

Two Detectives Raising Fresh Doubts Over Dr.

By EMILY YELLIN

MEMPHIS, Nov. 22 — In the 29 years since the Rev. Dr. Martin Luther King Jr. was shot to death here, a crowd of lawyers, journalists, movie producers and other would-be inquisitors have trailed through Memphis hoping to cash in on or figure out lingering mysteries surrounding his assassination.

And in the last decade or so, just about all of them have eventually made their way to two Memphis private investigators — one a Merle Haggard fan with wily Southern charm, the other a burly weekend rugby player and scoutmaster — who have helped uncover information that fuels many of the latest conspiracy theories about the murder on April 4, 1968.

It is not clear what, if anything, will emerge from the recent swirl of activity here generated by those hoping to raise fresh doubts about the officially accepted view that James Earl Ray, who pleaded guilty to assassinating Dr. King and then recanted three days later, was a lone gunman. What is clear is that almost all the disparate threads of doubt — the ones that have endured — rest on information that the two detectives, Kenneth Herman and John Billings, have unearthed or pursued in their role, sometimes paid and sometimes not, as the investigators of choice for the many naysayers in this case.

To some close to the case, the doubts about Mr. Ray's role in the killing and the whole cottage industry of conspiracy proponents linked to Mr. Herman and Mr. Billings add up to grand speculation based on little substance. "There is a difference between suspicion and evidence," said G. Robert Blakey, chief counsel of the 1978 House Select Committee on Assassinations and now a Notre Dame law professor. "The Government has to respond to these suspicions. But I am extremely skeptical of the underlying credibility of any of the evidence. These people are forcing the Government to chase ghosts."

But as the 30th anniversary of Dr. King's death approaches next April, and as Mr. Ray fights a potentially fatal liver disease in a Tennessee prison, legal wrangling and media attention in the case are as intense as ever. Most of those lured to Mem-

phis, including the filmmaker Oliver Stone, who has a project in development called "MLK," end up following at least some of the trails blazed by Mr. Herman and Mr. Billings.

Mr. Ray has had five lawyers in Tennessee courts since February. They have been working to obtain a trial through rifle testing, to secure Mr. Ray a liver transplant or, most recently, to get a trial by proving that Mr. Ray's guilty plea, for which he is serving a 99-year sentence, was coerced.

Mr. Ray's defense received a lift earlier this year when Dr. King's son Dexter met with Mr. Ray in a Tennessee prison and announced that he

Critics see much speculation about a conspiracy but little evidence.

did not think the 69-year-old convict had killed his father.

And this fall, when the Shelby County District Attorney's office assembled a task force to re-examine Mr. Ray's role in the assassination and determine whether others were involved, Mr. Herman and Mr. Billings were the first two people the task force interviewed.

In daylong statements, the two men gave details of their questioning of Loyd Jowers, who owned the restaurant below the boarding house where Mr. Ray is said to have shot Dr. King. They explained their belief that a Memphis grocer with supposed Mafia connections, Frank Liberto, now dead, paid Mr. Jowers to hire an assassin other than Mr. Ray. And they told of finding a third suspect in New York, a man they believe is the mysterious Raoul, who Mr. Ray has always claimed set him up as a patsy.

These allegations are not new. The District Attorney's office looked into the Raoul story in 1994 but dismissed it outright. Mr. Jowers testified before the House Select Committee investigating the King assassination in

1978 but said nothing about being connected to the killing. Mr. Herman and Mr. Billings got on his trail in 1992. Then in 1993, Mr. Jowers told ABC's Sam Donaldson on "Prime Time Live" that Mr. Liberto paid him \$100,000 to kill Dr. King. Mr. Jowers has refused to answer further questions without immunity from prosecution. His request for immunity has been denied.

But this week, task force investigators were in New York looking into the Raoul story again. And they have been reconsidering the Jowers angle as well.

That heartens Mr. Herman and Mr. Billings. They think of themselves more as information gatherers than as advocates, but clearly both have joined the camp of those who feel that, at the least, Mr. Ray did not act alone. "Ray might have done it," Mr. Herman said. "But I don't think he had the intelligence to do this all himself."

William Pepper, Mr. Ray's American lawyer based in London, first hired Mr. Herman in 1988 to find evidence supporting Mr. Ray's claims of innocence. For Mr. Herman, 60, who once owned a small recording studio here and has done investigative work for 35 years, it started as just another job.

But for Mr. Billings, 49, his signing on with Mr. Pepper in 1990 seemed ordained by fate.

In 1968, just after Dr. King was shot on a Memphis motel balcony and died minutes later at St. Joseph Hospital's emergency room, Mr. Billings, then a 20-year-old emergency room orderly and college student majoring in history and political science, was asked to guard Dr. King's body until it left the hospital. "A few days before, I had written a paper on Gandhi and nonviolence," Mr. Billings said. "I was just beginning to understand what a great man Dr. King was. And then I'm watching his associates come in and pay their last respects, and for part of the time I was in that room alone with his body."

Then in 1993, Mr. Billings found himself with another assignment, initiated by Mr. Pepper. He sat in a room at a Tennessee prison for 10 days with a camera crew and James Earl Ray, guiding the convicted assassin through a television mock trial to reconsider his guilt or inno-

cence. Home Box Office and Thames Television in London financed and produced the internationally broadcast trial, which was filmed in a Memphis courtroom with Mr. Ray participating by satellite and ended in a not guilty jury verdict with no legal weight. "For years I believed

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King's Murder

James had killed Martin," said Mr. Billings, who usually refers to both men by their first names. "But when I spent time with James, I came to believe he did not pull the trigger."

In 1994, Mr. Herman and Jack Saltman, a longtime British public affairs television producer, found the man they think is Raoul. Working with producers at CBS, they traced Raoul, through a woman who said she knew him in Texas years ago, to an association with Lee Harvey Oswald's assassin, Jack Ruby, in Houston in the 1960's. The investigators speculated that this Raoul link might support suspicions that the Government wanted Dr. King killed because he opposed the Vietnam War. But the

evidence was too questionable for CBS to run any kind of Raoul story.

To some, such extreme conspiracy scenarios are an example of how even legitimate doubts about Mr. Ray's role often dissolve into speculation and paranoia.

John Pierotti, district attorney in Memphis from 1990 to 1996 and now retired, would not comment directly on Mr. Herman or Mr. Billings but said, "There should be a pest law against people who advance these theories that lead nowhere."

Still, those on both sides of the case tend to be at least grudgingly respectful of the field work done by Mr. Herman and Mr. Billings. "I am convinced that Mr. Herman and Mr. Billings completely believe what they have found," said John Campbell, the lead prosecutor in the Ray case in Memphis for the last five

years. "What they believe could be malarkey, I don't know. The jury is still out on that."

This week the two were in Dallas pursuing the connection between Raoul and Jack Ruby. Their greatest hope is that a grand jury will soon indict not only Mr. Jowers — in hiding and thought to be terminally ill — but possibly Raoul as well.

After traversing the outer edges of this case for so many years, even Mr. Herman and Mr. Billings concede that sometimes they get a little too caught up in its fever.

"There is something I call the James Earl Ray virus," Mr. Herman said, only half joking. "It infects lawyers, judges, the media, anyone who is around this case long enough. People might start out fine, but then they get the virus and begin to go insane."



Rollin Riggs for The New York Times

Kenneth Herman, right, and John Billings think their work contradicts the findings in the assassination of Dr. Martin Luther King Jr.