

# Justice By Television: Ray's 'Trial'

By Paul Valentine  
Washington Post Staff Writer

Once again, the conspiracy bugaboo is about to descend on us—this time via HBO video *vérité*, starring James Earl Ray. The convicted assassin of civil rights leader Martin Luther King Jr. is insisting for the 50 millionth time that he really didn't do it.

But there's a difference. From 8 to 11 p.m. tomorrow, the 25th anniversary of King's death, HBO Showcase will present a unique, unrehearsed, unscripted, seriously entertaining and entertainingly serious "trial" of Ray. It's the trial he never got because, as he claims, he was silenced and coerced into pleading guilty.

"Guilt or Innocence: The Trial of James Earl Ray" revisits all the land—  
See TRIAL, C7, Col. 1

## Ray Trial

TRIAL, From C1

marks of the King-Ray saga—the Memphis rooming house from which the fatal shot allegedly was fired on April 4, 1968; the Lorraine Motel 205 feet away where King fell; the 30.06 Remington rifle found near the rooming house; Ray's white Mustang getaway car; his map of Atlanta with circles drawn around or near King's home and church; the shadowy "Raoul" who Ray says ordered him to bring the rifle and its high-powered scope to Memphis.

And there's more: the reassertion by Ray's attorneys of a conspiracy, of vague "forces of government" manipulating Ray and setting in motion a political murder that was "planned by people [Ray] never knew."

That assertion runs flat into the simple "lone assassin" theory of the prosecution, that Ray acted on his own out of simple hatred of blacks as symbolized by King.

It also runs into a 1977 Justice Department investigation that found no official or other collusion whatsoever, and a 1978 report by the House Select Committee on Assassinations that there was a "likelihood" of a conspiracy, but it involved Ray's two brothers, not Washington officialdom.

HBO's \$3 million production features, not Hollywood stand-ins but real

prosecutors and defense attorneys, a retired federal judge, a randomly selected jury and more than two dozen witnesses, including Ray.

Oh, there's also a verdict. It has no force in law, of course, but such is the price of serious entertainment.

Through agreements with court and prison officials in Tennessee, the trial was filmed in a courtroom in Memphis, and Ray participated in the proceedings via television satellite from prison in Nashville. Ray, now 65, is serving a 99-year term for the slaying.

The trial totaled 54 hours in testimony spread over 10 days. Editors then whittled the tape down to the meatiest three hours with host journalist Charlayne Hunter-Gault attempting to fill in the gaps for viewers. (Additional play dates include April 7, 15, 21 and 27.)

The prosecution was led by W. Hickman Ewing Jr., in real life a private attorney and former U.S. attorney in Memphis. The defense was headed by William F. Pepper, a London-based lawyer who is Ray's current attorney. Marvin E. Frankel, a former federal judge in New York, presided over the trial.

Both prosecution and defense relied heavily on investigative reports generated over the years by police, FBI, congressional investigators and others. More important, the two sides were budgeted substantial money by HBO—in the "tens of thousands" of dollars, according to one HBOer—to gather their own evidence, interview witnesses and pursue independent leads.

While their efforts produced precious little that is new to the nation's conspiracy wonks in this much mauled and dissected case, the trial format provides a new prism through which to gauge the evidence: the give-and-take of live testimony by (now mostly retired) police, FBI agents and King aides who were on the scene in Memphis and the rigorous test of their credibility under cross-examination.

Some did well; some did not, especially Ray, who stumbled and stuttered when pressed by prosecutors on his views about black people and on evidence that he was stalking King for weeks before the slaying.

But there were also several adroit defense challenges to the official version of the assassination, including witnesses who said they saw a puff of white smoke and a man crouching in bushes below the rooming house window from which Ray allegedly fired the fatal shot.

Pepper, the defense attorney, insistently pushed the conspiracy button: the disappearance of documentary evidence, the removal of the bushes from below the rooming house the day after the shooting, the (now acknowledged) FBI campaign to harass and discredit King and an emotional but unpursued claim by former FBI agent Arthur Murtagh that the FBI was in on a plot to kill King.

Prosecutor Ewing quickly noted that Murtagh told the House Select Committee on Assassinations just the opposite in 1978.

In a telephone interview, Pepper acknowledged the trial produced "no smoking gun." But he said Frankel, the trial judge, "excluded two-thirds of my case" because it was based on hearsay, including evidence of FBI involvement in a contract on King's life.

"I know there is a lot of cynicism about TV trials," Pepper said, "but this was the only way James could get a semblance of his day in court."

Ray has been repeatedly turned down by both federal and state judges in his bid for a trial in a real court. With the airing of HBO's special, Pepper said he may be emboldened to renew the bid or ask Tennessee Gov. Ned Ray McWhorter for official exoneration.