

Report by a Missouri Man Suggests Plotters Sought Murder of Dr. King

He Tells of Spurning \$50,000 Offer to Arrange Death and Is Linked to Prison Where Ray Was Held

The following article is based on reporting by Nicholas M. Horrock, Anthony Marro and Wendell Rawls Jr. It was written by Mr. Horrock.

Special to The New York Times

ST. LOUIS, July 25 — A 46-year-old man here has told the House assassination committee that in late 1966 or early 1967 he turned down an offer of \$50,000 to arrange the death of the Rev. Dr. Martin Luther King Jr.

Russell G. Byers, a former auto parts dealer, acknowledged in an interview with The New York Times that he had told the committee that two men from Imperial, Mo., had offered him the money on behalf of a group of businessmen to kill the civil rights leader, who was assassinated on April 4, 1968. Both men have since died, but their wives said that they did not believe the story.

The account has spurred an intense inquiry by investigators for the committee, largely because at the time of the alleged offer Mr. Byers's brother-in-law, John Spica, was serving a murder term in the Missouri State Penitentiary, where James Earl Ray, later convicted of killing Dr. King, was also a prisoner. The committee plans to administer a lie-detector test to Mr. Ray as a result of the Byers report.

Says He Rejected Offer

Mr. Byers told The Times that he had rejected the proposal and had not informed Mr. Spica about it. But he said he had suspected that word of a bounty on Dr. King's life might have reached men inside the prison through other routes.

A three-month investigation by the House committee and an independent inquiry by a team of reporters for The New York Times have uncovered a series of circumstantial connections leading from Mr. Byers and the two men from Imperial, Mo., into the state penitentiary, from which James Earl Ray escaped on April 23, 1967, almost a year before the fatal shooting of Dr. King in Memphis, Tenn.

Serving 99-Year Term

Mr. Ray is serving a 99-year prison term in Tennessee for the murder of Dr. King. Mr. Ray, who pleaded guilty to the murder, has more recently denied from time to time that he fired the fatal shot and has repeatedly requested a new trial, which he maintains would place the blame on others whose identity has not been disclosed so far.

Although no evidence has yet been

produced that establishes a direct link between the alleged proposal to Mr. Byers and the death of Dr. King, this is the first of many conspiracy allegations that leads directly into the Missouri prison. At the prison, it was widely rumored in 1966 and 1967 that a conservative business group was willing to pay a large sum of money to anyone who would murder Dr. King.

House investigators are reported to regard this trail of evidence as one of the

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most tangible avenues of inquiry in their explorations into the deaths of Dr. King and President Kennedy.

The investigators have declined to comment on the allegations of Mr. Byers, but it is clear, from interviews with some of the persons that they have questioned, and from some of the public records that they are known to have checked, that they are trying to determine whether the information adds up to a true conspiracy or whether they have merely come across a chain of casual acquaintanceships in a criminal setting.

Mr. Byers, who has been granted immunity from prosecution in this case and has testified under oath in Washington, said he could give no reason why the two men from Imperial should have presented him with such an offer. He has given no documentary corroboration for his allegation, but he acknowledged in an interview that 10 years ago he told others about the alleged plot.

He said he had been so "shocked and surprised" by the offer that after Dr. King was shot he told two lawyers and other unidentified persons about it.

F.B.I. Withholds Comment

One of those he told, he said, was an informer for the Federal Bureau of Investigation. He said that the bureau had been given the details of the matter. Mr. Byers said the F.B.I. had never followed up on his report nor had anyone in the bureau talked to him about it. He said he suspected that the F.B.I. would now be "embarrassed" by its failure to investigate the matter fully.

The F.B.I.'s chief spokesman, Homer

Boynton, would not comment specifically on the allegations today, except to say, without identifying any of the parties involved, that "certain information" concerning the assassination of Dr. King was provided to the bureau's St. Louis office in 1973.

A bureau source, however, said that the agents who received the information had simply filed it under the name of the informer and under the name of Mr. Byers, and had never made it a part of the assassination case file, and had never questioned Mr. Byers about it. "It just sat there for the past five years," he said.

Came to Light in March

Mr. Boynton said that the information came to light in March of this year, when the files in St. Louis were being reviewed in connection with a separate matter. "It was forwarded to F.B.I. headquarters and to the Department of Justice for transmittal to the House Select Committee," he said.

He said the information was "limited in nature," and that, because of the way it had been filed in St. Louis, "it was not retrievable to anyone requesting information about Martin Luther King."

House investigators have been looking into the question of whether a plot was concocted to help Mr. Ray to escape and to finance his stalking of Dr. King in the months that followed.

Mr. Byers said he suspected that the offer to him has been an effort to recruit a dupe who would not actually commit the murder but who would be arrested for it. "They were looking for a pig," he said, suggesting that he suspected that the men who approached him were looking for someone to be slaughtered.

House investigators have also been trying to determine if Mr. Byers transmitted the offer to his brother-in-law, Mr. Spica, 40 years old, who in 1967 was serving a life sentence at the prison following his conviction in the contract killing in 1963 of a wealthy St. Louis real estate operator.

Mr. Spica reportedly occupied a cell near Mr. Ray's — it was six cells away — and at one point worked with Mr. Ray in the prison bakery.

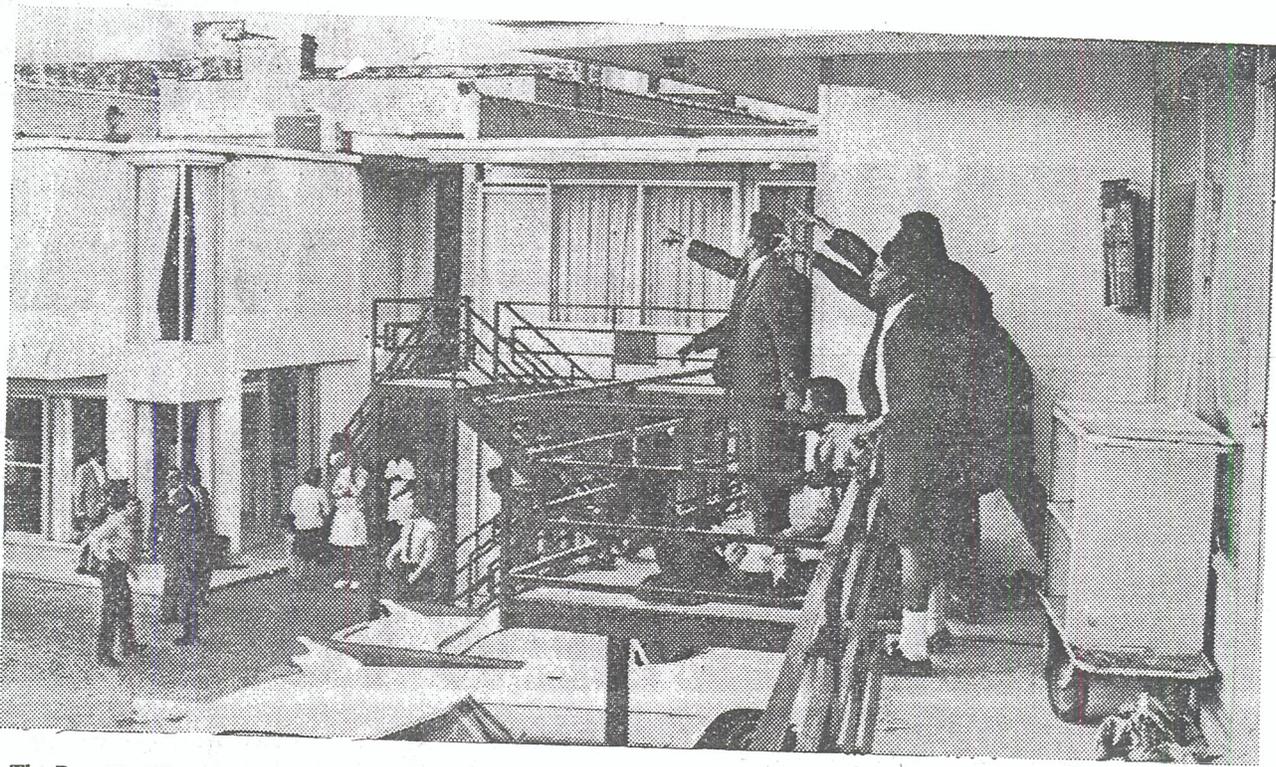
Operates Fruit Stand

Mr. Byers said in an interview that he had not told Mr. Spica about the \$50,000 bounty until "just a little while ago" and that there was no record of his visiting Mr. Spica in prison before Dr. King's death.

Mr. Spica, who was released on parole in 1973, now operates a fruit stand here. When two reporters from The Times attempted to interview him about the matter, Mr. Spica threatened "I'll blow your head off" if they did not leave his store. He angrily declined to answer any questions.

According to what Mr. Byers told the House committee, whose official name is the House Select Committee on Assassinations, a friend and business associate, John R. Kauffmann, who was 61 years old in 1966, invited him to a meeting with John H. Sutherland, a prominent St. Louis patent lawyer. At the meeting, he said, Mr. Sutherland told him that a group of businessmen would pay \$50,000 for the murder of Dr. King.

The widows of both Mr. Kauffmann and Mr. Sutherland said that they knew nothing about the alleged plot until they were



The Rev. Dr. Martin Luther King Jr. lying on the balcony of motel in Memphis moments after he was struck by an assassin's bullet. Aides surrounded him, pointing in the direction of the shot.

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questioned by House investigators this year. They also said that they did not believe that their husbands could have been involved in such a plot.

Mr. Sutherland, who died in 1970, had been a member of Gov. George C. Wallace's American Independent Party, a leader of the White Citizens Council of St. Louis and an official of the Southern States Industrial Council, a conservative group. One legal colleague said Mr. Sutherland had been a segregationist but not a "violent man."

Associated in Business

Mr. Kauffmann and Mr. Sutherland were associated in the ownership of a small water company in Imperial and lived near each other in that small semi-rural community south of here.

Mr. Byers said that Mr. Kauffmann had not been involved in racial politics nor had been an outspoken segregationist. "His orientation was money," Mr. Byers said. He suggested that Mr. Kauffmann had been acting only as a go-between in this matter.

In 1967 Mr. Kauffmann was indicted and convicted on charges that he sold 100,000 amphetamine capsules to a Federal narcotics agent. He served a brief sentence at the Federal Medical Facility at Springfield, Ill.

His widow, Beulah G. Kauffmann, said in an interview that the first time she heard about the alleged murder plot was in May, when House investigators came to her home and questioned her. She said that it was "absolutely impossible" that her husband could have been involved in such a matter.

Charges Fabrication

She said that her husband had known Mr. Byers for nearly two decades and she

believed that Mr. Byers had fabricated the allegation about her husband to "help himself get out of the art case." Mr. Byers was implicated as a buyer of stolen goods in an investigation involving the theft last spring of a well-known Frederic Remington bronze sculpture, "Bronco Buster," but prosecutors later dropped the charges.

Mrs. Kauffmann said that one of her husband's closest friends had been Dr. Hugh W. Maxey, the chief physician at the Missouri penitentiary. She said that over the years her husband had had a "little rehabilitation program" at his motel in Imperial, and had provided work for former convicts. She said at least one of these convicts had been placed there by Dr. Maxey.

She also said that on at least one occasion in 1966, John Spica went to visit her husband with Mr. Byers. She said she remembered the incident because Mr. Spica made a rude remark about the difference between her age and that of her husband, and that a former convict working on the property had ordered Mr. Spica to leave. If Mrs. Kauffmann's memory of the date is correct, it would mean that Mr. Spica was able to make an out-of-prison social visit while serving a life sentence for murder. Mrs. Kauffmann said that convicts had told her that Mr. Spica was able to take "furloughs" on holidays.

Doctor Now 84

Records at the Missouri penitentiary records indicate that Mr. Spica did not receive his first authorized "furlough" until 1972, but they also showed that he was in the Clayton County jail in Missouri, seeking a new trial, from October 1968 (nearly six months after Dr. King's death) to May 1, 1969.

Dr. Maxey, now 84 and totally deaf,

said in response to written questions that he had had no involvement in a plot to kill Dr. King. He acknowledged that he had known Mr. Kauffmann and that he had often been a guest at Mr. Kauffmann's

motel. He said that he had had only had a brief acquaintanceship with Mr. Sutherland.

For medical reasons, The Times was allowed to interview Dr. Maxey for only 10 minutes. His answers indicate that he could not recall the name of John Paul Spica.

However, prison records show that Mr. Spica worked in the medical department of the prison from May 1964 to January 1966.

Published reports have contradicted one another on how James Earl Ray escaped from the prison on April 23, 1967. In one interview Mr. Ray said that he had gone over the wall without assistance. But a report issued in January 1977 by the Department of Justice said that the most plausible escape story was that Mr. Ray had reached freedom with the help of accomplices by secreting himself in a breadbox and being lifted onto a prison truck that delivered food to outlying prison farms.

According to information obtained by House investigators, Mr. Spica and Mr. Ray worked together in the prison's food service section at one point. But prison records show that at the time of Mr. Ray's escape, Mr. Spica was assigned to the prison's maintenance department.

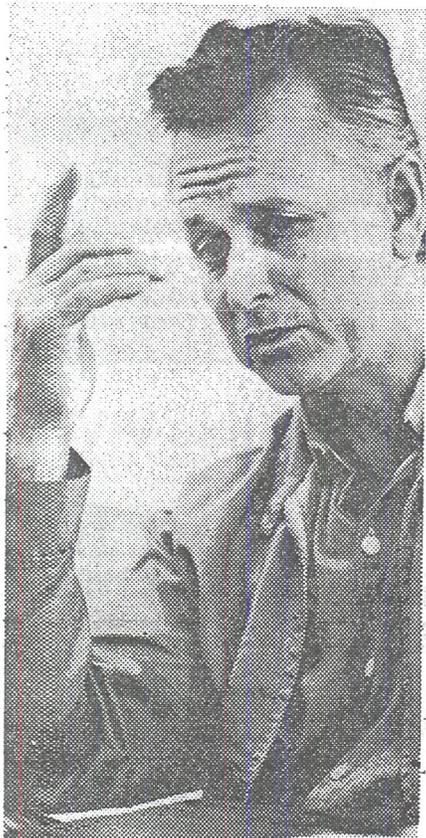
The Justice Department report in 1977 admonished the F.B.I. for its failure to develop fully whether James Earl Ray's family, his brothers John Larry Ray and Jerry Ray and his sister Carol Ray Pep-

per, had aided him in his escape or flight through the country. The members of the Ray family have denied any wrongdoing.

Attention Centers on Tavern

But House investigators are studying the relationship, if any, between Mr. Spica and the Ray family. Their attention centers on the Grapevine Tavern, a neighborhood bar in South St. Louis, Mo., on which Mrs. Pepper held the license from November 1967 to December 1968.

In 1968 an employee of the tavern was Neorna Regazzi, according to sources familiar with the investigation. She is the



Associated Press

James Earl Ray, in a photo made last year in Tennessee prison.

former wife of Robert Regazzi, a seafood business operator from St. Charles, Mo.

Mr. Regazzi said in an interview that his son drowned in the Missouri River on July 23, 1968, and that in the search for the youngster's body Mrs. Regazzi introduced him to her companion, John L. Ray, and later introduced him to James Earl Ray's other brother, Jerry.

Mr. Regazzi said that at the time John Ray said he did not believe his brother had killed Dr. King, but Mr. Regazzi said that there had not been an extensive discussion of the assassination.

Mr. Regazzi said that he also knew John Spica, whom he had met years earlier when both were incarcerated at the St. Louis County jail at Clayton, Mo. But Mr. Regazzi said that he had never heard that a \$50,000 bounty had been offered to kill Dr. King. And he said that he had not discussed such a matter with Mr. Spica or anyone else and that he had had no part in such a plot.

Mr. Regazzi is on probation from Federal court on a charge of receiving stolen goods in connection with the theft of 35,000 pounds of pork. Mr. Regazzi said that he did not believe his former wife knew any details of the Ray escape. He said that he did not know her current whereabouts or her current married name, but he said that he had heard informally that she had been questioned recently by the F. B. I.

Thus, House investigators are pursuing a number of leads that suggest at least casual links between the persons who allegedly made the proposal to Mr. Byers and James Earl Ray. These leads suggest one possible route through which information about a bounty on Dr. King might have found its way into the prison.

The man alleged to have made the proposal, Mr. Sutherland, died eight years ago of a heart attack, leaving an estate valued at several hundred thousand dollars. A note attached to the probate records in the Jefferson County, Mo., courthouse reads: "Do not destroy this file — may be subpoenaed by Congressional Committee (Select Committee on Assassinations)."

Note on File Jacket

A clerk in the office of the probate judge said that she put the note on the file jacket on May 26, after a committee investigator had told her to make certain that nothing happened to it.

Mr. Sutherland's widow, Anna Lee Sutherland, declined to be interviewed, saying through her lawyer that she was cooperating with the House investigation and that she believed it would be improper to grant private interviews. She is reported, however, to have told commit-

tee staff members that she had never heard of the alleged plot before and that she believed it was impossible that her husband could have been involved in it.

One of Mr. Sutherland's former law partners, Philip B. Polster, said that although Mr. Sutherland had been a conservative on matters of race, he did not believe that Mr. Sutherland had the sort of "violent" personality that one would expect of a person making such a proposal.

As a patent lawyer in this Mississippi River city, Mr. Sutherland represented a large number of corporate clients. At one point he was a local official on the Southern States Industrial Council, which lobbied against the civil rights legislation of the 1960's.

Arranged a Speech

One news account reports that in 1964 Mr. Sutherland arranged for an executive of the Southern States Industrial Council, Thurman Sensing, to speak in St. Louis to the Citizens Council, an organization opposed to civil rights, and to the Rotary Club. In his speech, Mr. Sensing reportedly termed the 1954 school desegregation ruling of the United States Supreme Court a "black-minded hoax based on writings of left-wing sociologists" and said that integration was "contrary to the laws of God and of nature."

At one point, Mr. Sutherland was president of the St. Louis chapter of the White Citizens Council, but he resigned in 1965, saying that frequent business trips prevented him from devoting time to the post.

Some sources familiar with the inquiry agree that Mr. Byers's allegation is uncorroborated and that the lines into the prison may be no more than the casual relationships among persons who live in the same area, but they nonetheless say that the situation merits the intense scrutiny that it is now receiving.

They also note that Mr. Byers did not offer, on his own, to cooperate, but testified only after the committee tracked him down. And they appear to believe that his account is buttressed to some extent by the fact that he told it to several persons at the time, and was not coming forward now, after the death of the persons who allegedly made the offer.

Asked Reporter to Withdraw

When reporters from The Times first interviewed Mr. Byers on the carport patio of his home in Rock Hill, Mo., a St. Louis suburb, he refused to discuss the case with more than one reporter present. After one reporter had withdrawn, Mr. Byers told the other that the arrangement would allow him to deny that he had made any comment. He then discussed the case for 40 minutes.