

Put James Earl Ray on Trial

Why We Should Reopen the Martin Luther King Assassination Case

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By Jim Lesar

Nearly three decades after Martin Luther King Jr. was killed by a sniper's bullet in Memphis, his son has declared that the alleged assassin, James Earl Ray, is "innocent." Dexter King's pronouncement is rich in irony. Ray has moldered in prison to these many years in part because the King family, at the

Jim Lesar, a Washington attorney, is president of the Assassination Archives and Research Center. From 1970 to 1974, he represented James Earl Ray in his attempts to obtain a trial.

RAY, From C1

Tennessee authorities have resisted his efforts to get on a liver donor list.

Ray has a right to the trial he never had. But the country also deserves such a trial. With Ray's death, we shall lose our last best chance to clear up just what happened during a painful moment of our history.

Arrested in London on June 8, 1968, Ray agreed nine months later to plead guilty. Immediately after, he recanted his plea and has since sought unceasingly to be given a trial.

Those who believe Ray is innocent and those who believe he was part of a conspiracy to kill King agree that the full story has not been told. In 1978, after conducting a two-year probe, the House Select Committee on Assassinations, recognizing the holes in the lone assassin theory endorsed by state and federal prosecutors, issued a report somewhat tenuously endorsing a nebulous St. Louis-based conspiracy in which Ray allegedly was a participant.

My own view is that Ray did not shoot King. And, though he was in Memphis at the time and likely involved with the people who did, there is substantial evidence that suggests he was not aware that King was going to be killed.

Of course, the bullet could provide powerful new evidence—if it can be conclusively shown that the round that killed King did not come from the rifle with Ray's fingerprints on it. But even if the tests match bullet with rifle—or if they are inconclusive—there are still other new facts to consider.

That having been said, I think that those

urging of the Department of Justice, approved Ray's guilty plea, thus ensuring its public acceptance despite all the unanswered questions.

King's proclamation in April has summoned forth confusion and outbursts that are equally rich in irony. "What's going on here?" asked the moderator of one Washington talk show. A case that many people, especially in the government and the media, were just as happy to assume was over, has suddenly become an issue again.

What, indeed, is going on here?

Well, for starters, Ray's current attorney, William Pepper, claims he has dug up new

evidence that solves the King assassination—and that, though a conspiracy was involved, Ray is innocent.

Meanwhile, a Tennessee appellate court has granted Ray's request that the alleged murder weapon be tested, using new technology which may show whether it fired the fatal bullet. Those results will be made public at a hearing in Memphis later this month.

Ray, 69, is stricken with a fatal liver disease and will probably die by the end of the year unless he receives a transplant.

See RAY, C6, Col. 1

who believe that Ray is still withholding vital information about the assassination are probably mistaken. By identifying a photograph of the man he says set him up to take the fall, Ray has likely provided the only significant piece of evidence he knows that will assist in uncovering the conspirators.

The most important new developments have come from Pepper, who has represented Ray since 1988. He may—or may not—have solved the case, but he has managed to amass much tangible fresh evidence. While the plot he outlines in his 1995 book, "Orders to Kill," is so large, unwieldy and bizarre as to invite disbelief—it involves members of the Memphis and New Orleans Mafia, the FBI and the U.S. Army—at least two of his claims are supported by the statements of readily available witnesses and merit special attention.

First, Pepper says he has located "Raul," the man Ray says tricked him into taking the fall. Second, he says that a Memphis businessman, Loyd Jowers, was involved in the crime. Jowers owned Jim's Grill, the bar underneath the rooming house from which the fatal shot was allegedly fired. Five persons, including Ray himself, have signed affidavits identifying the same man as Raul. And Jowers has confessed on national television—in a 1993 interview with Sam Donaldson on ABC's "Prime Time Live"—to having played a role in the killing.

I find the Raul affidavits persuasive, in particular because the witnesses are unconnected to Ray, or each other. One is Sid Carthew, a seaman in the British merchant navy. On shore leave for a week in the fall of 1967, he frequented the Neptune Bar in

Montreal, where Ray says he met Raul. While there, a man introduced himself as Raul and tried to sell Carthew some stolen military weapons. When he was recently shown a selection of photographs, Carthew picked out the same man identified by Ray as Raul.

The second and third witnesses are a brother and sister who knew Raul in Houston in the early 1960s. Both have vivid recollections of him. The brother estimates that in 1963 he saw Raul some 10 to 15 times. The

sister recalled that Raul disappeared between 1966 and 1970, but surfaced again, as part of a gun-running group she worked for. She was independently told by a relative and an associate of Raul's that he had killed King. According to Pepper, Raul later discovered that she carried King's picture on her key ring. He flew into a rage, shouted that he had "killed that black son of a bitch," and raped her at gunpoint.

The fourth witness is Steve Tompkins, a former reporter who has served as press secretary for the governors of Tennessee and Georgia. In 1993, the Memphis Commercial Appeal ran a series of articles based on an 18-month investigation by Tompkins of the surveillance activities that Army intelligence had carried out on civil rights activists, including King. Tompkins relied on two sources who had been members "of an Army Special Forces team . . . deployed in Memphis on the day of [King's] assassination." By agreement with Pepper, Tompkins presented one of these sources with the same selection of photographs as had been shown to Ray and the others. Tompkins's source identified Raul as a person he had seen in New Orleans "when he and other army buddies were delivering guns that were being sold to associates of Carlos Marcello, the New Orleans Mafia leader."

It seems unlikely that witnesses from such diverse circumstances would all independently select the same photograph, and that their added bits of information would cohere so well if they were not, in fact, telling the truth. Pepper said he knows where Raul can be found and would subpoena him to testify if Ray is granted a trial.

The government and the media repeatedly have denounced Raul as a fiction created by Ray. But there has always been good reason to believe that Ray's actions were controlled by someone else. Soon after he says he met Raul in 1967, Ray left Canada and began a lengthy and odd peregrination crisscrossing the continent. Why would Ray, who had escaped from a Missouri prison, leave a relatively safe haven and return to the United States? And where did he get the money to travel, buy a car and a gun? Ray has consistently maintained that he made these trips at the behest of Raul, who paid him—apparently to run contraband goods across borders—and promised to provide the identity papers he craved.

The allegations regarding Jowers also

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merit scrutiny. As Pepper recounts it, a turning point in his probe came when one of his investigators interviewed Betty Spates, a waitress at the grill who was involved in an affair with Jowers at the time of the assassination. She said that around 6 p.m. on the day of the assassination she noticed that Jowers had disappeared and went to look for him. While standing in the kitchen, she heard what sounded like a shot. Moments later, Jowers ran into the kitchen and hid a rifle under the counter.

As a result of this and other information, Pepper's investigation began to focus on Jowers. Feeling the heat, Jowers made a bizarre move: He confessed to involvement in King's murder on "PrimeTime Live," saying that he had hired a shooter after he was approached by Frank Liberto, a Memphis produce man with ties to Carlos Marcello, and paid \$100,000 to arrange the murder. He also said that he had been visited by a man



BY EARL WARREN/STATE OF TENNESSEE VIA ASSOCIATED PRESS

Dexter King, son of slain civil rights leader Rev. Martin Luther King Jr., with prisoner James Earl Ray in March.

named Raul, who delivered a rifle to him and asked him to hold it until final arrangements were made. He offered to testify before a grand jury if he were given immunity from prosecution, an offer that the Shelby County prosecutor rejected.

These new facts, if reliably established, would add credibility to the many discrepancies that have become apparent over the years. Here are some of the most important ones:

■ King was standing on the balcony of the Lorraine Motel when he was killed by a single shot. Directly across the street was a concrete retaining wall about eight feet high with a tangle of bushes growing up behind it. King's chauffeur, Solomon Jones, who had the best view of all the witnesses, said the shot came from the bushes. Both Jones and Earl Caldwell, a New York Times reporter who was staying in the motel, said they saw a man in the bushes. But the state of Tennessee and the FBI claimed that the shot was fired from farther back—more than 200 feet from the motel balcony—from a bathroom window at the rear of a rooming house which fronted South Main Street.

In support of its theory, the state claimed that 1) markings on the barrel of the alleged murder weapon were "consistent with" a dent in the windowsill, and 2) an eyewitness saw Ray run down the hallway after he heard the shot. The state's theory

was problematic from the start. Why would an assassin choose a bathroom window as a sniper's nest when this skid-row rooming house was populated by winos who might need to use the common toilet at any moment? There was, after all, no way of telling how long King might tarry before leaving the motel. Moreover, a bathtub was located directly under the rather high window. This required the shooter to stand on the rim of the tub at its far end and, now being too high, to contort his body to be

able to sight the rifle. Why even attempt to fire a shot from such a difficult position?

■ Over time, the credibility of the state's theory has eroded. A 1974 evidentiary hearing on Ray's habeas corpus petition subjected the basic evidence to adversary testing for the first and only time. After analyzing the window dent and the angle of the shot, an expert witness for Ray cast serious doubt on the notion that the shot came from the bathroom. The state put on no expert of its own. Two

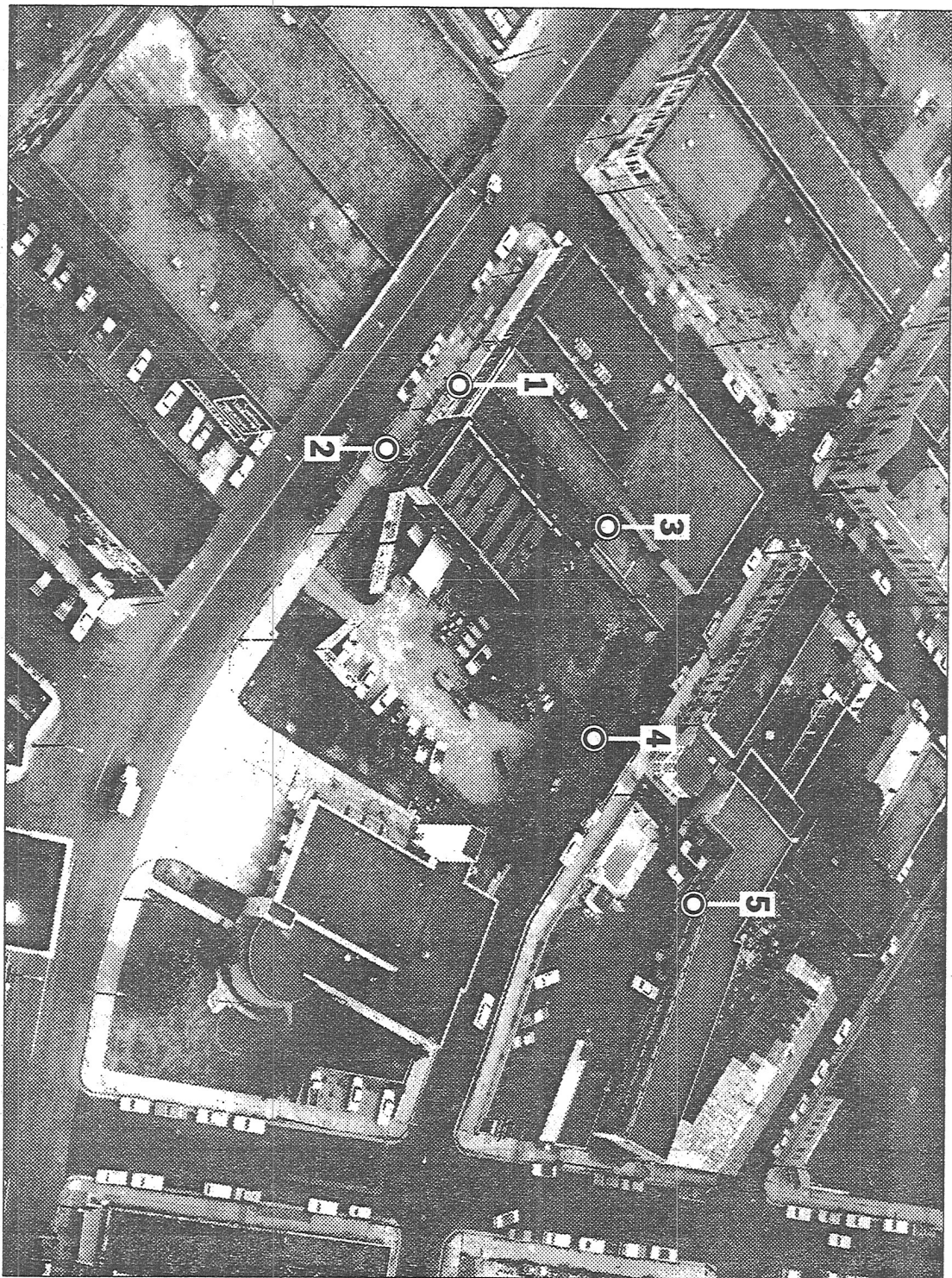
years later, author Harold Weisberg obtained the FBI's tests in a Freedom of Information Act lawsuit and discovered there was no gunpowder residue on the windowsill.

■ The state's reliance on alleged eyewitness Charles Stephens, known to his friends as "Bourbon Charlie," was equally flawed. In an affidavit which purported to identify Ray, Stephens said only that he "thought" a man he briefly glimpsed was the man he had seen with the landlady earlier in the day. Yet when shown a photograph of Ray by CBS News two weeks after the assassination, he was unable to identify him. People who knew him testified that Stephens was very drunk at the time of the shooting. And his account that the man he saw was carrying a bundle that "appeared to be wrapped in what looked like a newspaper," is at odds with the fact that the bundle authorities later traced to Ray was wrapped in a green bedspread.

■ The bundle is a curiosity all its own. Found in the doorway next to the rooming house, it contained: the alleged murder weapon, a blue briefcase, a binocular case and binoculars, a couple of cans of beer, a shaving kit, underclothes, a hairbrush, a transistor radio, a pair of pliers, a hammer and a newspaper. While some of these were traceable to Ray, thus seemingly implicating him in the murder, the bundle also raises a different sort of question: Why would an assassin leave such incriminating evidence in plain view? Might it have been planted to frame an unwitting James Earl Ray? Ray says that Raul told him to check into the rooming house, and that he left the premises shortly before the shooting on Raul's instructions.

■ The rifle itself poses more questions than it answers. Ray says that six days before King was shot, Raul sent him to the Aeromarine Supply Company, in Birmingham to buy a rifle. He bought a .243 Winchester, but the next day he exchanged it for a 30.06 Remington Gamemaster. The switch is puzzling, because it suggests Ray did not know what he was doing—which is exactly what Aeromarine's employees concluded. One plausible explanation: To make it match the murder weapon to be used by the actual assassin, Raul told him to go back and buy a 30.06 Remington Gamemaster.

There are other discrepancies as well. And while a trial may not establish the truth about King's murder, it is the only proper way to try and resolve the outstanding questions. We owe it to history—and to justice.



ANOTHER VIEW

James Earl Ray's attorney, William Pepper, says his new evidence is tied to these key sites involved in the assassination of Martin Luther King Jr., in April 1968. This aerial view of the Memphis murder scene, was taken by the FBI later that same year.

- 1 Jim's Grill and rooming house.
- 2 The doorway of Canipe's Amusement Company, where the bundle (which included the alleged murder weapon) was dropped.
- 3 The rooming-house bathroom, where James Earl Ray was supposed to have shot King, with his rifle perched on the windowsill.
- 4 Where some witnesses say they saw a man in the bushes and at least one thought the shot came from.
- 5 Where King was standing, on the balcony of the Lorraine Motel.