

James Earl Ray Has Already Had His Day in Court

*A Trial Won't Answer the Questions
That Remain About King's Murder*

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By Richard Billings

There is no statute of limitations on murder, and it is never too late to know the truth, but it is patent nonsense for us to relive the nightmare of Martin Luther King Jr.'s assassination by bringing the dying James Earl Ray to trial.

Ray had his day in court. After his arrest in Britain and return to Memphis in June 1968, he hired Percy Foreman, a highly regarded defense attorney, who reviewed the evidence and told Ray that if he went on trial he would be convicted and probably get the death penalty. His only hope was to plead guilty, which Ray did, and he was sentenced to 99 years in prison.



BY BOB DAHM
FOR THE WASHINGTON POST

Several years later, the case against Ray was exhaustively re-examined by the House Select Committee on Assassinations, on which I worked. Supported by 13 volumes of interviews and evidence, we came to the same conclusion: Ray shot King.

There are two other key questions raised by the renewed interest in the case: Was there a conspiracy? And was the government involved? These also came before the com-

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See RAY, C4, Col. 1

RAY, From C1

mittee a decade ago. We found no evidence that anyone associated with the federal government was involved in King's murder. But we determined a conspiracy was likely—though not the complex plot involving powerful interests that some people have long suspected. Rather, it was confined to racist nobodies and members of Ray's family. In the end, however, we could not prove it beyond a doubt, due to an erosion of evidence over the years.

There are still some things I'd like to know on the conspiracy question—exactly what role did Ray's brothers play and did Ray have direct contact with a St. Louis group that wanted to kill King, but they won't come out in a trial of Ray or his deathbed declaration. That feeling is shared by the two people who directed the House investigation: Ohio Rep. Louis Stokes, the chairman, and G. Robert Blakey, the chief counsel.

"The validity of that guilty plea was subsequently challenged in court and held to be valid," said Blakey, now a law professor at Notre Dame, when I spoke with him last week. "Most people in our society are presumed innocent until found guilty, but James Earl Ray is presumed to be guilty. The burden of proof is upon him to show his innocence."

Stokes is equally convinced, though he said he understands the position of King's family in pleading for a trial. "I don't think they believe Ray is innocent," he said, "rather they see him as a means to ascertaining who else was involved. I can empathize with that, but I don't expect that a man, who for all these years has persisted in his fictionalized Raoul story [the man Ray claims fronted for a conspiracy to kill King], will provide useful evidence of co-conspirators."

Stokes leaves it to others to assess the work of his committee 19 years later, but notes, "It has withstood the test of history."

Ray's conduct once he had been caught was not unusual, given that 92 percent of all criminal cases in the United States are decided by guilty pleas. His next move also came as no surprise—within days of the plea, Ray recanted and petitioned for a new trial. The Sixth Circuit Court of Appeals ultimately upheld the guilty plea, and on Dec. 13, 1976, the Supreme Court denied Ray's request for a review of the decision.

From 1976 to 1979, at a cost of \$2.5 million, the House of Representatives took a hard look at the circumstances of King's death. The main reason for reopening the case was a suspicion that the FBI had a hand in it, prompted by findings of a Senate investigation of the COINTELPRO anti-subversive program (in which there was a blatant attempt to discredit King). The committee scrutinized the FBI investigation from its beginning on April 4, 1968, the day King died, and made these general determinations:

- The bureau was right in finding that Ray was the killer, notwithstanding the fact that a positive ballistics match could not be made between the bullet taken from King's body and the .30-06 Remington rifle that was purchased by Ray and found at the murder scene.
- The FBI's fugitive investigation was efficient and proper, notwithstanding the fact that Ray was apprehended in London's Heathrow airport by the Royal Canadian Mounted Police.
- The FBI's conspiracy investigation left



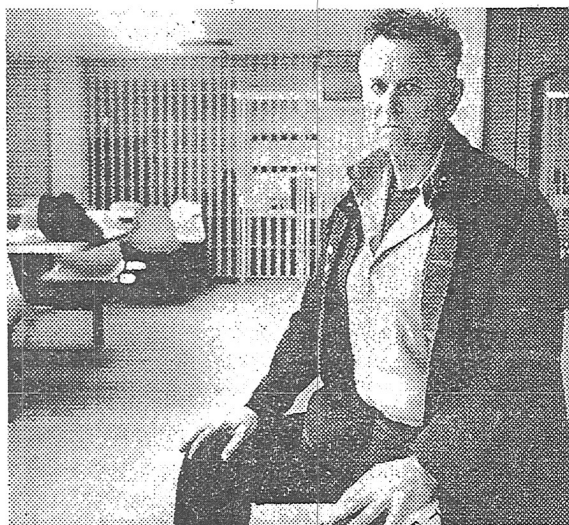
1977 FILE PHOTO/ASSOCIATED PRESS

Caked with mud, Ray is escorted after an attempted escape in 1977 from his Tennessee prison.



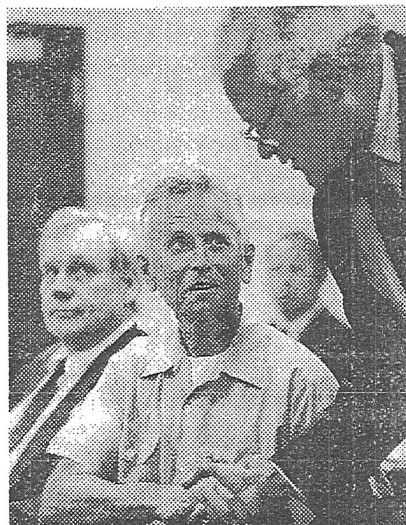
1978 FILE PHOTO/THE WASHINGTON POST

With attorney Mark Lane at the House Select Committee on Assassinations hearing in 1978.



1988 FILE PHOTO/ASSOCIATED PRESS

After further petitions, Ray awaits the chance for a trial at age 60, still in Tennessee.



1994 FILE PHOTO/ASSOCIATED PRESS

The Rev. James Lawson Jr. offers support during a 1994 parole hearing.

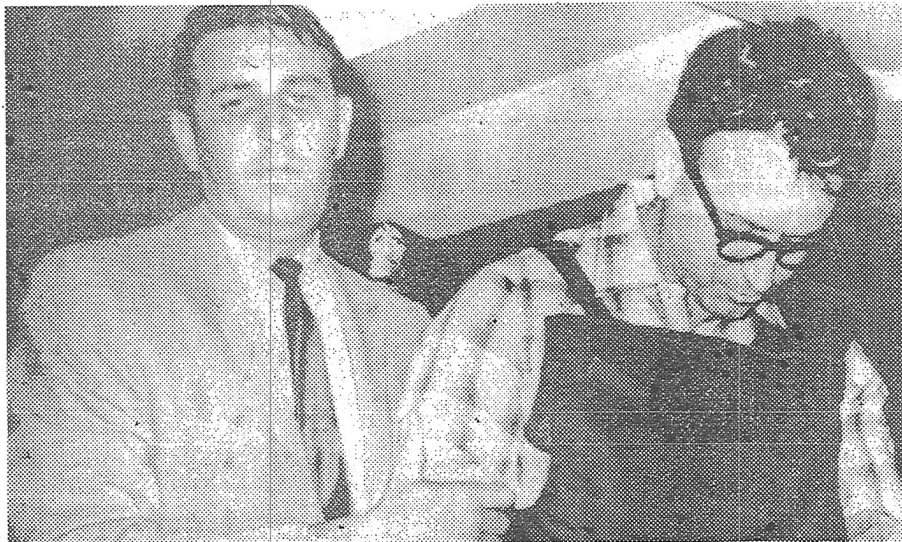


1968 FILE PHOTO/THE WASHINGTON POST

A LIFE OF DENIAL

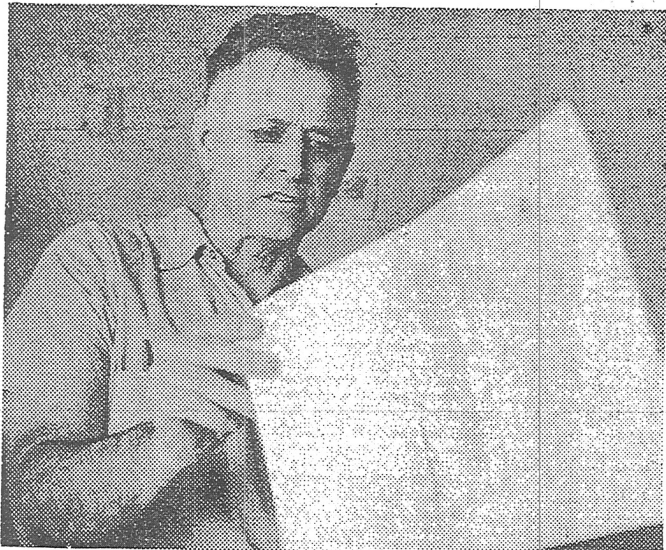
James Earl Ray's FBI wanted poster featured 1960 booking shots and a list of nine aliases.

THE WASHINGTON POST



1968 FILE PHOTO/UNITED PRESS INTERNATIONAL

Ray was apprehended (harnessed and handcuffed) for the murder of Martin Luther King Jr., in 1968, after a "secret flight" from London.



1969 FILE PHOTO/UNITED PRESS INTERNATIONAL

As a Tennessee prisoner in 1969, Ray shows legal papers to a reporter in his first quest for a new hearing.

much to be desired.

It stands to reason that in our investigation we directed most of our attention to the conspiracy issue, and while it became increasingly clear that we were second-guessing the FBI, we were granted unlimited access to all its files, including sensitive informant files. There are three ways to build a conspiracy case, although two of them—electronic surveillance and an infiltration or sting—were out of the question 10 years after the crime was committed. We were left with one option, which was to interrogate suspected conspirators in the hope of turning them into cooperative witnesses.

We did what is called a link analysis of all individuals who might have been connected to the crime. Working outward from Ray, we

studied his associates and their associates, and so on, until our files were bulging with names and data. We were looking for a direct connection to Ray and eventually we charted the data with central figures surrounded by a circle of associates. When we started seeing concentric circles, we figured we were making progress.

The investigation covered a wide range of groups—government agencies, extremist organizations such as the Minutemen and the Ku Klux Klan, splinter political parties—and individuals identified with those groups. And the conclusion we finally reached undermined the FBI finding that Ray had acted alone. While slightly couched in legalese, it is clearly stated in our report: "... there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King Jr., as a result of a conspiracy."

Our investigation did not find any evidence

of FBI involvement in the assassination. We took into account J. Edgar Hoover's well publicized animosity toward King. Also, we made the assumption that if Hoover had wished to kill King, he would have used one of his agents, who in turn might have sought assistance from an informant. In the link analysis, we focused on agents whose responsibility included the COINTELPRO program and King specifically, but after hundreds of file reviews and witness depositions, we could not come up with a nexus.

We did find the basis for a conspiracy, however, when we looked into a group of businessmen in St. Louis whose racism was expressed by a \$50,000 bounty on King's life. The group often gathered at the Grapevine, a tavern operated by John Ray, a brother of James Earl Ray, leading us to believe that the accused assassin would have known about the bounty. The businessmen were supporters of the American Party candidacy of George Wallace for president, and during the 1968 campaign, John Ray's tavern was a distribution point of American Party literature.

Russell G. Byers of St. Louis testified under a grant of immunity from prosecution that he was offered \$50,000 to kill King or to arrange to



BY JOHN L. FOCHT/ASSOCIATED PRESS

Coretta Scott King, widow of Martin Luther King Jr., and their son Dexter attend a Feb. 20 court hearing in Memphis. Seated behind Dexter, to his right, is Jerry Ray.

have him killed. Byers said the offer was made in late 1966 or early 1967 by John Kauffmann, a businessman, and John Sutherland, an attorney. Byers said that when he asked where the money would come from, Sutherland said he belonged to a secret southern organization that had plenty of money.

The committee mounted a full-scale investigation of Byers's allegation and decided it was essentially truthful. We also established the logic of Ray's suspected actions: Although a racist, he would not have murdered King without the expectation of financial gain. But, due to the passage of time, we were unable to take it a step further to a provable conspiracy. Several witnesses had died, including Kauffmann and Sutherland, who were both in their sixties when King was slain.

We questioned John Ray, who was little help because all three brothers consistently tried to conceal their contact with one another prior to

the assassination. But there was substantial contact and strong circumstantial evidence that the brothers channeled money to James and may have dealt with outsiders interested in having King killed. As for James Earl Ray, we realized that for him to tell the truth would mean implicating his brothers in the plot. It appeared that he intended to protect his brothers John and Jerry by inventing the mysterious Raoul, who issued instructions and provided financial support, according to James Earl Ray's story. We found it telling that every time Raoul appeared in Ray's account, one of his brothers, John and Jerry, was either on the scene or about to arrive.

What about Ray's rifle and doubts that it was the murder weapon? Laymen tend to think of ballistics as a highly reliable science, when in fact it is not. True, the committee's experts were unable to match markings on the bullet that killed King with scratches in the barrel of the Remington .30-06 that Ray admitted was his, but they also failed to establish a positive correlation between the barrel and test bullets just fired from it. So, if testing the bullet with a scanning electron microscope (a process not available then) might produce a more definitive result, then let's do it.

Say for the sake of argument that his rifle was not used to kill King. Ray would still be stuck with his story, which is that he was set up as the fall guy by Raoul, who planted the rifle on him. So now he would be saying that Raoul planted a decoy weapon not used in the assassination, which is quite unlikely. Furthermore, neither Ray nor his latest attorney, William Pepper, has ever produced a shred of evidence of anyone else's involvement in a plot.

Say for the sake of argument that someone else was involved in the shooting. Ray's position would still be incriminating—he was placed at the scene of the crime with a high powered rifle bearing his fingerprints. At best, he would become an accomplice to the crime, a co-conspirator guilty of murder, not an innocent.

Appearing before a nationally televised committee hearing in August 1978, James Earl Ray admitted to having purchased the Remington rifle in Birmingham in late March 1968, but he denied that he then traveled to Atlanta, where King lived. The trip to Atlanta was a key point in a committee assertion that Ray had stalked King for two weeks before killing him in Memphis, and he confidently added: "If I did, I'll just take responsibility for the King case right here on TV."

Chairman Stokes then asked for committee exhibit F-59, a blowup of two receipts from an Atlanta laundry showing that Ray, alias Eric Galt, had dropped off clothing on April 1.

In effect, Ray had once again confessed to the murder of Dr. King.