

Forensic Advances Could Aid King Case, Judge Says

Appeals Court to Decide Whether to Test Rifle

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MEMPHIS, Feb. 20—New technology exists that could determine whether James Earl Ray's rifle killed the Rev. Martin Luther King Jr. in 1968, a judge said today.

Judge Joe Brown's decision must now be reviewed by the Tennessee Court of Criminal Appeals before Brown can rule on Ray's request for a new test of the weapon.

Ray is asking for that test in an attempt to take back his guilty plea and go to trial.

Brown could not say when the appeals court will make its review.

Ray, 68, pleaded guilty to murder in 1969 but reversed himself almost immediately and has been requesting a trial ever since. He claims he was set up to be the fall guy for the real killers.

He contends the hunting rifle found at the murder scene with his fingerprints on it was put there by conspirators trying to frame him.

To have new tests, Ray's lawyers must first convince the courts that improved technology can determine if the rifle found at the scene killed King. They would then have to show that test results in Ray's favor help prove his innocence.

Ray has drawn support in his bid for a trial from civil rights leaders and from the family of King. Both his widow, Coretta Scott King, and son Dexter King urged Brown to put Ray on trial.

"Even if no new light is shed on the facts concerning my husband's assassination, at least we and the na-

tion can have the satisfaction of knowing that justice has run its course in this tragedy," Coretta King said at today's hearing.

Robert Hathaway, an assistant forensics examiner for Rhode Island, said new technology could prove another rifle fired the shot that killed King on the balcony of the Lorraine Motel in April 1968.

That technology is a scanning electron microscope, which Hathaway said wasn't available until the mid-1980s.

"Knowing that the magnification is much greater and better, it is an additional tool that can be used to possibly resolve the conflict over whether it was fired from this gun," said Hathaway, who spent 17 years in the crime lab for the Connecticut State Police.

Hathaway said the FBI used technology available at the time to test the bullet and rifle, but there has been "no matching of the death slug to the rifle itself."

The U.S. House Select Committee on Assassinations had the King rifle tested in the 1970s, but because the slug was so mangled, could not establish beyond a scientific doubt that it was the murder weapon.

Tests showed, however, that King was killed by the same kind of gun and that lead in the death slug matched unspent bullets found with the rifle.

Hathaway proposed a committee of three firearms experts fire test shots from the weapon and compare those with the bullet in evidence.

Ray's attorney, William Pepper,



BY KAREN PULFER FOCHT—COMMERCIAL APPEAL

Coretta Scott King, widow of the Rev. Martin Luther King, urges court to grant trial to James Earl Ray, who confessed to killing the civil rights leader.

said he expects the tests on the rifle "to exclude it for all time as the murder weapon."

Before the hearing, prosecutors had said Ray has used up his appeals in Tennessee courts.

"He's the confessed killer. Nothing else out there can really be looked up-

on as credible evidence," said John Campbell, a state prosecutor.

State and federal courts have upheld Ray's guilty plea seven times.

Having a guilty plea overturned on a claim of innocence is difficult, because the law assumes a person knows if he's guilty or not at the time the plea is given.