

# Judge: Tests May Tell on King Rifle

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Rev. Martin Luther King Jr.'s wife, Coretta Scott King, and son Dexter King were at yesterday's court hearing.

AP Photo

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Memphis, Tenn. — New technology exists that could determine whether James Earl Ray's rifle killed the Rev. Martin Luther King Jr. in 1968, a judge said yesterday, a move that could lead to a trial for the civil rights leader's convicted assassin.

Tennessee Judge Joe Brown's decision must now be reviewed by the state Court of Criminal Appeals before Brown can rule on Ray's request for a new test of the weapon. Ray is asking for that test in an attempt to take back his guilty plea and go to trial.

Brown could not say when the appeals court will make its review.

Ray, 68, pleaded guilty to murder in 1969 but reversed himself almost immediately and has been requesting a trial ever since. He says he was set up to be the fall guy for the real killers.

Ray says the hunting rifle found at the murder scene with his fingerprints on it was put there by conspirators trying to frame him. He says he bought the rifle in Alabama and brought it to Memphis on instructions from a shadowy gun runner he knew only as Raoul. Authorities have never established that Raoul existed.

Ray, who is serving a 99-year prison sentence and is suffering from a liver disease his lawyers say is terminal, has drawn support in his bid for a trial from civil rights leaders and from the family of King. Both his widow, Coretta Scott King, and son Dexter King urged Brown to put Ray on trial.

“Even if no new light is shed on the facts concerning my husband's assassination, at least

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we and the nation can have the satisfaction of knowing that justice has run its course in this tragedy," Coretta Scott King said at yesterday's hearing.

Robert Hathaway, an assistant forensics examiner for Rhode Island, said new technology could prove whether Ray's rifle fired the shot that killed King on the balcony of the Lorraine Motel in April, 1968.

That technology is a scanning electron microscope, which Hathaway said wasn't available until the mid-1980s.

"Knowing that the magnification is much greater and better it is an additional tool that can be used to possibly resolve the conflict over whether it was fired from this gun," said Hathaway, who spent 17 years in the crime lab for the Connecticut State Police.

Hathaway said the FBI used technology available at the time to test the bullet and rifle, but there has been "no matching of the death slug to the

rifle itself."

The U.S. House Select Committee on Assassinations had the King rifle tested in the 1970s, but because the slug was so mangled, could not establish beyond a scientific doubt that it was the murder weapon.

Tests showed, however, that King was killed by the same kind of gun and that lead in the death slug matched unspent bullets found with the rifle.

Hathaway proposed a committee of three firearms experts fire test shots from the weapon and compare those with the bullet in evidence.

Ray's attorney, William Pepper, said he expects the tests on the rifle "to exclude it for all time as the murder weapon."

Before the hearing, prosecutors had said Ray has used up his appeals in Tennessee courts.

"He's the confessed killer. Nothing else out there can really be looked upon as credible evidence," said John Campbell, a state prosecutor.