

Review/Television

James Earl Ray Speaks Of King's Assassination

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By WALTER GOODMAN

The high point — which is not nose-bleed high — of "Guilt or Innocence: The Trial of James Earl Ray" is the appearance of Mr. Ray, who has spent the last 24 years in jail for murdering the Rev. Dr. Martin Luther King Jr. Mr. Ray, a career criminal who pleaded guilty and took a 99-year sentence to avoid the electric chair, proclaimed his innocence up until the plea bargain and has been proclaiming it ever since.

Speaking from his Nashville prison, Mr. Ray attributes his guilty plea to "coercion and misrepresentation" and attributes the circumstantial evidence against him to one Raoul, who he says lured him into being the fall guy in Dr. King's assassination. Mr. Ray appears on screen frequently, auditing the courtroom proceedings via satellite with no noticeable reactions.

The three-hour mock trial, videotaped over the winter in a Tennessee courthouse, has the trappings of the real thing: a former United States attorney, W. Hickman Ewing, for the prosecution; Mr. Ray's real lawyer, William F. Pepper, for the defense, and Marvin E. Frankel, a former District Court judge in New York, presiding. Twelve jurors, chosen from three cities within a 1,000-mile radius of Memphis and approved by the lawyers, listen to the testimony and, in an ending that was not included in the rough screening version of the program, register their verdict.

Presumably to keep the show moving, legal issues were decided off camera, so there are no courtroom objections, and the retired Judge Frankel, dressed up in judicial garb and seen now and then taking notes, is left without much to do while the cameras are rolling except to serve as a prop. Both lawyers are allowed considerable leeway in their examination and cross-examination of witnesses.

Mr. Pepper, in particular, seems to be under the impression that the Federal Bureau of Investigation — which the nation now knows was keeping close track of Dr. King and other civil rights leaders — is in the dock and he is the prosecutor. But that is under-

Guilt or Innocence: The Trial of James Earl Ray

HBO, tomorrow night at 8

Jack Saltman, producer; Colin Callender, executive producer for HBO Showcase. A co-production of HBO, Thames Television and Channel 4.

standable, since his case is built on the notion that his client was framed by Government assassins.

Yes, the defense grants that Mr. Ray did buy a rifle of the sort that was used to kill Dr. King, that he took a room across from the motel where Dr. King was staying and that he fled the United States after the shooting, leaving behind plenty of incriminating material, including the aforementioned rifle bearing his fingerprints. But Mr. Ray denies that he was knowingly following Dr. King or that he fired the fatal shot.

To rebut the charge that Dr. King was shot from the bathroom window of Mr. Ray's rooming house, a reporter who was at the motel tells of seeing a figure in some bushes immediately after the shooting. Those bushes are the grassy knoll of the case. One can only hope that Oliver Stone doesn't get wind of them.

Among the more interesting elements of the program are the glimpses given by witnesses of the rooming-house life led by Mr. Ray, who seems to have been constantly on the move. Trial buffs may enjoy the forensic give and take over bullets and rifles, and conspiracy buffs can make the most of testimony about what the police did and didn't do at the scene and, of course, about the shadowy Raoul. In a piece of promotion distributed by HBO, Judge Frankel and Burt Neuborne, a law professor at New York University who signed on as legal consultant to Home Box Office, pronounce the trial a success. They are not subject to cross-examination.

If you stay with the whole three hours, you can make your own judgment of the evidence against Mr. Ray and his plea of inveiglement. Clicking off before the end is a different sort of verdict.