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The King Case: Shadows of Death

By B. DRUMMOND AYRES Jr.

MEMPHIS, Feb. 19 — In the 29 years since Martin Luther King Jr. was assassinated here, standing on the balcony in front of Room 306 of the Lorraine Motel, most official investigators have settled on a single explanation: that Dr. King was killed by James Earl Ray, a racist loner who stalked the civil rights leader and cut him down with a single shot from a .30-06-caliber hunting rifle.

Mr. Ray, eventually captured after an international fugitive hunt, confessed to the killing and was sentenced to 99 years in prison, only to recant his confession almost as soon as court adjourned. He said he did not fire the shot but rather was "set up" and used as an errand boy and decoy for the true assassins, a shadowy band of conspirators who, as he told it, counted among their number a mystery figure identified only as Raoul.

Now Mr. Ray, 68 years old, lies gravely ill in a Tennessee prison hospital, afflicted with a liver ailment that doctors say could kill him in weeks. An urgent and even strange new drama has taken over the case, stirred by fears that, shadowy and secretive as ever, he just might take what he knows to his grave.

In recent weeks, both his lawyers and members of the King family have made separate pleas for a new trial, hoping to resolve final doubts while there is still time and, in the process, whetting the appetites of television and Hollywood producers who sense a good story getting a lot better.

On Thursday, in Shelby County Criminal Court in downtown Memphis, Mr. Ray's lawyers will argue a motion that, if granted, will allow them to use new technologies to retest the bullet that killed Dr. King, their intent being to show that the bullet did not come from any rifle ever handled by Mr. Ray.

Seven previous motions intended to win a new trial were thrown out. And this motion may suffer the same fate in the end, since earlier tests of the bullet were inconclusive and many firearms experts say new testing technologies will change nothing.

Mr. Ray is too ill to make the trip to Memphis. But he has his own special plea planned in the next few days — a filmed television talk show appearance in which he will boldly



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James Earl Ray being returned to prison in 1969 after unsuccessfully trying to appeal his confession.

Both sides want a dying James Earl Ray to get another day in court.

ask a donor to come forth so that he can have a liver transplant that will prolong his life.

"He's very seriously ill so there's a need to hurry along," said his chief lawyer, William F. Pepper, an American who lives and mainly works in London and who, in a twist of the kind that forever is cropping up in the Ray case, once was allied closely with Dr. King in opposition to the Vietnam War.

Whether the King family's plea that Mr. Ray be granted a speedy new trial will influence the Shelby County judge's ruling is problemati-

cal. Many family members long have privately believed that Mr. Ray did not act alone but they had not publicly given voice to that belief until it appeared Mr. Ray might soon die.

"I don't think his trial, if granted, will necessarily give the unequivocal proof," Dexter King, one of Dr. King's sons, said in going public with the family's position on a new trial. "But at least we will know more than we do now."

According to some family friends, Dexter King may show up here for Thursday's hearing. If he does, television's omnipresent band of court commentators will be there to greet him, while from afar, in Hollywood, a watchful eye will be kept on the proceedings by Oliver Stone, the producer-director who, having done Richard Nixon, Larry Flynt and John F. Kennedy, has now signed a contract with the King family.

"But M.L.K. won't be J.F.K. — if there ever is a M.L.K.," a Stone publicist said, making reference to the freewheeling, mostly who-done-it nature of the Kennedy film.

Certainly the King-Ray plot already is good, sad as it ultimately is. And, in truth, over the last three decades it has changed little because Mr. Ray has done little to shed any real light on the case. He remains as shadowy as the shadowy band of conspirators he now blames for the assassination on April 4, 1968.

In recanting his confession almost three decades ago, Mr. Ray said, with later elaboration in many interviews, that he had been "set up" and insisted someone else fired the fatal shot. He spoke darkly of taking orders from the character he identified only as Raoul, or perhaps, he went on, it was Raul.

Whatever the spelling, given that after the shooting Mr. Ray somehow managed to get money and a passport and escape all the way to Europe before finally being nabbed, the conspiratorial question asked ever since, whether in court, books, film or Congressional hearings, has been: Who really killed "the dreamer?"

There seem to be as many answers as there are courts, books, films and Congressional hearings. But increasingly, new answers tend on closer inspection to be variations of old answers and, in any event, Mr. Ray's original confession still stands in the opinion of every judge who has heard him out.

Further, the most exhaustive in-

and Secrets

investigation ever conducted in the case, that of the House Select Committee on Assassinations, still stands basically uncontested, at least by any provable new evidence. The committee's conclusion was that Mr. Ray probably shot Dr. King and that if there were any co-conspirators they probably were family members and possibly some St. Louis racists who were known to the Ray family and who had put a bounty on Dr. King's life.

Mr. Pepper dismisses the committee finding and talks instead of new bullet-testing technology that will lead to a new trial.

"There is new technology available, such as new lighting and new scanning and so forth, that will enable us to establish that the bullet that killed Dr. King did not come out of that rifle that carried James's fingerprints," he said. "And once we've done that, the other side essentially has no case."

Mr. Pepper, who does not promise to put Mr. Ray on the stand should there be a new trial, says he has been investigating the King assassination for close to 20 years and can produce a "massive new evidence" that a "Raul" does exist, that he now lives in the New York area and that he framed and made a "patsy" of Mr. Ray, an escaped Missouri bank robber on the run at the time of the King shooting.

He contends the assassination resulted from a New Orleans mob contract and involved not only Raul but also the manager of a Memphis restaurant situated near the Lorraine, though he does not make clear whether either of those men fired the fatal shot.

He also contends, as do many who believe there was a conspiracy to kill Dr. King, that had the mob hit failed, the Federal Government was prepared to kill Dr. King because of his pro-civil rights and anti-Vietnam War crusades.

"James is innocent," Mr. Pepper said. "I can prove it."

Prosecutors here say Mr. Pepper is a self-serving lawyer with no case and an eye out for a quick dollar from a publisher or film studio.

"There hasn't been anything new to come out of the Ray case in longer than anyone can remember," said John Campbell, the assistant district attorney general who will represent the county and state in court on Thursday. "The state of legal play on



By The Associated Press

In 1968, Memphis detectives searched for clues on the balcony of the motel where the Rev. Dr. Martin Luther King Jr. was assassinated.

this killing has never really changed. James Earl Ray confessed, then tried to recant. No test of a bullet is going to change that and, anyway, earlier tests on the bullet were inconclusive, not that you needed any test once you had a confession. The county has looked at this, the state has looked at this, the Federal Government has looked at this and Congress has looked at it. James Earl Ray did it. Period. Case dismissed."

In the judgment of Peter G. Beeson, the lead investigator in the exhaustive 1979 Congressional inquiry into the killing, nothing has subsequently been turned up in the case that would change any conclusions reached in the committee's report.

"I don't say I've followed every

tiny development in the case since 1979 but I've kept reasonably up," said Mr. Beeson, who now practices law in Manchester, N.H. "And nothing I've seen or heard strikes me as significantly new. I stand where I stood."

Another close student of the King assassination, David J. Garrow, author of "Bearing the Cross," a King biography that won a Pulitzer Prize, contends that "88 percent of what has come out in recent years about the King killing, especially this stuff from Pepper, has absolutely no worth."

Mr. Pepper was quick to counter. "They just don't want to face the truth," he said. "But it will out. It will out."