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Photo by Mark Humphrey
James Earl Ray in 1994

The Evidence Against Ray

Hard facts may hamper bid for freedom

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Using an alias obtained by assuming a dead man's identity, escaped Missouri convict James Earl Ray checked into the Flamingo Motel in Selma, Ala., on March 22, 1968. That same day the Rev. Martin Luther King Jr. led a long-publicized civil-rights march just outside Selma.

Ray left Selma the day after the march and drove to Atlanta, where King lived and made his headquarters. For \$10.50 a week, Ray resided in a rooming house at 113 14th St. Inside that room after Ray left, FBI agents discovered an Atlanta street map on which three locations had been circled — King's home, his office at the Southern Christian Leadership Conference and his church, Ebenezer Baptist.

On April 3, Ray arrived in Memphis, Tenn. For \$8.50 a week, he rented Room 5B at a rooming house at 422½ S. Main St. The rooming house backed up to the Lorraine Motel, where King was known to be staying while leading a protest on behalf of Memphis sanitation workers.

At 6:01 p.m. the next day, King was killed by a bullet witnesses said was fired from the rooming house.

These apparent clues that Ray had been stalking King, prosecutors say, would have established the

framework for evidence implicating him as the assassin if he had gone to trial in 1969 — instead of pleading guilty and accepting a 99-year prison sentence. It would still establish such a framework today in the unlikely event that Ray, who recanted his guilty plea almost immediately, wins his bid for a full-scale trial. Next Wednesday, Ray's lawyer is expected to present a Memphis court with results of ballistics tests intended to determine whether Ray's rifle, found at the scene, fired the shot that killed King.

Ray's claims that he was a patsy in a conspiracy notwithstanding, the evidence pointing to him as the triggerman seems abundant. It addresses the classic criminal-detection elements of motive, means and opportunity. Here is what some of the evidence shows:

On March 30, 1968 — using one of his many aliases, "Harvey Lowmyer" — Ray appeared at the Aeromarine Supply Co. in Birmingham, Ala., and bought a Model 760 Remington .30-06 Gamemaster rifle. Remington described the weapon at the time as "the fastest hand-operated big-game rifle made." Ray also bought a Redfield variable scope that Donald Wood, the proprietor of the store, mounted and fixed at the maximum seven-power setting. The rifle cost \$139.95; the scope, \$94.95.

For ammunition, Ray chose a box of 20 soft-point

cartridges. Fired from the Gamemaster, the bullets were capable of traveling 2,670 feet a second and stopping a charging rhinoceros. A single shot fired at 100 yards would probably kill a human hit in the head, neck, stomach, chest or abdomen and might well cause fatal bleeding if it struck elsewhere. Wood told FBI agents that Ray was the rifle's purchaser, and Ray admits buying it.

At about 6 p.m. April 4, King emerged from Room 306 of the Lorraine Motel and stood on a second-floor balcony with several associates, talking to them and others on the ground below. A shot rang out. King fell — mortally wounded when the bullet struck him in the jaw, penetrated his neck and severed his spinal cord. Several of his aides pointed toward a bathroom window of Ray's rooming house — 68 yards away — as the source of the shot.

Residents of the rooming house said Ray had been in that bathroom for as long as 25 minutes up to the time the shot was fired. Some said they had seen him hurry away immediately afterward. Any one leaving the rooming house had to descend a 25-step staircase. At the bottom of the staircase was a jukebox rental and repair shop owned by Guy Warren Canipe. Just after hearing the shot, Canipe said, he saw a man rush down the stairs carrying a

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rifle, a blue zipper bag and a pasteboard bag. Out on the street, he said, the man abandoned the rifle and the bags on the sidewalk, jumped into a white Mustang parked at the curb and drove away. Canipe said that man, whom he saw clearly, was James Earl Ray.

There were later reports that two white Mustangs had been seen in the area, leading conspiracy theorists to speculate about a plot to create confusion and let the assassin escape. "But the second white car was found," said John Campbell, now the chief Memphis prosecutor in the Ray case. "It wasn't a Mustang. It turned out to be a Ford Falcon."

Ray, though denying he fired the fatal shot, admits fleeing the rooming house in a white Mustang as part of the supposed plot. He says he drove slowly to avoid attracting attention, southward into Mississippi, then east through Alabama to Atlanta. His radio was on, he says, so he knew police were looking for a white Mustang, but nobody stopped him.

Outside the Memphis rooming house, investigators discovered the rifle and the two bags. They lifted finger and palm prints from the rifle — prints later identified as Ray's. They soon traced the rifle to Ray even though he had used an alias in the Birmingham purchase. Inside the zipper bag, the investigators found a transistor radio and a pair of binoculars. The radio bore Ray's convict number. He had escaped from a Missouri prison where he had been serving 20 years for a \$120 supermarket holdup, the latest in a string of small-time crimes that had kept him behind bars much of his adult life. The binoculars bore Ray's fingerprints. Investigators discovered Ray had bought them just before the assassination at a store around the corner from the rooming house. Inside the pasteboard bag was a box of rifle cartridges such as those bought in Birmingham.

Inside the rooming house, shoeprints were found in the bathtub — indicating the assassin had stood there while firing the rifle from the window above. On the bathroom windowsill FBI agents found an indentation that, under microscopic examination, proved consistent with the markings that would have been produced by the barrel of the recovered rifle if propped on the sill. Two empty Schlitz beer cans stood nearby. Ray's fingerprints were found on one of them. One of his prints was also found near the window, and others were discovered in the room he had occupied.

Ray was asked in a 1993 Newsday interview why an experienced criminal would leave behind so much incriminating evidence. He said: "If I knew I was going to get a murder case against me, I wouldn't have left those fingerprints and all that. But I didn't know that." Ray said he figured he would get away.

When Ray reached Atlanta the day after the assassination, he stopped only briefly at his rooming house. He picked up laundry at Piedmont Cleaners — leav-

ing a time-stamped record of his whereabouts that FBI agents soon discovered. Then he abandoned the white Mustang in the parking lot of a housing project. A woman who lived in the project, Lucy Cayton, said she saw Ray park it there.

From Atlanta, Ray traveled by bus and train through Cincinnati and Detroit to Toronto. He stayed there several weeks, establishing new false identities so he could obtain a Canadian passport for a trip to Europe en route to Africa. On the night of April 21, he found a bar with a television set carrying the American show "The FBI." At the program's conclusion, as Ray had suspected might happen, his picture flashed across the screen. Actor Efrem Zimbalist Jr. announced that this escaped Missouri convict — wanted in the King assassination — had made the FBI list of 10 most-wanted fugitives.

Ray, who grew up in southern Illinois and Missouri, later said he had been elated by the development, even though it enhanced the possibility of his arrest. All his adult life, Ray had been a small-time criminal, but he had always wanted to be "somebody." Now he had made it. One of his brothers, Jerry Ray, recently told Newsday: "It's true James has always been ambitious."

Investigators looked for clues to why King had been targeted. There was recurring evidence that Ray was a racist. Jerry Ray and another brother, John, said James Earl Ray had been "wild against" blacks all his life. Records at the U.S. Penitentiary in Leavenworth, Kan., where Ray served time in the 1950s for cashing stolen postal money orders, revealed that he rejected an offer of a transfer to the softer life of a prison honor farm because dormitories there were desegregated.

From Toronto, Ray flew to London on May 7. Conspiracy theorists have questioned where he got "all the money" for his travels. Prosecutor Campbell, who recently said it was "more likely than unlikely" that there was a conspiracy in the case, suggested Jerry or John Ray might have provided him money. But it seems clear Ray could travel on the cheap — as his \$8.50 and \$10.50 rented rooms reflected. And investigators say that, when nearly broke, he committed robberies. Down to his last \$20 in London, British authorities said, he pulled a typically small-time holdup — getting just 100 pounds (\$240) in a bank robbery.

On June 8, using the name "Ramon George Sneyd," Ray appeared at London's Heathrow Airport to catch a plane for Brussels en route to Rhodesia. Scotland Yard detectives, alerted by the FBI that he might be in London, grabbed him. Det. Chief Superintendent Thomas Butler said they had reason to believe he was James Earl Ray.

"Are you Ray?" Butler asked.



AP File Photo

William Pepper, left, attorney for Ray, discusses a study of bullet fragments alongside prosecutor John Campbell of Memphis on May 21.

"Oh, well, yes, I am," Ray replied. "Oh, God, I feel so trapped."

When he pleaded guilty in 1969 to escape a probable death penalty, Ray was represented by celebrated Houston criminal lawyer Percy Foreman, who had defended about 1,500 people accused in killings, more than any other attorney in the world, and seen only 55 serve even a day in prison. At one point Ray said to Foreman: "I don't suppose I could ever persuade you that I didn't do it." Foreman said he replied: "You sure couldn't. Not in a thousand years."

Now, with Foreman dead, Ray has another attorney, London-based William Pepper, who contends Ray did not kill King — that he was a patsy in a conspiracy whose participants included a supposed mystery man named Raoul, the Army, the FBI, the Mafia and white racists. He has not explained how — or why — these disparate parties should have joined forces in such an enterprise.

King's relatives, who support a new trial for Ray, also have said they believe there was a conspiracy and that Ray did not fire the fatal shot.

Pepper persuaded a Memphis judge to order tests with sophisticated new microscopes in an attempt to determine whether Ray's rifle actually fired the fatal bullet. Previous tests showed that the bullet had been fired by the same model rifle but were unable to say whether the bullet had come from any specific weapon because it had been distorted in passing through parts of King's body.

Ballistics experts have reached a conclusion on their tests, expected to be released next week in a Memphis court. But even if their conclusion is favorable to Ray, and even if Ray, near death with a liver ailment, lives long enough to make a full trial theoretically possible, prosecutor Campbell says the chances are almost nonexistent.

"Suppose, for argument's sake, the ballistics tests are interpreted to show that Ray's rifle wasn't the murder weapon," Campbell said. "That, in and of itself, doesn't mean Ray is innocent. There's all this other evidence pointing to his guilt. He stalked King. He left fingerprints and all kinds of evidence at the crime scene. Even if you set all that aside, Pepper would have to file a motion to reopen the case. He then must get over the hurdle that Ray pleaded guilty. The courts have repeatedly held that if a person pleads guilty, it's assumed he knew what he was doing. Even innocent defendants who have pleaded guilty have been held to that test. On top of that, Ray's claims of innocence have already been denied by so many courts over the years — both state and federal — that it would be almost impossible for him to get a trial."

Pepper, however, contends that a trial is possible. "We need new evidence to get a trial," he said. "We contend the ballistics tests are new evidence."

Pepper's claims of a conspiracy seem to lack hard evidence. He talks about the mystery man Ray calls Raoul, but in 29 years nobody has produced such a person. He contends Army intelligence agents were in Memphis to kill King. He says pictures showed one of these agents leaning over King's body after the shooting. But the pictures showed the man was actually a New York Times reporter, Earl Caldwell.

"This stuff Pepper calls evidence is not evidence," Campbell said. "It would not be admissible in court. All his witnesses are dead, anonymous or living in Brazil."