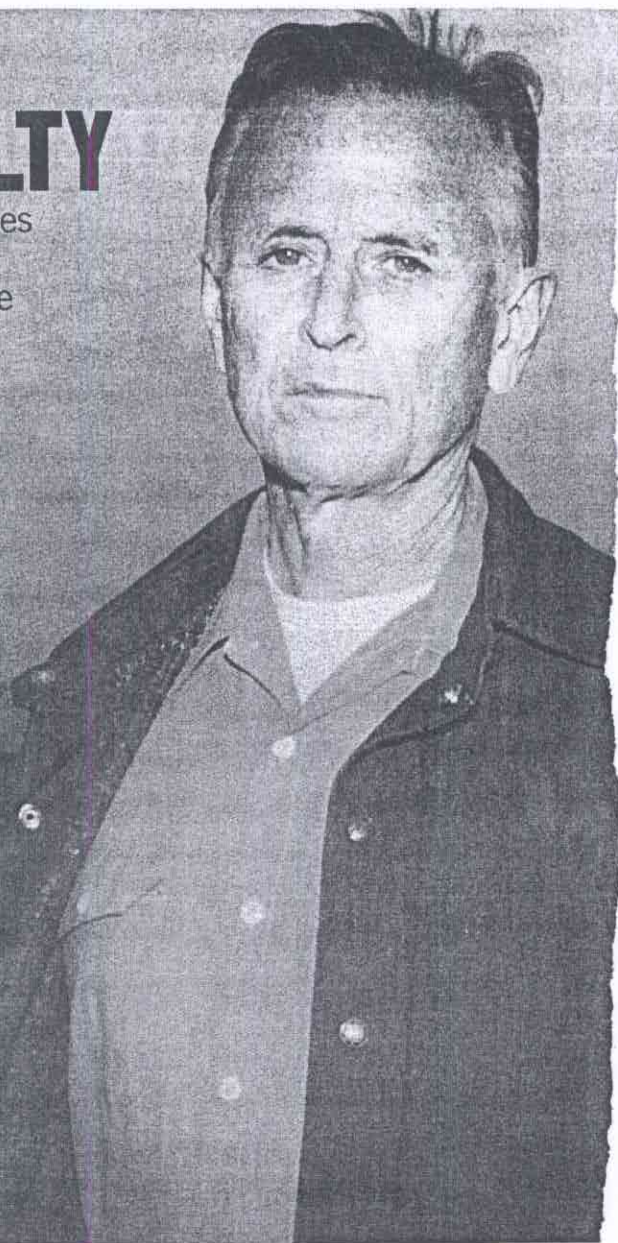


UP FRONT

PRESUMED GUILTY

Martin Luther King's convicted killer hopes the truth—or the facsimile that emerges from a mock trial on TV—will set him free



SITTING IN RAPT SILENCE, THE JURY listens to the slight, steely-haired defendant describe his alleged meeting with a mysterious gunrunner he calls Raoul. "I gave him the rifle," says James Earl Ray of the encounter he claims occurred in Memphis the day before the assassination of Dr. Martin Luther King Jr. Defense attorney William Pepper asks if he ever saw the gun again. "No," says Ray firmly. In his life, has Ray ever fired a gun at anything other than squirrels? "No."

A quarter-century ago, James Earl Ray confessed to shooting King and

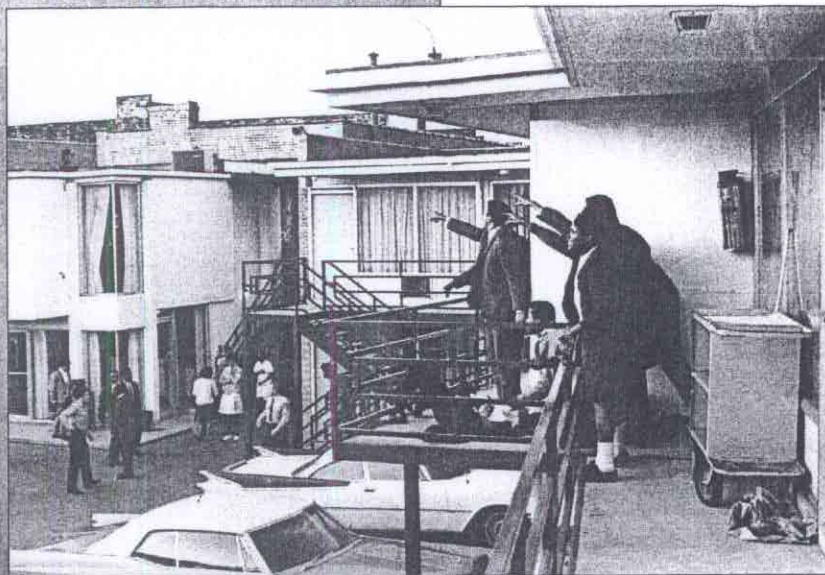
was sentenced to 99 years in prison. Yet shortly after pleading guilty, Ray abruptly began claiming that his confession was coerced and that he deserved to have his case tried before a jury. Now, although his appeals have consistently been turned down, Ray, 65, is finally getting his day in court—on cable TV. His first and, thus far, only trial takes place April 4, the 25th anniversary of the assassination, during an unscripted three-hour, \$3 million special produced by Home Box Office and Britain's Thames Television.

During the mock trial, taped earlier

this year, real-life witnesses to the assassination appear in a real Memphis courtroom presided over by a former U.S. District Court judge. Ray, who participated via satellite hookup from the Riverbend Maximum Security Institution outside Nashville, is cross-examined by Pepper, his real-life lawyer since 1986, and prosecutor W. Hickman Ewing, a former U.S. Attorney in Memphis.

The jury's still secret verdict in *Guilt or Innocence: The Trial of James Earl Ray* is, of course, not binding. But the line between fiction and fact could blur. The convict and his law-

Photograph by Mike Maple/HBO



JOSEPH QUINLAN

◀ "I did not shoot Martin Luther King," says James Earl Ray (in the yard at Riverbend prison near Nashville).

▲ As King lay mortally wounded on the balcony, associates indicated where they thought the shot came from.

delegate from the District of Columbia, led an investigation by the House Select Committee on Assassinations. "I'm not satisfied that James Earl Ray had the motive or the means or the opportunity," says Fauntroy, a star defense witness in the mock trial. "I do not believe he pulled the trigger." Not so, counters TV prosecutor Ewing, who says he is unconvinced by Ray's portrayal of himself as a bumbling petty robber who was framed by conspirators. "He may not be a Phi Beta Kappa," Ewing says, "but he's got enough smarts to do what he's charged with."

That charge is, as it was back in 1969, first-degree murder, not conspiracy. Which means the prosecution must convince the TV jury beyond a reasonable doubt that Ray fired the fatal shot. Although producer Jack Saltman is keeping some testimony under wraps, a big part of Pepper's case appears to be discrediting the physical evidence against his client. Two ballistics experts testify it is impossible to prove that the fatal slug came from the rifle bearing Ray's fingerprints. Eyewitnesses challenge the government's contention that the shot issued from the flophouse where Ray had rented a

yer are hoping this ersatz trial will have real consequences: win Ray a real court date or persuade the Governor of Tennessee to appoint a special prosecutor or grant Ray a pardon or clemency. Indeed, Pepper suggested the TV trial after his appeals on Ray's behalf through conventional legal channels failed. "Even if the verdict is guilty, we've still got to get a trial," Ray told PEOPLE during a jailhouse interview. "There are a lot of witnesses there [on TV] who have never been heard before."

In his push to reopen the case, Ray has some surprising allies. Few people

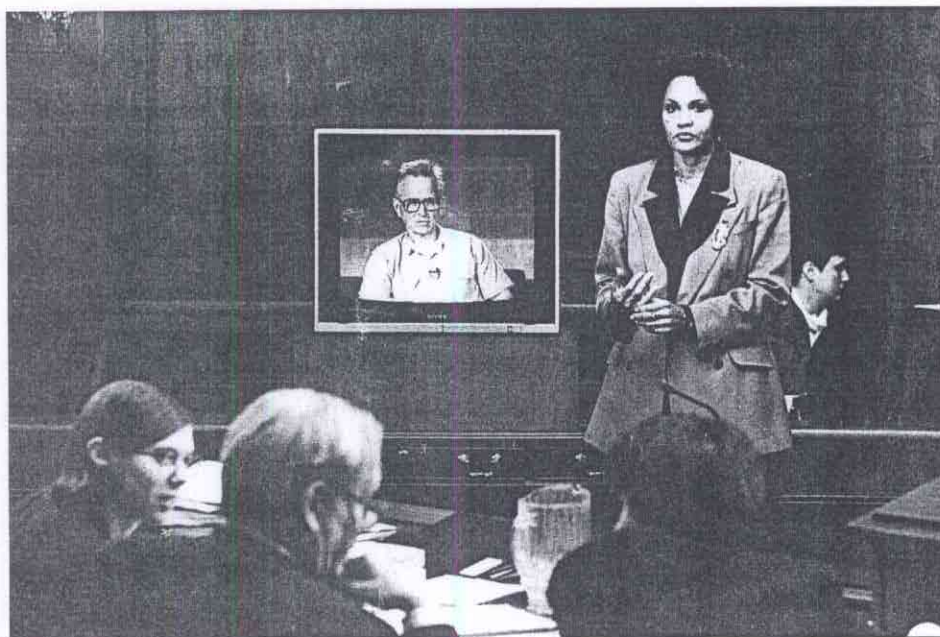
agree on exactly how or why Dr. King was murdered; there are almost as many conspiracy theories about King's death as there are in Ray's favorite film, *JFK*. But there's consensus among many witnesses, civil rights leaders and the King family on how he *wasn't* killed—by a lone crazed gunman, as the prosecution contended. Eyewitness Jesse Jackson is so convinced Ray didn't act alone that he wrote the forward to Ray's 1991 book, *Who Killed Martin Luther King?*

This view is shared by Walter Fauntroy, a close friend of King's who in the late '70s, during his tenure as

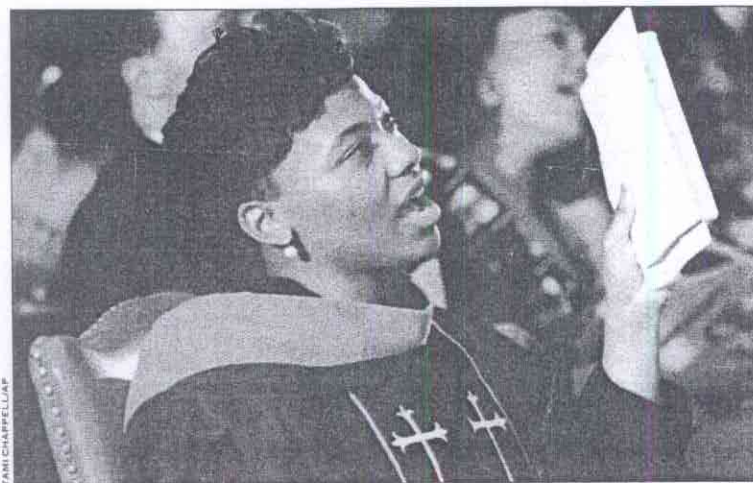
UP FRONT

► During taping of the show, Ray (seen on courtroom monitor next to host Charlayne Hunter-Gault) remained stone-faced.

▼ "We've never felt it was just James Earl Ray," says King's youngest child, Bernice, 30, a lawyer and minister (at her ordination in 1990). "We're not even convinced he pulled the trigger."



CRAG BLANKENHORN/ABC



TAMI CHAPPELL/AP

room, claiming instead that the gunman was hiding in some bushes.

Meanwhile, inside Riverbend's 12-foot-high razor-wire fences, Ray follows a familiar routine. "You get up, go to breakfast, clean up the cell block," he says. "I either read books or go to the library twice a week and read newspapers. The food is just jail-house food. It's free, so you can't complain too much." His TV diet consists of news, PBS programs and the occasional movie. "I like some of those English actors, like Anthony Hopkins in *Silence of the Lambs*," he says.

Ray denies he is a racist and claims his notoriety hasn't caused any backlash. He believes his stabbing by three black inmates in 1981 had more to do with gang rivalry than

with the King case. "Most of them have got their own problems, and they're not concerned about me," he says.

Ray maintains he is just "a two-bit career criminal"—at the time of the assassination he was on the lam from a Missouri prison where he'd been sentenced for armed robbery. Ray claims he was set up as the fall guy for the murder by "Raoul," who he says first approached him in Montreal in 1967 about a smuggling operation. "I think I was just kind of used because I was on the bottom of the totem pole," he says. "Usually the lower down, you do what people tell you when they give you money, and you take the chances."

Ray continues to insist that his then lawyer, the late Percy Foreman,

strong-armed him into his guilty plea. Ray has alleged that Foreman had a conflict of interest, a book deal whereby the lawyer stood to get \$165,000 if his client pleaded guilty. But why did Ray agree to the plea? His lawyer, he says, learned that Ray's father had been a fugitive since his 1924 escape from an Iowa prison. "Foreman said if I didn't enter a guilty plea they might put my father in jail and charge my brother with conspiracy," Ray claims.

Should he win his freedom, Ray, recently divorced from his wife of 14 years, doesn't see returning to his old ways. "I wouldn't get into that petty criminal life; that's just lack of self-discipline," he says. "What's three or four thousand dollars? If you get away with it, you really don't have nothing because in three or four months you're going to spend it."

During the long, indistinguishable days, Ray, whose trio of escape attempts from his current sentence sprung him for just three days in 1977, fantasizes about life outside prison. Europe, he muses, might be nice. "I don't think anybody over there is starving to death except in Bosnia, but I imagine that would be a pretty good place to dodge the FBI," he says. "I don't think they'd come over there looking for you."

■ **PAMI LAMBERT**

■ **JANE SANDERSON** in *Memphis* and *Nashville*, **BARBARA SANDLER** in *Chicago*, **ALAN SCHLEIN** in *Washington* and **GAIL WESCOTT** in *Atlanta*