

CIRCULATION:  
1,104,651 DAILY / 1,502,120 SUNDAY

COLUMN ONE 9/24/94

# The Killing of Dr. King Revisited

■ A quarter century later, a Memphis woman's claims about a former lover help revive the campaign to free James Earl Ray. Even some of the slain leader's allies champion the convicted assassin's cause.

By ERIC HARRISON  
TIMES STAFF WRITER 9/24/94

MEMPHIS—Betty Spates thought it was a car backfiring, the muffled pop she heard seconds before her lover rushed in. He scrambled into the kitchen from outside, white as a sheet, she says, hair standing straight up on his head as if he'd stuck his finger in a socket. She knew something was wrong. But even after seeing Loyd Jowers clearly shaken, clutching a rifle and looking like he'd wrestled with Death himself, she says, she did not realize the enormity of what had taken place.

Nor did the 17-year-old black girl make the connection a short while later when she returned to her job across the street and saw co-workers weep over news that the Rev. Martin Luther King Jr. had been killed. As astounding as it seems, Spates says she didn't know who King was and had no idea the Nobel laureate had been staying at a motel a block away, almost directly behind Jowers' restaurant.

For a myriad of reasons, Spates says she kept quiet for a quarter century. Today her story is one of the cornerstones of an effort to get James Earl Ray, King's convicted assassin, out of prison.

Local prosecutors scoff at her tale as they strenuously resist efforts to reopen the case. But Ray's London-based attorney, William Pepper, says Spates is part of the proof that there was a broad-based conspiracy to kill King. He contends the plot involved the Mafia and possibly FBI agents and Memphis police. He accuses the authorities of a cover-up.

The murder of King on April 4, 1968, stands with the assassination of President John F. Kennedy as one of the political tragedies of the 1960s that forever changed America, driving a stake through the heart of a nation's innocence.

The slaying sparked riots in more than 100 cities and left the civil rights movement in disarray. Almost immediately came charges of cover-ups and government complicity. The suspicions have not waned with time. A number of King's prominent former associates and one member of the FBI team that spied on King now champion Ray's innocence.

The official version of King's death has always been that he was killed by Ray, who acted alone. The enigmatic drifter and small-time thief confessed to the murder in 1969 and was sentenced to 99 years in prison. But then he immediately recanted, claiming he had been coerced. Since then, he has tried unsuccessfully to get a trial, insisting that a mysterious smuggler known as Raoul framed him and likely was the true assassin.

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Now, with Spates' story, Ray's defense has gone beyond Raoul to posit a scenario of how King might have been killed.

Not surprisingly, the men who branded Ray the lone assassin don't think much of all this. "It's a bunch of crap," huffed N.E. Zachary, the retired chief homicide detective who handled the investigation.

The question now is whether Pepper will ever get to make his case in court. Ray had been preparing for an extraordinary hearing at which he was to present evidence to show why he could not have killed King. A Shelby County criminal courts judge rejected his motion for a trial but granted the hearing to allow Ray to build up a record for his appeal to federal courts. In a 2-1 decision last week, the Tennessee Court of Criminal Appeals ruled that the judge had overstepped his authority in granting the hearing. Ray's lawyers have filed an appeal with the state Supreme Court.

If the hearing is held, Pepper says it would be a "a major breakthrough. From beginning to end we're going to walk the court—and the rest of the nation, to the extent that the media allows us—through the assassination of Martin Luther King and establish James Earl Ray's actual innocence. . . ."

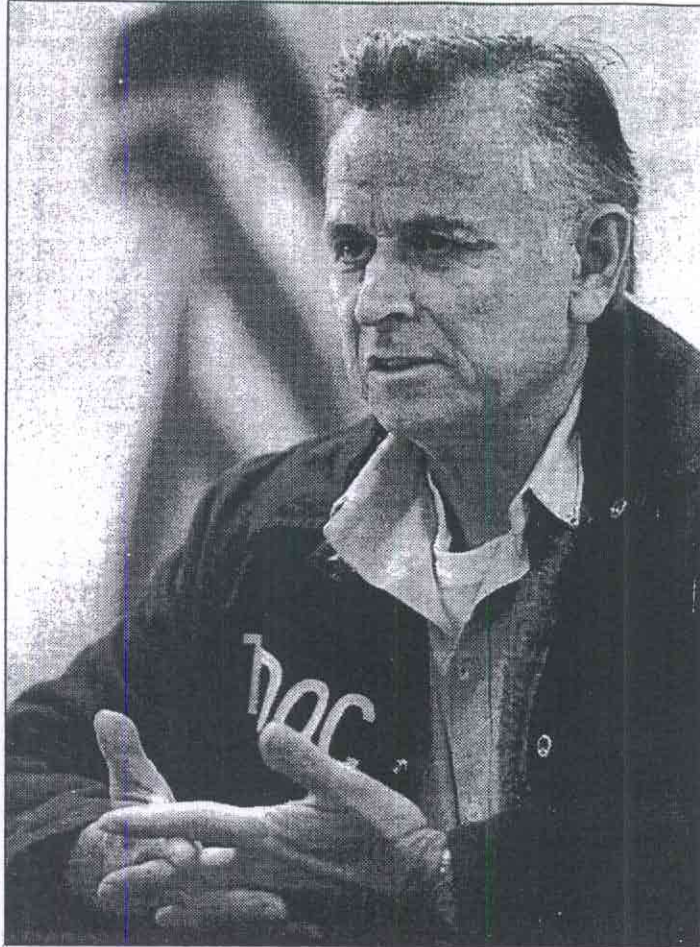
### Jim's Grill in Memphis

Key to Ray's case are Loyd Jowers and Betty Spates. Jowers, now 67, is a one-time Memphis police officer and taxi company owner who admits to playing a role in the murder, although in a pointedly different capacity than the one Spates' story suggests. Jowers, a white man, claims he acted as a middleman to hire the killer, and is seeking immunity from prosecution in exchange for telling authorities all he knows.

Jowers and Spates met in 1967 when she and her two sisters applied for work at his restaurant. Jowers told Spates she was too young. She was old enough, though, to begin an affair with the married, 41-year-old Jowers that lasted for years, she says.

When she went into the kitchen at Jim's Grill the evening of April 4, 1968, Spates says, she was looking to catch Jowers fooling around with another woman. Instead, she says, she saw him come in alone

**"We know that J. Edgar Hoover had a passionate hatred for Dr. King. [He]**



Associated Press

James Earl Ray during a 1991 prison interview. He is serving 99 years for a murder he blames on a mysterious smuggler named Raoul.

identified by another friend of Jowers as Frank Liberto, a Memphis produce supplier with alleged ties to the New Orleans Mafia, who has since died.

If the purpose of the interview was to pressure prosecutors to grant immunity, it didn't work. Shelby County Dist. Atty. Gen. John Pierotti did reluctantly agree to investigate, complaining that it was a waste of time and money, but he said immunity was out of the question. Meanwhile, the media bombardment on Jowers' home was so heavy that he moved, reportedly to the Ozarks.

There is something approaching corroboration of part of Jowers' story: In 1968, a witness told police he overheard a man on the telephone hours before King's death seemingly discussing a murder for hire. The man was Liberto.

"Kill the S.O.B. on the balcony and get the job done." That's what John McFerren told police he heard Liberto say. McFerren had driven into Memphis to buy sup-

figure dressed in white that at least three people claimed to have seen.

Later, police found fresh footprints behind Jim's Grill. But city officials ordered the lot cleared and the bushes cut down early the next day, destroying whatever other evidence there might have been. By then, authorities had already settled on their scenario: Overwhelming circumstantial evidence linked the murder to Ray.

Looking back, Ray seems in some ways an improbable suspect. He'd been in and out of prisons, but never before had he been associated with such a violent act. Since breaking out of Missouri State Prison almost a year earlier, he had bounced around the country, making forays into Canada and Mexico, financing his travels with robberies and odd jobs. But in the weeks before King's death, Ray's movements seemed guided by a new sense of purpose.

He had gone from Los Angeles to Selma, Ala., to Atlanta, then to

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## would have done anything to discredit if not kill Martin Luther King.'

JOSEPH LOWERY  
Civil rights leader

from the bushy field out back with mud on his pants as if he'd been kneeling. It was the second time that day she'd seen him behind the kitchen with a rifle, she says. But this time he seemed frightened. "I asked what's wrong," she recalls. "Then he asked me would I ever do anything to hurt him."

She said it took a while for her to realize that someone important had died that day and that she might be able to shed some light on the case. By that time, things were so tangled up in knotty issues of race and love and loyalty and fear that she says she chose to forget that it had happened. For 26 years she has tried to block it from her mind.

It was for people like Spates that the civil rights leader had given his life. She was poor and unschooled, three years removed from the cotton fields of Mississippi and trying to make ends meet in the still-segregated South when King was shot down. The civil rights movement was an abstraction to her. "I was already living with a white man," she says now. "I already had my freedom."

Pepper said his investigation into King's death led him to Spates six years ago, after he'd heard rumors of Jowers' involvement. In 1992, he succeeded in getting her to tell all of what she remembers.

At about the same time, Pepper took a deposition from a cabdriver who said he stopped by Jim's Grill the day after the assassination. He said Jowers showed him a rifle with a telescopic sight hidden behind the bar.

Until then, Jowers had been a mere footnote in the King assassination investigation files, just another person interviewed by authorities about what they saw that day. Lewis Garrison, his attorney, said that after Jowers realized witnesses were willing to make statements linking him to the murder, he offered to divulge everything he knew in exchange for immunity.

When prosecutors stalled on the immunity request, he appeared on ABC's "PrimeTime Live" in December to say he was asked by a friend to hire a gunman to kill King. Jowers would say little more, except to add that the man he hired was not Ray. The friend was later

plies for his general store. He walked near the office of LL&L Produce, where the owner, Liberato, was sitting with his back to the door talking on the telephone. "Don't come out here," McFerren heard him say a little later. "Go to New Orleans and get your money. You know my brother."

In 1968, what were the police and the FBI to make of these stray snatches of conversation, words taken out of context? Not much, as it turned out.

Zachary, the retired homicide inspector, said an investigation showed the conversation was unrelated to King's death. Today, he doesn't hide his contempt for McFerren, a black man whom he calls a "nut" and a "troublemaker" for the civil rights movement, in which McFerren played an active role in the 1950s and '60s. "If there was an uprising or anything concerning civil rights or the movement at the time," Zachary said scornfully, "he was there waving his flag."

Now, after 26 years of being "hung out to dry," in Pepper's words, McFerren is being viewed, at least by Ray's supporters, as a possible key to unlocking the mysteries surrounding King's murder.

## An Unlikely Suspect

King had been late for dinner. After holding meetings all day at the Lorraine Motel, the civil rights leader and his associates started assembling to leave. In a fresh white shirt and tie, "Doc," as his friends called him, was standing on the balcony at 6:01 p.m., leaning over the green iron rail chatting with friends in the courtyard below, when suddenly a blast ripped the brisk April air.

Hosea Williams heard a thud on the balcony above him. He looked up to see Doc's foot sticking over the ledge.

In the official police and FBI version, Ray had rented a room in a flophouse above Jim's Grill with windows overlooking the Lorraine. Zachary figures Ray was prepared to stay for several days, when he suddenly spotted King on the balcony only a few hours after renting the room. He rushed down the hall to the communal bathroom where he'd have better aim. With a single shot from his Remington 30.06 rifle from about 200 yards away, Ray shot King. Then he quickly gathered his belongings and fled.

As pandemonium broke out, some in the courtyard thought that the shot came from bushes across the street. Police affidavits and media accounts refer to a furtive



William Pepper, the attorney for J and possibly FBI agents and Me

Memphis; King had been in each city at or about the same time. Adding to the impression Ray was stalking King was the Atlanta road map police found among his possessions. It featured circles drawn near King's home and the office of the Southern Christian Leadership Conference which King headed.

Immediately after King was killed, a man said he saw Ray rushing down the hall of the flophouse carrying a bundle. Other witnesses saw a man drop the bundle in an open doorway nearby before driving off in a car. Among a number of easily traced items police found in the bundle was a rifle with Ray's fingerprints.

Those who dispute the lone assassin theory note that the key witness who saw Ray flee was an alcoholic who gave inconsistent stories. Several people said the witness was so drunk at the time of the shooting he was incoherent.

Secondly, the conspiracy theorists say, it is improbable that a fleeing killer would drop his weapon in plain view. Pepper says the rifle was planted by the true killers to link the murder to Ray. He denies that it was the one that

# Conspiracy

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killed King. Ballistics tests have been inconclusive.

Also, Pepper has raised questions about whether the bullet in evidence is the same one that was removed from King's body. While witnesses to the autopsy say the slug was in good condition when it was extracted, the bullet returned from the FBI laboratory in Washington was in three badly damaged pieces. What happened to it remains a mystery.

Zachary has a possible explanation for why Ray may have deposited the items where he did. Just down the street from where he had parked was a fire station where members of a police tactical unit were taking a break.

As Ray hustled to his car, Zachary surmises, he saw the police pile out of the station. "That's the reason why he had to throw the evidence away," he said. "If he hadn't thrown his evidence away we'd still be looking for who killed Martin Luther King."

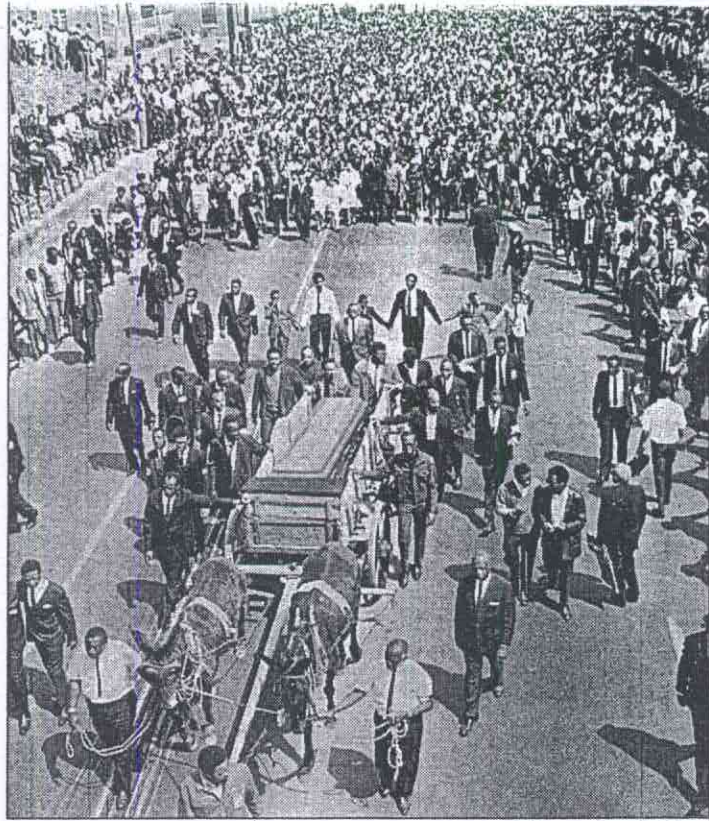
## The FBI Accused

Despite Zachary's confidence that authorities arrested the right man—and despite then-U.S. Atty. Gen. Ramsey Clark's immediate declaration that King was killed by a lone assassin—there were allegations of conspiracy from the start. Some of King's associates suspected government complicity. There was too much that seemed out of the ordinary about that visit to Memphis.

For one thing, there was the controversy that led King at the last minute to stay at the Lorraine instead of a more secure high-rise Holiday Inn. It came out later that the FBI had planted items with the media criticizing King for staying at a white-owned hotel the previous week. The FBI-planted press release called King a hypocrite and specifically said he should stay at the black-owned Lorraine Motel.

Also, after at first denying that King had been under surveillance in Memphis, authorities later disclosed that an undercover police officer was part of King's entourage when he was killed and that the police and the FBI were using the firehouse across from the motel as a spying station. Two black firemen were reassigned from the station the day of the shooting, supposedly because of death threats. Less than two hours before the murder, a black police officer who was part of the spying detail also was removed with the same explanation.

At the time, the Rev. Jesse Jackson, Andrew Young and other civil rights campaigners were not



Associated Press

Martin Luther King Jr.'s casket is carried through the streets of Atlanta on April 9, 1968, five days after he was assassinated in Memphis.

conclusive proof. Investigators did agree with law enforcement authorities on one crucial point: Ray was the triggerman, even though they could not say exactly why he did it or if he had help. The only motive they found was a \$50,000 bounty allegedly offered for King's murder by a St. Louis segregationist group. No one knows if Ray knew of the supposed reward.

In the 1960s, Ray supported segregationist George C. Wallace's 1968 presidential campaign and white racist regimes in South Africa and Rhodesia, now called Zimbabwe. Despite this, and despite testimony that he hated black people, one of the noteworthy characteristics of his campaign to get out of prison is the support he has received from King's former associates.

Jackson wrote the foreword to Ray's 1992 book, which argues that government forces killed King. Williams, now a county commissioner in Georgia, testified on Ray's behalf at a parole hearing last May. The Rev. James Lawson of Los Angeles, whose invitation brought King to Memphis, performed Ray's

in a conspiracy is willing to accept that Ray was wholly ignorant of the plot. "I don't think James Earl Ray is innocent," Lowery said. But he added: "Only an idiot or imbecile would believe that [he] acted alone. . . . He's a little two-bit punk-type, petty robber and thief and there's no way in the world he could pull this off."

Even Zachary said the possibility of a conspiracy bothered him at first. "But when you step back and analyze the thing it was not a big deal what he did, no big deal that one person couldn't pull this off."

Philip H. Melanson, a political science professor at the University of Massachusetts who has written two books about the assassination, notes inconsistencies in Ray's accounts. He believes Ray has lied on occasion—including perhaps about the mysterious Raoul—possibly to obscure the nature of his relationship with his handlers.

And there are a number of unanswered questions, such as: Why were the four aliases Ray used in the months before and after the shooting the real names of men who resembled Ray and who lived near each other in Toronto—a city Ray claims he never visited before King was killed but to which he fled after the murder?

Dumb chance? Or were the aliases supplied to him? And, if so, by whom?

**'If Dr. King were alive and you had the same circumstances, King**



JOHN KOULBANIS / For The Times

ames Earl Ray, alleges the Mafia, Memphis police, plotted to kill King.

aware of any of this. But they did know one thing: The police had been unusually scarce throughout the day—an all-black security detail that had been assigned to King had been withdrawn the previous afternoon. But within seconds after the shooting a dozen police officers suddenly materialized.

Joseph Lowery, executive director of the Southern Christian Leadership Conference, said there is consensus among King's old associates that FBI agents were involved in the killing. "We know that J. Edgar Hoover had a passionate hatred for Dr. King," he said. "[He] would have done anything to discredit if not kill Martin Luther King."

King had begun to deal with issues of economic disparity and had come out against the Vietnam War. Believers in a conspiracy argue that this made him a greater threat to those in power. Further, they note, Frank C. Holloman, then Memphis director of fire and safety, was a retired FBI agent who had served as an aide to Hoover.

In 1979 a congressional investigation acknowledged the possibility of a conspiracy but did not find

for the incarceration of a poor thief for a crime he did not do as he would be for unpacking the truth about the killing.'



THE REV. JAMES LAWSON  
Los Angeles minister

wedding ceremony in prison in 1978 and has started a fund to help pay for Ray's defense. Even the American-born Pepper is a former friend of King who was involved in a 1967 effort to draft him as a third party presidential candidate.

"If Dr. King were alive and you had the same circumstances, King would be as concerned for the incarceration of a poor thief for a crime he did not do as he would be for unpacking the truth about the killing," said Lawson, pastor of the Pullman United Methodist Church.

In Ray's often-told account, his movements leading up to King's murder were directed by Raoul, whom Ray claims to have met by chance in a Montreal bar.

Raoul supposedly rendezvoused with Ray in Memphis at Jim's Grill, told him to rent a room upstairs and had him bring the gun and other items he'd previously instructed him to buy. Then Raoul, saying he planned to meet with underworld associates, asked Ray to leave. Driving back to the flophouse later, the escaped convict claims he saw the area swarming with police. Over the radio he learned of King's death and that police were looking for a white man driving a white Mustang. That's when he decided to flee.

Arthur Murtagh, a former Atlanta-based FBI agent who is conscience-stricken over his own participation in the bureau's anti-King campaign, sides with those who believe Ray was framed.

Ray's description of his dealings with Raoul mirrors standard FBI operating procedures, he said. Informants are not allowed to see the big picture and can't prove they have contact with the bureau.

"I think Raoul was feeding [Ray] the rifle and all the other things and making sure he handled them and that his fingerprints were on them and probably advising him on what to do with it," Murtagh said. "And while he was carrying out that function, I think Raoul or some other operative was probably involved in the shooting that killed King." He admits this is conjecture, but said: "I know the system."

But not everyone who believes

plastic surgery three weeks before King was killed—surgery that, according to some investigators, made him look more like the men whose identities he claimed?

And how is it that Ray, after escaping to Canada, was able to quickly get a passport and then afford air travel to London, Portugal and then back to London again; where he was arrested?

Pepper says Ray was "for the most part" an uninformed pawn—"an escaped convict on the run just trying to stay away from being caught and survive. As a result of that, he followed a predictable course of behavior. He did not ask questions and he received money from time to time for things he was asked to do."

While Pepper says the New Orleans Mafia was involved in the killing, he declines to name who he believes was responsible.

"We will only address aspects of the killing and contract to the extent that I can put proof on the stand," he said. "It's a still-evolving situation."

Pepper does, however, outright accuse the FBI of engaging in a cover-up. "What the bureau did in my view was scandalous," he said. "They did not contact a lot of witnesses. They interviewed other witnesses improperly—the reports do not reflect the true interviews."

Among witnesses he claims the FBI interviewed but kept secret are two men who saw a man in a white 1966 Mustang drive away from the area shortly before the shooting occurred. This could support Ray's contention that he'd gone to get a tire fixed when King was killed.

## Painting Ray as a Liar

By far the most damning statements against Ray have come from the attorney who represented him when he pleaded guilty in 1969, the late Percy Foreman. In court and congressional testimony over the years, Foreman said Ray admitted fabricating Raoul and alleged that Ray purposefully left his fingerprints on his rifle because he wanted credit for the killing.

"He was a racist, he is a racist, and has been one all his life," Foreman said of Ray in 1974. "He thought everybody thought like he thought, and he thought the killing of Martin Luther King would make him the champion of the white race, that he would be the most popular man in America."

Despite Ray's contention that Foreman coerced him into pleading

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# KING: Alleged Witnesses to Conspiracy

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guilty in 1969, Foreman maintained Ray did it willingly to escape the death penalty. "He said there was no penitentiary in this country that could hold him, and if I could save his life, he would tend to the rest," Foreman said in 1978.

Pepper calls Foreman a liar. Noting that the famed attorney had "unsavory connections" and had represented organized crime figures, Pepper suggested that Foreman, too, had been involved in the plot to cover up the trail leading to the true assassins.

Someone else who is convinced of Ray's guilt is his ex-wife, Anna Ray, whose divorce after 15 years of marriage became final last year. She spent most of the years they were together working to help get him released. Now she works to make sure he doesn't get paroled.

The former trial sketch artist said she believed in Ray's innocence when they married. She'd met him while covering his hearings for a television station. "He seemed like a very sweet, kind person—very meek, sort of backward, and just real charming," she said, "the kind of guy that brings out your maternal instincts."

Eventually, however, she said she got to see his cold side and learned of his worship for Adolf Hitler and Nazi Germany. And then, in an offhand comment during an argument, she said, Ray admitted killing King. He denies it.

King's murder is one of the most exhaustively investigated crimes in American history. But, as congressional investigators conceded in 1979, the full story is yet to be told. Interlocking theories and suppositions converge and separate into infinity. Revelations come in pieces—some assembly is required—and the parts don't always fit.

production provided the funds and the forum for Pepper to conduct an investigation. But, on the flip side, the media's interest in the case has attracted people eager to peddle dubious information and has made it easier for skeptics to question the motives of witnesses.

Referring to filmmakers and television producers who have been in contact with potential witnesses, Pepper said, "I don't know if they've been putting words in [some] people's mouths."

Spates, in fact, alleges that Jowers and Kenneth Herman, a private investigator, approached her last

December—about the time Jowers appeared on national television—and asked her to lie. If she falsely claimed that Jowers had hired a black gunman to kill King, she says, they told her she could split \$900,000 in media profits. Herman denied the allegation. Jowers is still in hiding and can't be reached.

While it remains to be seen whether Ray will get his trial, "one thing is for certain," Pepper said. "If James Earl Ray had gotten his trial back then . . . I don't think it would've taken a great lawyer to prove that he was innocent."

One way or another, the attor-

# Hughes

Family Markets

WE GLADLY ACCEPT...Vons, Ralph

6 **W**hat is one to make of Jowers' claim that he hired the gunman, for example, when the man he finally fingers hardly seems believable as King's assassin?

While Jowers has kept mum, a friend who claims Jowers told him the full story named Frank Holt as the triggerman. Holt, a black man now homeless and living in Orlando, Fla., was tracked down first by the Nashville Tennessean newspaper and then by Pepper. Under hypnosis, he denied killing King. He also passed a lie detector test administered on behalf of the Tennessean.

Pierotti, the prosecutor, was quick to say this proves Jowers' claim was a hoax. But Pepper contends Jowers fingered Holt only because he assumed the man was dead or impossible to find. The lawyer suggests Jowers pulled the trigger himself and pocketed the \$10,000 he supposedly was paid to hire a killer.

And what is one to make of Betty Spates, who claims to have known all these years that the wrong man was imprisoned for killing Martin Luther King Jr.?

She remained silent partly out of fear, she said. Jowers had kept in touch over the years, always reminding her he knew where she lived and worked. She also said there have been threats on her life. And then there was the attitude of the police. Spewing racial slurs, one policeman who came to conduct interviews at Jim's Grill after the shooting told blacks to stay out of the way, Spates recalled.

"Since the police told us we didn't know anything, we decided we didn't know anything," she said.

Should Ray succeed in getting a trial, a jury will have to decide how much credibility to afford the witnesses. Pierotti claims to have in his files an unsigned affidavit allegedly based on statements Spates made about the case in 1969 giving a different account of what took place. Although Spates disavows the statement, it could—if it exists—be particularly damaging in court.

Much of Pepper's new evidence was gathered during production of a mock trial presented on HBO last year, in which a jury picked for the show found Ray innocent. The

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ney said he is determined to make his case in court. In addition to the hoped-for hearing in state court, he has asked the Justice Department to open an investigation, and has filed a civil lawsuit against Jowers, contending that Ray is entitled to \$46 million in damages because the retired restaurateur is responsible for Ray's long incarceration.

Lowery, the leader of the civil rights organization King founded, also wants to see the Jowers connection investigated. He, too, has asked for a new federal probe and for the release of congressional records pertaining to the assassination that have been sealed until 2028. "We believe that the truth has yet to be told," he said.

# Unclassified

Magazine of the Association of National Security Alumni — Vol. VI, No. 2; June-July-August 1994

**F**ranks Olson specialized in the airborne delivery of disease—an aerobiologist, if you will, a purveyor of the invisible, odorless winds of death. No shrinking violet was Dr. Frank, who told his wife that his colleague died of pneumonia when he died from anthrax being packaged at Frank's Army lab for the CIA, which liked anthrax precisely because its symptoms resembled pneumonia; thus preventing any suspicion of assassination.



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