

U.S. Weighs King Probe Reopening

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Justice Department officials are thinking about recommending that an independent or special prosecution staff be appointed to reopen an investigation into the assassination of the Rev. Martin Luther King Jr.

A department source said these or other mechanisms for reviewing the case may be recommended as an outgrowth of a review under way in the department's Civil Rights Division.

The current review, the source said, is approximately one-fourth finished and so far has produced no evidence that the original FBI investigation of King's slaying was deficient.

However, those connected with the review fear that any internal department findings on the FBI's role might not be accepted by the public as thorough and impartial, and believe that some independent investigation may be warranted. "The real issue is credibility," the source said.

The Civil Rights Division review consists of reading through some 96 volumes of FBI files on King and a check of several new leads that have surfaced since the civil rights leader was slain in Memphis in 1968.

It will not be completed until early February, at which time

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the division's top officials will decide whether to recommend to Attorney General Edward H. Levi that an independent examination be established. The source said that the review may determine that no further scrutiny is necessary.

At this point, the officials lean toward some form of special prosecutive staff having power to take witnesses before a grand jury. However, they are concerned that such a mechanism might be questionable legally because there is no suspect who could be prosecuted.

James Earl Ray, an escaped prisoner from the Missouri Penitentiary, pleaded guilty in March, 1969, to a charge that he killed King with a rifle, but he refused to concede that he acted alone.

He has since repudiated his confession and contended that he was framed by a conspiratorial group whose members he has not identified. His bid to withdraw the guilty plea and win a trial in court has been denied by a federal district court judge. Ray, now serving a 99-year sentence, is appealing that decision.

The Civil Rights Division review of the case was prompted by recent disclosures that the FBI for many years had placed King under surveillance and on occasion had harassed him and his associates. The Justice source said that, so far, the review has not found evidence to implicate the FBI in the assassination, directly or indirectly.

The chief of the Civil Rights Division, J. Stanley Pottinger, said in an interview Friday that one alleged link between the FBI and the assassination has now been discounted.



Pottinger discounts any FBI link with King slaying.

It concerned a proposal, discovered in FBI files by Senate investigators, to embarrass King in the media because he was staying in a white-owned motel in Memphis shortly before he was shot. The FBI memo proposed depicting King as a "hypocrite" for living in a white motel while he was urging his black followers in Memphis to boycott white merchants as part of their support for the sanitation workers' strike King was leading.

The FBI memo was designed to suggest that King should have stayed in the Lorraine Motel, which was frequented mostly by blacks. King eventually moved from the white motel to the Lorraine, where he was shot while standing on a balcony on April 4. Investigators have attempted to learn whether the FBI plan had anything to do with his movement to the motel where he was slain.

Pottinger said there is no evidence that the FBI plan to

embarrass King about his choice of motels ever was put into effect or, if it was, that it was responsible for his changing motels.

Pottinger also said that two other leads suggested by King's associates have proved fruitless. One concerned an Atlanta man who has said he overheard a conversation about killing King a few days before the assassination took place. It was concluded that the man made up the story, Pottinger said.

In a second case, one of Pottinger's assistants flew to Calgary, Alberta, to interview a man who once had contended that he was offered \$200,000 to take part in a conspiracy to kill King.

The man had told one of Ray's attorneys that he played his role in the killing but did not receive the money. He had offered to reveal his conspirators' names for a fee. Pottinger said an interview with the man resulted in a conclusion that he was a "con man" trying to obtain money through a phony story.