

King mystery: Was Ray simply

Third in a series.

By Robert Gruenberg
Of Our Washington Bureau

WASHINGTON — "I think he's a plain, flat-out patsy. This is not to say he's a lily-white character. But he had never been in Memphis before — he had a helluva time finding that rooming house."

The speaker is one of James Earl Ray's three lawyers, who sought unsuccessfully to get the convicted slayer of the Rev. Dr. Martin Luther King Jr. out of the east Tennessee prison where he is serving 99 years.

It might be expected that Ray's lawyer here — he has two others in Memphis and Atlanta — would proclaim his

client's innocence as a matter of course, even though the FBI and the Criminal Court of Shelby County (Tenn.) have decided otherwise.

BUT MILLIONS of Americans, while far from agreeing that Ray is a "patsy," are also convinced that he alone did not plan and carry out the execution of the martyred black leader of nonviolence from a second-floor bathroom of a sleazy Memphis rooming house on that fateful April 4, 1968.

Ray's Memphis lawyer is Bernard Fensterwald Jr., Harvard-educated, a Tennessean himself with income independent of his law practice, and a thorn in the side to government officials.

Formerly counsel to a Sen-



James Earl Ray

ate subcommittee probing federal violations of privacy, he was also an aide to the late Senators Estes Kefauver (D-Tenn.) and Thomas C. Hennings (D-Mo.).

HE WAS ALSO an assistant to former Sen. Edward C. Long (D-Mo.), who lost a reelection bid after Life magazine in 1967 connected him to a Teamsters Union attorney in what was widely interpreted as an unethical fee-splitting relationship.

Fensterwald thinks the magazine was "leaked" the story by a federal agency his committee was investigating. He left Capitol Hill shortly afterward.

Aided by Harold Weisberg, a former reporter, investigator and author of two books critical of the John F. Kennedy and Dr. King investigations, Fensterwald and another aide, James Lessor, the Tennessee Court of Criminal Appeals for a new trial or a hearing to review evidence. Both pleas were turned down Feb. 24.

THE THREE insist there

are scores of "loose ends" and unanswered questions which — if tied together and answered — would point not only to a conspiracy, but show that Ray was wrongfully convicted on the evidence so far disclosed.

Here are examples of some of the issues they raise and the questions they ask:

● **FINGERPRINTS:** The FBI, according to records submitted at the time of Ray's extradition from England where he was captured in June, 1968, found his prints on the rifle, telescopic sight, binoculars and numerous other items traced to Ray.

But reports differ on whether prints were found in Room 5B that Ray rented; Fensterwald contends that neither the FBI nor the hearing at which Ray was sentenced, says that they were.

The furniture in Ray's room was moved, allowing a better view — however awkward — of the Lorraine Motel, where Dr. King was staying when he was slain. Who moved it, and what prints, if any, were found? asks Ray's lawyer.

● **IDENTIFICATION:** Charles Q. Stephens, a disabled veteran who occupied Room 6B, next to the room rented by Ray, says he heard the shot fired that killed Dr. King, and saw a man — who later was identified as Ray — heading toward the rooming house exit at the end of the corridor.

When he viewed a photo of Ray, released by the FBI less than two weeks afterward, news reports quoted Stephens as saying, it "doesn't register." In his formal affidavit in

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the extradition file he said that on April 24, 1968 — 20 days after the murder — he identified two profile photos in an FBI "wanted" flyer as "looking very much like" the man who became identified as Ray.

BUT STEPHENS' ability to identify anyone at the time of the slaying is challenged by Fensterwald. He said that a Memphis cabdriver, James M. McCraw, had made a statement five weeks before Ray's trial to the Memphis public defender's office that belied Stephens' identification.

McCraw said he had gone to the rooming house to pick up Stephens shortly before 6:01 p.m., the fatal moment for Dr. King, and found him in a "very drunken condition," fully clothed and unable to get out of bed.

(The McCraw statement is alluded to in at least two books published about the King murder.) However, Stephens' common-law wife, Grace Stephens, tends to contradict McCraw, in another affidavit, saying "he had not had much to drink that day."

● **"THE DEATH BULLET:** If he should win an evidentiary hearing, Fensterwald places great reliance on freeing Ray on the report of an FBI ballistic expert, who says he cannot pinpoint the fatal slug as coming from the rifle traced to Ray.

"As a result of my examination of the submitted rifle I determined that it produces a

general rifling impression on fired bullets having the physical characteristics of those on the submitted bullet," said Robert Frazier, chief of the FBI's fire identification unit in an affidavit made part of the extradition file.

But, Frazier added:

"Because of distortion due to mutilation and insufficient marks of value, I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle."

● **THE DROPPED BUNDLE:**

A central point in the state's case was the finding, immediately after the slaying, of the rifle, binoculars, personal effects, beer cans and other items, all wrapped in a green and brown bedspread in the doorway of the Canipe Amusement Co., on the street level of the rooming house. These were later traced to Ray.

"Can you imagine someone committing murder, then taking several minutes to pack a six-pack of beer, a gun and a shaving kit, then taking it all down to the street—and dumping it?" asked Fensterwald.

Ray was only a few steps away from his car into which he could have stowed it all, and then dumped it in the Mississippi River several blocks away, he said.

State's Atty. Gen. Phillip Canale, the prosecutor, answers that Ray, "rather than being caught with the evidence," dropped it in the amusement company alcove after spotting

a squad car parked near his Mustang. In apparent panic, he rid himself of the incriminating belongings and sped away, according to Canale.

THERE ARE numerous other points that Fensterwald argues need clearing up if the cloud of conspiracy is to dissolve.

"We have other evidence to show Ray was at another place in Memphis at the time of the shooting—a garage," says Fensterwald, but he will not elaborate.

Ray has said that a mysterious "Raoul" had aided him during his first hideout period in Canada, after fleeing the Missouri State Prison in April, 1967. "Raoul" had given him money with which to buy the Mustang, according to earlier published stories.

"I do not know if that's made-up name or not," says Fensterwald. "Some people think he is an accomplice and Ray will not discuss it. We get along pretty well, but he does not trust any one human being 100 per cent."

NEXT: The Ray File is still "open."