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A Ray Conspiracy?

You Can't Prove A Negative, but Can Come Close

By George McMillan

A few years ago on a late April afternoon in a southern city, an insignificant-looking man registered as John Willard in a downtown rooming house.

The place was a fleabag, its bathroom was a stark, grimy place of stained fixtures and cracked linoleum, and yet Willard seemed determined to spend the rest of the afternoon in it.

A fellow named Willie Anchutz was in the next room to Willard's, and he noticed that Willard not only went to the bathroom often but that he also stayed in there 20 or 30 minutes every time he went and, what's more, never seemed to use the water or flush the john.

A few minutes before 6 p.m., Anchutz tried to use the bathroom, found the door locked, returned with some irritation to his room, then heard a shot.

He quickly went to his door and looked out into the hall. A man was running toward him from the bathroom, carrying a bundle, something wrapped in a blanket.

"I thought I heard a shot," said Anchutz anxiously.

"Yeh, it was a shot," the man replied and hurried on down the hall.

That southern city was Memphis. That day was April 4, 1968. That shot killed Martin Luther King Jr. And

the man who was so cool as to pause and acknowledge his deed was James Earl Ray, alias John Willard.

That reconstruction of how James Earl Ray murdered Martin Luther King comes from the report of the task force which former Attorney General Edward Levi set up to investigate the FBI's performance in investigating the King assassination.

The report was issued on Feb. 18 to mixed reviews. Levi left it on the doorstep of Atty. Gen. Griffin Bell who, when the fact of the report's existence leaked, issued it while at the same time almost disowning it. When asked about the report's conclusion, Bell said: "You could lean to either side. You could say that there's no conspiracy but you could still wonder, you know, if there were." One headline on Bell's statement read, not surprisingly: "Bell Adds to Doubts About King Investigation."

But the report does reach a conclusion, a conclusion that is categorical and unqualified.

The report says that James Earl Ray killed Martin Luther King and that Ray did it alone: "The sum of all the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved."

In fact, this 201-page report is something far more important than it

has been made to seem. Indeed, it could become a kind of white paper on the King assassination. It is the most explicit statement that has yet

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been made of the positive evidence in the case, an objective, painstaking review of the evidence gathered by the 3,000 FBI agents who worked on the case.

The report shows that the case against Ray is overwhelming, that it is detailed, that it is abundantly rich in evidence, that it is inter-locked, sequential. The report shows, for example, that the FBI was able to reconstruct almost day-by-day all of James Earl Ray's movements in the year between the time he escaped from a Missouri prison until he killed King. A summary of this chronology is included in the report.

The style and presentation is more lean, terse, narrowly factual, and less defensive, than the Warren Commission Report on the John F. Kennedy assassination.

The report rebuts the critics who say it is an "in-house" whitewash by severely criticizing the FBI and its former director, J. Edgar Hoover, for misconduct in harassing King and

for the bureau's arrogance in refusing to give reports to then Attorney General Ramsey Clark.

What the FBI did superbly was to put together the kind of evidence that a prosecutor wants, evidence that can stand the test of courtroom rules of evidence, evidence that can stand up under adversary proceedings, cross-examination, and public scrutiny.

In summarizing this evidence the task force report does the important job of furnishing a backdrop of positive evidence against which to measure the negative evidence — the endlessly proliferating "questions" that surround the events in Memphis.

For example, one of the most persistent plot rumors revolves around the fact that a Black Memphis "policeman" was suspiciously withdrawn from his assignment to protect King on the day of the murder.

This is the rumor which was recently advanced by D.C. Delegate Walter Fauntroy when he was persuading members of Congress that he had "new evidence" important enough to create what has become the House Select Committee on Assassinations.

The Justice report reveals that the "policeman" was in fact a detective who was assigned, not to guard King, but to follow King and report on his movements, whose cover was blown during the day, and whose life was threatened in a phone call to the Memphis police department that night.

Furthermore, this rumor was thoroughly investigated and discounted by Memphis newspapers in 1969.

The task force says that the FBI did attempt to investigate the "scores" of conspiracy rumors that were reported to it, involving "the widest range of perpetrators and participants as well as motives." This put the FBI in the "difficult position," the report says, "of conducting an investigation far beyond the concrete evidence," of "attempting to prove a negative."

Besides, the evidence showed that

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any possible conspiracy "would have to have involved Ray based on the evidence at hand," and "in all the years following the assassination, the investigation has failed to reveal any connection between any alleged conspirators and Ray. Indeed the overwhelming evidence indicates that Ray was almost totally alone during the year after his escape from the Missouri state prison."

If the FBI case against Ray is so conclusive, why hasn't it been presented before, and why have the rumors about the King assassination

been allowed to fester for almost a decade without any official answer to them?

It is Ray himself who has effectively prevented the facts from being disclosed in detail.

The answer lies in Ray's nearly incredible Dickensian legal history. In the almost 10 years since he was arrested he has had 12 different lawyers, and has never failed, until the past few weeks, to have some kind of appeal going through the courts.

In the first place, he pleaded guilty and foreclosed the event of his own trial and of the facts being presented in court. The day he made his plea in Memphis, the state prosecutors read an 8,000-word narrative summary of "stipulated facts" — that is, facts, both the prosecution and Ray's attorney accepted without dispute.

From 1968 until 1977, when the Department of Justice issued its report, those 8,000-words were all that were ever released from the mountainous FBI file.

Conspiracy? The overwhelming evidence indicates that Ray was almost totally alone during the year before the shooting.

Ray no sooner pleaded guilty than, within hours, he was claiming that he had been coerced into his guilty plea and was asking for a new trial.

Because it was possible that Ray might get that new trial, the state of Tennessee and the FBI took the position that they could not release any of their evidence.

Ray's claims got the most meticulous consideration. At one point, an eight-day hearing was held in Memphis to ventilate in the courtroom all of Ray's claims and evidence. Ray took the stand, and the hearing produced a multi-thousand page record. The Sixth Circuit reviewed this record, and a three-judge panel voted unanimously against Ray. On Dec. 14, 1976, Ray ran out of his legal string when the U.S. Supreme Court refused to review the Sixth Circuit's finding.

The task force report takes on what has been a key point in the

argument that the King assassination was a conspiracy: it is the myth that Ray was only a two-bit punk who had no motive and therefore must have been paid to kill King.

I confess to having tried to lay this myth to rest myself. I spent six years on a biography of Ray — *The Making of An Assassin* — only to have my book treated among assassination buffs as if it did not exist.

In the task force report there is a seven-page section on Ray and his motive. It describes the impoverishment of Ray's childhood, characterizes Ray as a man who "was never known to have had a serious relationship with a man or woman in his adult life," and then cites a long string of episodes to document Ray's nearly life-long hatred of black people. The FBI found several convicts at the Missouri state penitentiary to whom Ray had said he would kill black people and, specifically, that he would kill King.

The only hole in the tapestry of fact about the King assassination is one which would not be crucial in the courtroom if Ray were being tried. That is the question of where Ray got the money with which to live from the time he escaped from prison until he was captured, after he had killed King, in London.

The task force report does not solve this mystery, and it is this deficiency which has caused the report to be treated as if it had not solved the crime.

"The sources for Ray's funds still remain a mystery today," the report says, allowing itself to speculate that Ray may have committed "several robberies or burglaries during this period."

But it is in yet another section of the task force report that the answer to the mystery may be eventually found — that is, in the five-page section on "family contacts and assistance." This is a complex and suggestive short essay on Jerry Ray, Jack (John Larry) Ray, brothers of James Earl Ray, and on Carol Ray Pepper, James Earl Ray's sister, which reprimands the FBI: "The bureau should have pursued this line of investigation more thoroughly," the report says.

Jerry Ray lied several times to the FBI and failed to disclose that he was in touch with James Earl Ray at least once between the time Ray killed King and was captured, the report shows. This meant that "the subject of the largest manhunt in history had been aided in his fugitive status by at least one family member," the report notes.

What is more, the report notices that Ray sent money out of prison to a bank account maintained by his sister under the name of Albert J. Pepper Stationery Company.

In the book I wrote, I concluded that Ray made the approximately \$7,000 he spent by selling drugs and other contraband in the seven years he was in prison. I printed the details of a bank account which would alone account for the money. There is no doubt but that Ray was a "merchant," for his prison record includes violations of this kind. I interviewed one convict at the prison who told me that he had run a rental library for Ray. I met another who told me he ran a card game for Ray; and I met at least three others who told me that Ray sold drugs, a fact that was confirmed to me by Jerry Ray.

Jerry Ray and other family members could undoubtedly help solve the question of the money, and they are all available. Jack Ray, for example, is serving time in the federal penitentiary at Marion, Ill., for driving the getaway car in a bank robbery.

Ray has offered several alibis, but in none does he deny a part in the crime. Ray once claimed he was paid by an agent of a foreign government named "Raoul," but admitted that he, Ray, was in the rooming house when King was shot. The task force views the exculpatory contents of these varying and patently self-serving tales to be unbelievable. The details are materially self-refuting.

There is no doubt but that the task force report will have some effect on the future of the now-embroiled House Assassination Committee. Richard Sprague, counsel for the committee, has been quoted as saying that he has 600 questions to ask about the King murder and he has sought authority to hire 15 lawyers and 25 investigators to pursue that crime alone. His project budget, since deflated substantially, was originally \$6.5 million a year for two years.

How much the House should authorize for that investigation is something that should be a matter of conscience, a judgment the House should make only after reading the task force report. Of course, the best solution of all seems now to open the whole FBI file on the King assassination to everyone, not just to a task force, not just to a House committee. That is the surest way to end the disturbing doubts about this profoundly moving and tragic event.

Ray has had his day in court. Let's move the FBI file on the King case to the National Archives and throw open the door.