

# Missourian's Story on Kill-King

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A Missouri lawyer testified yesterday that he believes a former client's story of having been offered \$50,000 to kill the Rev. Martin Luther King Jr. was "fabricated."

In back-to-back appearances before the House Assassinations Committee, the client, Russell G. Byers of St. Louis, swore under oath that the story was true, but his onetime lawyer, Murray Randall, now a Criminal Court judge in St. Louis, said he thinks Byers made it all up in an effort to find out whether a "criminal partner" of his was actually a stoolpigeon for the FBI.

The committee has spent months investigating Byers' claims on the theory that the \$50,000 offer Byers says he rejected eventually made its way to the Missouri State Penitentiary where James Earl Ray heard about it and acted on it even though he never collected the money.

There were a number of direct contradictions between what Byers told the committee and what Judge Randall said Byers told him about the offer four years ago, but inexplicably, the committee skirted most of them.

According to Byers, a St. Louis an-

tique dealer who admittedly used to deal in stolen autos and other "stolen goods," he was approached about killing King sometime in late 1966 or early 1967 by a business associate named John Kauffmann and a friend of Kauffmann's named John Sutherland, a St. Louis patent attorney. Both men are now dead.

Testifying under a grant of immunity from prosecution, Byers, 47, told the committee that Kauffmann, who operated a motel in Barnhardt, Mo., which apparently served as the base for a number of illegal activities, asked him one day whether he would like to make \$50,000.

"I said what do I have to do," Byers recounted, adding that Kauffmann responded by picking him up that evening and driving him to Sutherland's nearby farmhouse in Imperial, Mo.

A reputed segregationist who would "never let the Civil WAR DIE," Sutherland, the committee was told met the two men at the door wearing overalls and a Confederate Army cap and led them into a den decorated with a Confederate flag a rug with Confederate symbols plus "bugles, swords and all the paraphernalia hanging on the walls."

In short order, Byers testified, "we got down to business" with Suther-

land telling him what he had to do to earn the money. "He (Sutherland) says to either arrange to kill or kill Martin Luther King."

"At this point, I says, 'Who is Martin Luther King?' I didn't know who he was," Byers said.

By contrast, Randall said Byers told him years later, sometime in 1974, that he turned down the proposition on hearing that King was the intended victim.

"He (Byers) said he laughed and said, 'I pass. It's too dangerous.'"

An active supporter of George Wallace and his American Independent Party in the 1968 presidential campaign, Sutherland died in 1970, some two years after King's assassination in Memphis in April 4, 1968. Kauffmann, who used a drug company named Fixaco as a front for an illegal narcotics business, died in April 1974.

Randall cited their deaths as one of the reasons for his disbelief of Byers' story. "As with most stories fabricated by criminals, the remarks involved only dead persons," Randall said. He said that Byers first told him of the offer in 1974.

Around the same time, sometime in March of 1974, an FBI informant told his contact in the bureau of a conver-

## Offer 'Fabricated,' Panel Told

sation the informant had had with Byers in the fall of 1973 at a pizza and cream shop in Clayton, Md. According to a long "misfiled" FBI report on the conversations, Byers told the anonymous informant of being offered "either \$10,000 or \$20,000 to kill King" by "a lawyer in St. Louis County, now deceased."

Under questioning by committee Chairman Louis Stokes (D-Ohio), Byers suggested he might have been drinking when he blurted out the story the FBI picked up. He said he still has no idea who the informant was.

"It could have been any one of a thousand people," he told the committee. "... I just don't know who it might have been."

By contrast, Randall said Byers told him just this year, at a meeting prompted by the committee's investigation, that he felt sure he knew who the informant was: an old colleague of Byers named Richard O'Hara.

The deep-voiced Missouri judge, who insisted on answering a number of questions over objections from his own attorney, recalled that Byers had first expressed concern to him, sometime in 1973, that O'Hara might be an FBI informant. Randall said Byers

mentioned his suspicions to him because O'Hara was involved in another criminal case which Randall, then a defense lawyer, was handling. That case also involved an informant and, Randall said, Byers asked him if it was O'Hara.

"He [Byers] said he'd been questioned by the FBI about something only O'Hara would know," Randall recalled. "He [Byers] wanted to quit working with him [O'Hara] if he was an informant."

In fact, the FBI never questioned Byers about the \$50,000 offer. And Byers apparently did not tell Randall the content of the story that made him suspect O'Hara. Byers told Randall of the kill-King offer independently, the next year, without reference to O'Hara.

The judge indicated that he began to put two and two together just this year, after learning that an FBI informer had indeed reported the offer, with a \$10,000 to \$20,000 price tag, to the bureau.

"I believe those remarks were fabricated and purposely planted to determine whether O'Hara was an informant," Randall declared. It was, he observed, the kind of story that only

Byers could confirm if the FBI had wanted to pursue it.

Rep. Harold Sawyer (R-Mich.) said it sounded quite plausible to him. "The other men (Kauffman and Sutherland) are dead," he observed. "He (Byers) is really not running any danger anymore." A former prosecutor, Sawyer said he thought it "an appealing ploy" for Byers to have tried.

The chief investigator for the King subcommittee, Edward M. Evans, disagreed, saying that Byers would not have wanted the FBI and local police scrutiny that the kill-King offer would logically have been expected to bring down upon him.

Sawyer said this was still "much the better of two evils" when measured against association with an FBI informant.

The committee called Byers back to the witness stand yesterday afternoon to ask him about one small discrepancy between his testimony and that of Randall's. He was not asked whether he might have made it all up. Chief committee counsel G. Robert Blakey refused to explain the omission.

"The record," Blakey told reporters in his standard nonresponse to any question, "speaks for itself."