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Judge Feared For Life

by Martha Shirk

WASHINGTON — St. Louis Criminal Judge Murry L. Randall yesterday said he had not told authorities what he knew about a St. Louis patent attorney's search for a gunman to kill the Rev. Dr. Martin Luther King Jr., and then later sought to avoid testifying about it because he feared for his life. Randall told the House Select Committee on Assassinations that he knew he had been negligent in failing to pass on information

that a former client, Russell G. Byers, of Rock Hill, had given him in 1974 about an offer to him to murder King for \$50,000.

The St. Louis News reported yesterday that Randall had been told of the offer as early as 1968, the year King was assassinated.

"I should have reported it sooner," he told the committee. "It just didn't occur to me to report it. Then I got scared to tell the truth." The reason for his fear: "Russell Byers is

known to be one of the most dangerous criminals" in St. Louis, Randall said of the man whom he once represented. He added that he had tried to get out of testifying before the committee because he feared his testimony would endanger "my life and those of others."

Randall was one of two attorneys informed by Byers of an offer to murder King that was made to him in late 1966 or early 1967 by John Sutherland, a patent attorney,

and the late John Kauffmann, a former stockbroker both of Imperial, Mo.

The other attorney, Lawrence Weenick, of Clayton, told the committee yesterday that he did not report the information to the FBI because it was told to him in confidence by his client, a relationship that courts have held to be privileged. He said his failure to report the information was unrelated to the fact that

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he had previously represented Kauffmann.

Before the attorney's testimony, the committee made public a staff report that said that the \$50,000 bounty offered by Sutherland might have motivated King's convicted assassin, James Earl Ray.

But the committee staff added that it had been "unable, 10 years later, to show a direct link between either Mr. Kauffman or Mr. Sutherland, and the events in Memphis," where King was killed on April 4, 1968.

However, the report went on, the committee "did determine that they met the necessary criteria for being considered participants in a serious conspiracy, to wit: They had the motive in Mr. Sutherland's avowed social, political and economic attitudes, and Mr. Kauffmann's readiness to earn money, legally or illegally.

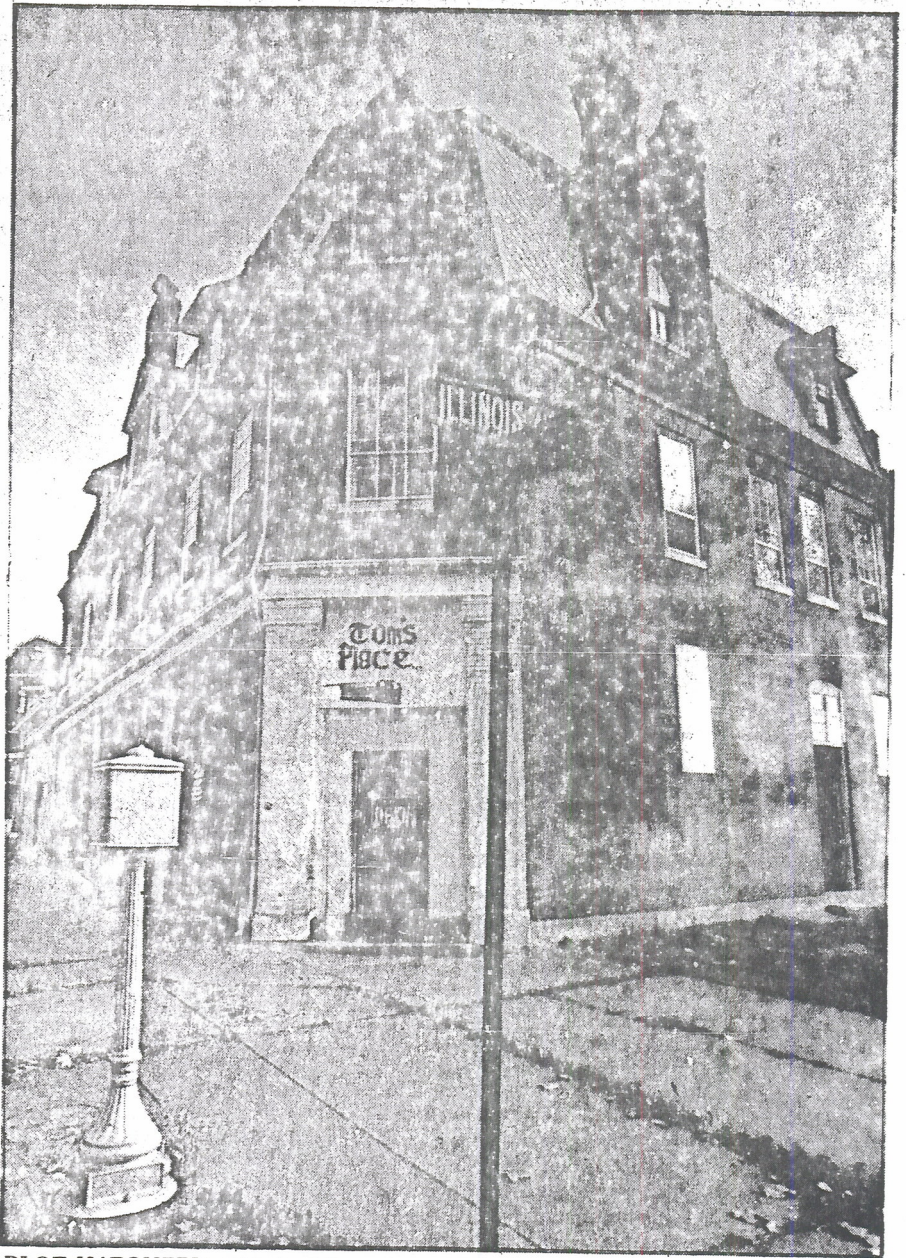
"They had the monetary means," the committee report continued, "from Mr. Sutherland's own funds, and from those of associates. And they actively sought an opportunity to carry out their objectives, as evidenced by their alleged solicitation of at least Mr. Byers."

The staff said that it had found no evidence to counter Byers' claim that he refused the contract on King's life. But it said that there were at least four possible links between Ray and Sutherland or Kauffmann.

Chief staff investigator Edward Evans told the committee that he had difficulty in investigating one of the theories — that Ray learned of the offer at the Grapevine Tavern at 1982 Arsenal, which his brother, John Larry Ray operated. Evans met with "a lot of hostility" from residents of the neighborhood who were former patrons of the bar, he said.

"Dogs were put upon investigators," and "doors slammed in their faces" in the south St. Louis neighborhood, Evans testified. "Their attitude was definitely anti-black."

Some told him that "there was an atmosphere of jubilation at one get-together



PLOT HATCHERY: This building at Arsenal Street and Illinois Avenue in south St. Louis once housed the Grapevine, a tavern where a plan to assassinate the Rev. Dr. Martin Luther King may have been discussed.

News Photo / Jim Rackwitz

shortly after the assassination" and that no one was "greatly disturbed" by King's death.

Randall and Weenick followed Byers to the witness stand during a day of dramatic testimony about the role that right-wing racists in St. Louis may have played in the assassination. The committee will hear testimony today from Jerry Ray and on Friday from John Larry Ray, both considered possible co-conspirators with their brother.

All of the witnesses yesterday appeared before the committee under subpoena. In return for his testimony, Byers was granted immunity from prosecution. He was guarded by four federal marshals, and the committee barred the use of cameras and tape-recorders during his and Randall's appearances, at their requests. Security at the hearing has not been so tight since James Earl Ray appeared last summer.

Although the broad outlines of the scheme that Byers claims to have been solicited for have been reported in the *New York Times* and the *St. Louis Post-Dispatch*, Byers had not testified publicly previously. An attempt by his attorney, James Hamilton of Washington, to force the committee into closed session indicated that he was uncomfortable speaking openly even with the immunity.

Byers, a convicted felon and a former vending company operator, was relaxed during his appearance and joked frequently about his criminal activities. He told the committee that he and Kauffmann had become acquainted in the late 1950s and that he had stored stolen cars and other property at Kauffman's Buff Acres Motel in Barnhart, Mo., in the mid-'60s.

In about the spring of 1967, Byers said, Kauffmann asked him whether he wanted to earn \$50,000. When he said yes, Kauffmann took him to Sutherland's farmhouse, which was decorated in a Confederate motif. Sutherland told Byers that a conservative Southern group would pay him \$50,000 if he murdered, or arranged the murder of, King. Byers said that he had never heard of King until that time.

Byers said that he "sort of crawfished a bit" and later refused the offer. He terminated his "relationship with Kauffmann soon afterwards because he found out that Kauffmann" was dealing in illegal drugs," he said.

"I figured it's time for me to leave when he's wanting me to kill somebody and he's involved with drugs," Byers said.

He said that he never reported the offer to the FBI because he "didn't want to get involved" because of his other criminal activities."

Byers was questioned closely by commit-

tee members about whether he had ever discussed the offer with anyone else including his brother-in-law, John Paul Spica, who served time with James Earl Ray in the Missouri State penitentiary.

Byers at first denied ever discussing the offer with anyone besides his two attorneys, but later said he might have discussed it on numerous occasions after King was shot.

He said that he did not know which of his friends had informed the FBI in 1973 of the contract offer.

"It could have been any one of a thousand people I told it to," he said. "When you drink, you talk, and you don't know what you're saying. Evidently, I told this story to someone I was talking to, whom I don't now remember."

However, Randall says that Byers told him the informant was Richard O'Hara, one of his partners in crime. Randall told the committee in a letter on Nov. 3 that he believed that Byers might have concocted the story and told it to O'Hara to determine whether O'Hara was an informer. If the FBI had questioned Byers about the offer, then he would have known that O'Hara was a stool pigeon, Randall said he reasoned.

But Byers says that the FBI had never interviewed him on the subject and denies knowing the identity of the informant. The committee did not attempt to straighten out discrepancies between his testimony and Randall's.

Randall provided the committee with a great deal of entertainment during his testimony. He told the committee that it had cost Missouri \$25,000 to relieve him of his duties so that he could testify. He regaled members with unsolicited details about his early days as a struggling lawyer, and he frequently overruled his own attorney, Holton Reed, Jr., of St. Louis, when Reed tried to silence his discussion of other clients.

Throughout his testimony, Randall tried to put distance between himself and Byers, arguing that he never knew him well. He said that he did not charge Byers a fee on the day that Byers told him of the assassination offer and that he regarded it as "a wholly insignificant event."

"He had me cornered, and it was all free advice," he said. "He wanted to know how to get immunity and he was concerned about the publicity."

Committee investigator Evans indicated that the staff was trying to obtain the notes of the late Theodore C. Link, a former *Post-Dispatch* reporter, who Evans said told a St. Louis County detective in the early 1970s of a rumor that Byers and an unidentified lawyer had been involved in an offer to kill

King.

Evans said that the notes could indicate whether the detective contacted the FBI, which would mean that the FBI had evidence of the \$50,000 offer well before the informant reported it in 1973. The 1973 FBI report on the informant apparently was never investigated because it was misfiled until last spring.