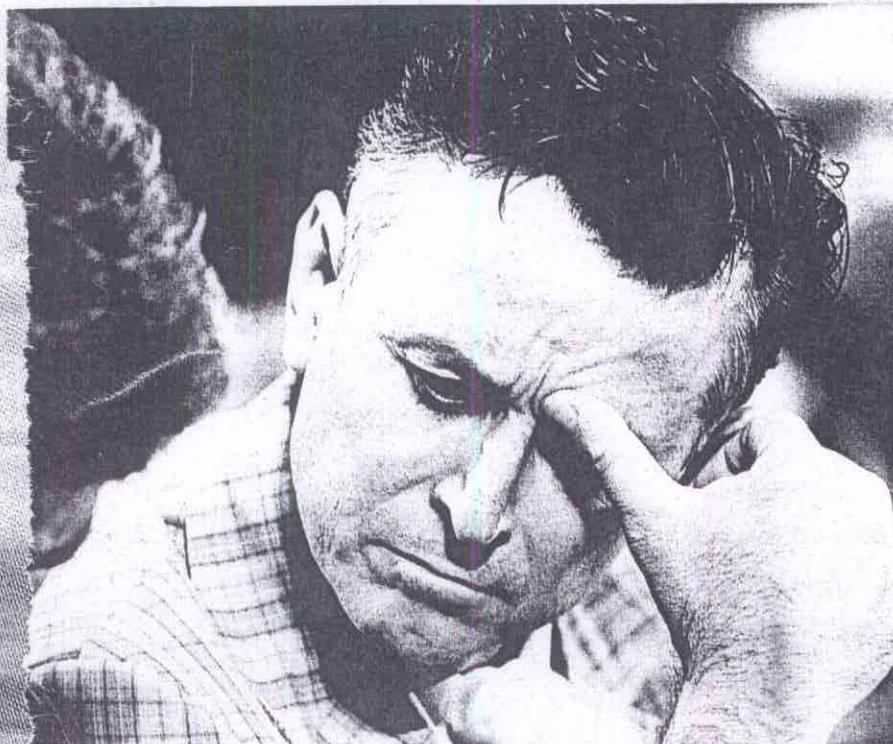
King's murder, thus avoiding the risk of the electric chair. In exchange, he was given a 99-year sentence, without a trial. But, within days, he recanted his guilty plea. Ever since, he's campaigned without success for a real trial. Now he pleads "not guilty" on television.

Serious questions have been raised about the broadcast. Is it merely a TV stunt, or, as its producer claims, "a new form of investigatory journalism"? Clearly

the extralegal but trial-like proceedings—whose verdict won't be revealed until showtime—promise to be an entertainment success. An eyewitness describes in gripping detail the moment King was shot on the balcony of the Lor-

The courtroom where TV is blurring the line between reality and fiction, history and docudrama.





AP/WIDE WORLD

rairie Motel. Ray himself testifies in his mumbling way, making himself out to be a mere petty crook and misused patsy of sinister forces. A journalist staying at the Lorraine Motel at the time recounts seeing a shadowy "man in the bushes" at the foot of the flophouse where Ray supposedly shot King from a bathroom window, opening again the question of a larger conspiracy against King.

The man-in-the-bushes theory was never investigated by authorities, fueling the suspicion long held by civil-rights leaders that the FBI played a nefarious role in Dr. King's death.

For all its dramatic appeal, troubling issues remain about the pseudo-trial. For instance, does the show blur the line between fact and fiction, as happened in such recent docudramas as the movies "JFK" and "Hoffa"? Says Bill Kovach, curator of the Nieman Foundation at Harvard: "I object to the trend that is de-

James Earl Ray in 1978, during the House Select Committee on Assassinations hearings.

signed to look as if a careful judicial process is under way which determines something one way or the other. It not only misleads the public; it trivializes the pursuit of justice."

Some legal scholars are concerned about the casual leap from the existing court structure to a mock forum given huge exposure by a pay-TV channel. "I'm troubled by the idea that one can go outside the system," says Vanderbilt University law school professor Donald Hall. "This may set some kind of precedent. The next defendant five years down the road who has enough clout, money, and sex appeal in the eyes of some TV producer could be allowed to do the same sort of thing and get some benefit that other incarcerated people can't receive."

There is also the problem of evidence and testimony. While the trial admitted

statements from the public record of 25 years ago and from the investigation initiated in 1977 by the House of Representatives, it still has been a quarter-century since the event. Some key witnesses are dead; others declined to testify. "This could be a dangerous thing," says Rev. Joseph Lowery, president of the Southern Christian Leadership Conference, the organization King co-founded. "They are operating without benefit of all the police and FBI information."

Producer Jack Saltman of Thames Television insists that the trial was held according to the strictest rules of criminal procedure, with one exception: both prosecution and defense were given a time limit (27 hours each) to present their case. Saltman's cast of characters also lends the show credibility: former federal judge Marvin Frankel of New York presides; former U.S. attorney Hickman Ewing of Memphis is the prosecutor; Ray's attorney is William Pepper, an American working as a barrister in London.

Unable to get Ray a real trial, Pepper, a onetime friend of Martin Luther King Jr., took the idea for a teletrial to Saltman. Five years ago, Saltman had created a similar "trial" of former Austrian president Kurt Waldheim, who has been accused of war crimes. That tribunal—all distinguished jurists—exonerated Waldheim for lack of hard evidence. Pepper obviously hopes the same thing will happen to Ray, creating enough doubts in the public mind about the King case to have it reopened, possibly leading to a real trial for Ray. At the least, Pepper could appeal to the Tennessee governor for clemency or commutation of Ray's sentence. (Ray is eligible for parole in 1995.)

Some of those closest to the slain civil-rights leader welcome the trial. They have long felt that a conspiracy killed Dr. King and that a government coverup occurred. They believe that Ray should have been tried in the first place—to bring out the facts. "I've always felt that

Ray was just a hired killer," says Memphis minister Rev. Samuel Billy Kyles, who was with King when he was shot and testified in the TV trial.

Saltman contends that the fake trial is less an affront to justice than a chance to further it. He feels the length of the trial and the chance for lawyers to cross-examine witnesses make it a better journalistic vehicle than the usual documentary, or even a *60 Minutes*-style investigation. He also rebuffs the charge that his trial confuses reality with entertainment, like the much-maligned docudramas of recent years. "It is not a docudrama, because there is nothing dramatized at all," he says. In fact, says Saltman, once the unscripted trial began, he had no control over the attorneys, the witnesses, or the jury; the judge ran everything. The verdict, too, was out of his hands; a hung jury is possible.

To Saltman's credit, the show does seem to come as close as TV can to replicating real courtroom procedures. It has none of the staged feel of *L.A. Law* and other courtroom shows. "After the first few minutes, I had the feeling that I was in a real trial," says Rev. Kyles.

Whether Ray, now 65, is found innocent or guilty (or neither) has no legal importance. But the outcome will almost certainly create dissatisfaction in its wake. A guilty verdict would leave the civil-rights community hardened in its belief that the truth, if not the jury, is still out. A not-guilty verdict will outrage those who feel Ray did the deed, and should receive not even the tiniest moral relief from his TV trial.

At best—beyond its pure entertainment value—the show may heighten public interest in the unfinished business of civil rights and finding the truth about King's killing. "I don't know whether the ultimate truth, in God's sense, will emerge from this trial," says Judge Frankel. "But I think something closer than what the public has ever known may result." ■