

# Ray Charges Top-Level Plot

By Wayne Chastain Jr.

MEMPHIS — The 1968 Memphis murder of Dr. Martin Luther King Jr. was at least partially planned within the Justice Department or Dr. King's own camp, charged convicted slayer James Earl Ray in an exclusive interview with Pacific News Service.

"I got my moving orders to go to Memphis on March 28 [1968] in Birmingham, Alabama," Ray said at Tennessee State Prison in Nashville. "I was told to drive no more than three hours a day and not to arrive in Memphis before April 3. At that time those orders could only have come from

*(Wayne Chastain Jr. is a veteran newspaper reporter who, while writing for the Memphis Press-Scimitar, was one of the first reporters on the scene after Dr. Martin Luther King Jr. was shot. He has now investigated the King murder for over seven years, becoming in 1973 the first reporter from a major metropolitan daily to obtain an interview with James Earl Ray. Since then he has interviewed Ray twice more. He now writes for the Pacific News Service.)*

either someone in King's camp or some high Justice Department official having access to information gained from wiretaps on King's telephones in Atlanta."

Dr. King did not reveal to the world until April 1 — three days after Ray left Birmingham headed for Memphis — that he planned to return to Memphis April 3 to lead another protest march by striking sanitation workers there.

"By then [April 1]," Ray said, "I was already halfway to Memphis. I can name a motel I stayed at near Columbus, Mississippi. The next day I drove north and stayed at the DeSoto Motel near the Mississippi-Tennessee line [only 10 miles from the Memphis city limit] instead of going on to Memphis, because I was carrying out my orders to the letter."

The next day, Ray drove to Memphis. He registered at the Rebel Motel and spent the night of April 3 there. He claims that the next afternoon he met at a Memphis beer tavern with a man named Raoul who had given him his orders in Birmingham. Afterwards, Ray claims, a

"federal agent of some kind" followed him from the tavern. At 6:01 that evening — April 4, 1968 — Dr. King was gunned down by a sniper as he stood on the balcony of the Lorraine Motel in Memphis.

The FBI maintains, however, that Ray's itinerary was considerably different.

Instead of driving toward Memphis March 28, the Bureau says, Ray left Birmingham for Atlanta, Ga. Ray spent the next three days in his Atlanta rooming house, the Bureau says, then left for Memphis April 1 after hearing on the radio that Dr. King was going there.

Ray arrived in Memphis April 3, the Bureau says, checked into a rooming house April 4 and shot Dr. King from a back room window. Then, the Bureau says, Ray eluded police and drove back to Atlanta the next day, where he abandoned his car and took a bus for Canada.

Ray now says: "They had to make up that trip to Atlanta between March 28 and April 1. The truth is that I did not go back to Atlanta after buying the rifle in Birmingham on March 28. I did not even go back to Atlanta on the day after the assassination."

Ray has been reticent about where he went and with whom he dealt from the time King was killed until Ray was captured two months later at London's Heathrow Airport.

But Ray hinted to Pacific News Service that if he loses his remaining court appeals for a new trial, he will "tell all." "If I lose my appeal in Cincinnati [before the US Sixth Circuit Court], I'll go to the U.S. Supreme Court in 1976. If I lose there, I'm going to tell all — everything I know about people and events leading up to and after King's murder in Memphis."

In the wake of revelations about dirty tactics used by the FBI and its late director J. Edgar Hoover against Dr. King, Attorney General Edward Levi has ordered a review of the FBI's investigation of the King murder.

Earlier charges by a retired FBI agent, Arthur Murtagh, had sparked congressional and Jus-

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## in King Murder

tice Department interest in an alleged FBI smear campaign against King. Murtagh has testified recently before both House and Senate intelligence committees.

"My superiors — both in the Atlanta bureau and Washington — washed out leads suggesting a right-wing conspiracy," Murtagh told PNS in a telephone interview from Constable, N.Y., where he is now a practicing attorney. "Had a more thorough investigation been conducted by the FBI, I believe links would have been established between the King assassination and the Kennedy murders — both those of JFK and RFK," Murtagh said.

In a letter to Robert I. Livingston, one of Ray's attorneys, Murtagh wrote: "The bureau was not administratively structured so as to permit intensive investigation of espionage activity from the right. All assumptions were made from the vantage point that the enemy was always on the left."

Murtagh told PNS he had worked many years in the Atlanta, Ga., bureau, where he headed a labyrinthian underground of black informers. "The intelligence I was receiving indicated there were no black subversives in Dr. King's entourage or the top leadership of the Southern Christian Leadership Conference," Murtagh said.

"The phantom subversives, of course, created the *raison d'etre* for Hoover's electronic surveillance of King, and provided Hoover with a reason for ordering the wiretaps after convincing the then Attorney General, Robert F. Kennedy, that there was indeed communist penetration of the top SCLC echelons."

Hoover consistently ignored Murtagh's intelligence reports, and several times FBI superiors questioned Murtagh in a manner suggesting that he change these reports to conform with Hoover's contentions.

"After Kennedy left office, and the imbroglio between Hoover and King over the investigation of the three slain civil rights workers in Mississippi [when Hoover called King the "most notorious liar in the U.S."], Hoover ordered a beefed-up contingent of FBI agents to monitor every movement Dr. King made," Murtagh said.

"The surveillance of King after this incident was massive

and complete," Murtagh said. "Dr. King could not wriggle his ears without the FBI knowing about it."

Thus, when Dr. King decided to return to Memphis April 3, the FBI would have learned of the decision as soon as Dr. King revealed it by word of mouth — in a hotel suite, or by telephone conversation.

Today, Ray is serving a 99-year sentence for Dr. King's murder. In March 1969, less than a year after Dr. King was killed, Ray pleaded guilty — but in equivocal language — to Dr. King's murder at a one-day trial in Memphis before the late Judge Preston Battle. In return for the guilty plea, Ray was spared a possible death sentence.

Less than 24 hours later, after Ray had been transferred to Tennessee State Prison in Nashville, he attempted to reverse his guilty plea in a letter to Battle. Ray said he did not shoot and kill Dr. King and had been coerced and tricked into the guilty plea by his then-attorney, Percy Foreman of Houston.

Although Ray had pleaded guilty at the March hearing, he interrupted his attorney, Foreman, when Foreman said to the court there had been no conspiracy behind Dr. King's death. Ray said he disagreed with his attorney's conclusion, but both Foreman and Battle promptly hushed Ray.

Less than a week after Ray's guilty plea Battle himself expressed the belief in an interview that there had probably been a conspiracy and that Ray had not acted alone.

Battle said he allowed the guilty pleas because he did not believe that a full-scale trial would have revealed any evidence as to who conspired with Ray in Dr. King's murder.

Today, Ray contends he had no knowledge of a conspiracy to kill King when he went to Memphis April 3, 1968. He thought he was going to meet two other men and participate in a gun-and-dope smuggling operation.

"I was set up and sucked in," Ray argues. "I bought the rifle that was found on the sidewalk after Dr. King's murder, but I did not fire it at Dr. King, nor anyone else. In fact I was several blocks away from the scene when King was shot."

His attorneys have filed a massive brief, asking for a new trial, contending that the rifle

and other items found on the sidewalk were part of a plot to frame Ray.

In the brief, James Lesar, another of Ray's attorneys, cites testimony of two persons — a Memphis law enforcement official and a New York ballistics expert — indicating the rifle was not the murder weapon and had been left on the sidewalk *before*, not after, Dr. King's murder.

The FBI ballistics expert consciously covered up the evidence that would have exonerated Ray as the trigger-man by not conducting two crucial tests that would have conclusively proved the rifle was not the murder weapon, the brief argues.