

Was Ray acting alone?

Who made that fake radio broadcast?

What was Ray's motive?

Why did Ray leave evidence at the scene of the crime?

ARE YOU SURE WHO KILLED MARTIN LUTHER KING?

by Bynum Shaw

On a mild Monday in March of 1969, James Earl Ray, a small-time crook celebrating his forty-first birthday, was led into the ironclad security of a Memphis, Tennessee, courtroom to stand trial for one of the most outrageous crimes in American history. Eleven months before, on April 4, 1968, Ray—or somebody—had fired one slug from a .30.06 Remington rifle and snuffed out the life of Dr. Martin Luther King Jr., the Nobel Prize-winning black apostle of nonviolence in civil-rights protest. In the ensuing manhunt the Federal Bureau of Investigation spent \$1,600,000 in tracking down John L. Rayns, John Willard, Eric Starvo Galt, Harvey Lowmyer and Ramon George Sneyd. For them all the trail ended at Heathrow Airport in London on June 8, 1968, with the arrest of James Earl Ray, an escapee from the Missouri State Penitentiary who was also Rayns, Willard, Galt, Lowmyer and Sneyd. That, though aliases, he was all those other shadowy characters has been established beyond doubt. That he, James Earl Ray, acting alone and without assistance, shot Dr. King has never been proved in court or before any other tribunal. Because Ray's "trial" was not a trial at all.

That he did not go to trial is in some part Ray's own doing. On November 10, 1968, two days before he was originally scheduled for trial, Ray fired his first attorney, Arthur Hanes, of Birmingham, Alabama, and replaced him with Percy Foreman, a Houston lawyer famous for winning favorable verdicts and astronomical fees. Hanes, dismissed without warning by Ray, had already pleaded Ray not guilty to a charge of murdering King. With the switch in counsel Ray won a trial postponement, but he also allowed himself to be persuaded or cajoled into making a deal with the State

of Tennessee: in exchange for a plea of guilty and a promise to behave at the hearing, Ray would be given a sentence of ninety-nine years in the State Penitentiary. He would save his life, but he would forfeit all claim to retrial or appeal.

The hearing in March, 1969, therefore, was to provide only a jury's seal of approval on a deal already made between the defense and the prosecution, with the blessing of the presiding judge, the late W. Preston Battle. There was nothing devious or illegal about the maneuver; on lesser cases it had been used hundreds of times in Tennessee courts without complaint from the public. For the State the procedure had decided advantages: it made a lengthy proceeding unnecessary, thus saving the time of court officials; only a few witnesses needed to be called, and a major item of expense was thereby eliminated; justice seemed to be served, because the procedure was operative only with an admission of guilt. But in the Ray case there were large doubts as to whether the cause of justice was indeed served, and they have never been cleared up.

Some of the doubt and uncertainty has grown out of the national trauma that accompanied the decade of assassination. King's death recalled the horror of a President's end in Dallas, and the second stroke was magnified to the proportions of Armageddon through burning, looting and death in a half dozen of the nation's major cities, including its capital. Renewed shock waves assailed the public with the slaying only two months later of Robert F. Kennedy. James Earl Ray's arrest followed Kennedy's death by two days, and a people weary of bloody intrigue fully anticipated for him a long and painstaking trial, with mountains of evidence and a parade of witnesses in vindication of

the national sense of justice. When Ray was hustled off to prison after a single morning in court, without that expected full disclosure, the public response was one of incredulity.

Then began the second-guessing and the articulation of frustration. The public knew that Ray had pleaded guilty to killing King; it knew also that he had made some sort of assertion suggesting that he was part of a conspiracy; and yet that suggestion was never followed up. To the average citizen, the whole thing smacked of a gigantic cover-up, an attempt by someone, or some agency, obviously powerful, to hide the truth about a crime that had literally rocked the nation.

Most of these doubts are the painful result of a communications failure: in fact—and the average citizen has never understood this—the case against James Earl Ray was disclosed in court on the day of his hearing and is available in the official transcript, but this information was not fully covered in the press. The public got only the dramatic highlights, and out of that imperfect accounting has grown a large number of questions. Most of them are uninformed questions, but they arise honestly, as the expression of a continuing sense that something suspect happened to Ray—and to the public—that day in Memphis. Among the persisting questions are these:

Did Ray, in fact, shoot King, or was he only a minor player in a well-ordered conspiracy?

If he was part of a plot, who were the other conspirators, and why have they left no trace?

If Ray was acting alone, why did he dump the evidence, thus making his capture inevitable?

What about that fake radio broadcast put out twenty-nine minutes after the slaying? Isn't that proof of conspiracy? And what about those reports that there were two white Mustangs at the scene of the crime?

If Ray did shoot King, what was his motive?

If he didn't pull the trigger, why did Ray allow himself to be talked into pleading guilty? What was the basis for his suggestion in court that there was a conspiracy?

If the case had gone to trial, how would the defense have proceeded?

How strong was the State's case against Ray?

In order to place these considerations in proper perspective, it is necessary to digest some of the background to that birthday hearing. For the purposes of the King case, it begins with Ray's escape from the Missouri State Penitentiary at Jefferson City on April 23, 1967. In the months following he cut an intricate trail. His movements, later traced by the F.B.I. and documented even more assiduously by the journalist William Bradford Huie, took him to the West Coast, Mexico, New Orleans and Canada. Ultimately his orbit crossed King's, and his involvement in the assassination is detailed by the prosecution in the following manner:

1. Ray stalked King, for reasons known only to himself, and when the determination to assassinate the black leader became fixed in his mind, he bought a telescope-mounted rifle in Birmingham at the Aero Marine Supply Company. That transaction, in which Ray used the name Harvey Lowmyer, was completed five days before the slaying. (Ray actually bought two guns, and the State was prepared to prove it and to explain it. The first, a .243-caliber Winchester, Ray may have thought would not accommodate the bullets he had

previously purchased. [An examination of that weapon showed some hardened Cosmoline in the breach, making it difficult to operate.] The next day, March 30, Ray exchanged it for the more expensive \$9.06 Remington.)

2. In the middle of the afternoon of April 4, Ray, using the name John Willard, rented an \$8.50-a-week room on the second floor of a dingy flophouse at 422½ South Main Street in Memphis—a city Ray had never visited before in his life. The rear of the rooming house overlooks the Lorraine Motel, where Dr. King, in Memphis to lend support to a strike of the city's 1300 garbage collectors, was staying. Through the service of a legal paper, the exact location of King's room had been publicized; Ray had bought a copy of the *Memphis Commercial Appeal* giving that information, and by moving a flimsy chest of drawers and leaning out the window of his room, 5B, Ray could watch all the activity on Dr. King's balcony. From that window, however, it would have been an awkward rifle shot. A better view, although somewhat obscured by trees and underbrush, could be obtained from the window of the bathroom down the hall from 5B.

3. A half hour after he rented the room, Ray drove to the York Arms Company, half a mile away on Main Street, and bought a pair of binoculars, complete with rolled-up straps. Returning to the rooming house, he parked his white Mustang in the last metered space before the fire station at the corner and collected his belongings to take to his room. These included the binoculars, the rifle (which was in a cardboard carton around which he had wrapped a green bedspread), and a small blue zipper bag containing a change of underwear, toilet articles, the newspaper, two cans of Schlitz beer and a small plastic transistor radio. (The radio was one of the few things Ray had brought out of the Missouri Penitentiary in his escape. It originally had his prison number scratched into the plastic, but he had obliterated the number with a sharp instrument.)

4. Upon his return to 5B, Ray made several trips to the bathroom, locking the door and standing in the tub to monitor the activities in Room 306 of the Lorraine Motel, 205 feet away, at a downward angle. At about six p.m. King came out on his balcony and talked to some friends in the parking area below. Noting this, Ray hurried to his room, got out the rifle and one bullet, returned to the bathroom, locked the door, stepped into the bathtub, rested the rifle on the windowsill and, at exactly 6:01 p.m., fired the shot that killed Dr. King. The bullet struck King in the right jaw and ranged downward through his throat and spinal column, coming to rest just under the skin at the point of the left shoulder blade. Expert triangulations established that the gun was fired at a point consistent with the bathroom-window elevation.

5. Ray's rifle recoiled so sharply that it left scratches in the sill of the window. Ray ejected the shell, calmly unlocked the bathroom door and walked toward his room. Charles Q. Stephens, a retired heavy-equipment operator who was working on a radio in a kitchen next to the bathroom wall, claims to have heard the shot and to have seen a man whom he later identified as Ray going down the hall toward the stairway.

6. Ray returned to his room, jammed the gun into the cardboard case, threw all of his belongings (except the binocular straps) into the dingy green bedspread, and raced down the stairs. Emerging onto the sidewalk, he turned left and hurried toward his car, some sixty

feet away. In flight he panicked and dumped his bundle in the offset doorway of Canipe's Amusement Company. He then dashed to his Mustang (elapsed time from gunshot to getaway: three minutes) and, although he knew little about Memphis, completely eluded a police dragnet, including roadblocks.

7. The bundle dropped in the doorway was quickly reported, and it amply ties Ray to the murder. His fingerprints were found on the rifle, the binoculars, the toilet articles, the beer cans and the newspaper. Microscopic sweepings from Ray's Mustang (later recovered in Atlanta) and the sofa in it contain fibers from the green newspaper. But Ray, who left his fingerprints so carelessly on all his belongings, left none in his room, on its furnishings or in the bathroom.

8. After the assassination, alone and unaided, Ray made his way to Atlanta, thence to Canada, and, with the use of a Canadian passport ingeniously obtained under the name of Ramon George Sneyd, a Toronto policeman, to Europe.

All of this, plus a long chronicle of Ray's wanderings after his escape from the Missouri pen, the State of Tennessee, with the assistance of the Justice Department (whose entry into the case had been justified by the issuance of a conspiracy warrant based on a hundred-year-old statute), was prepared to prove—or to attempt to prove. With Ray's guilty plea and the deal over sentencing, the State had to prove virtually nothing.

The official transcript gives the following account of the "trial" of James Earl Ray:

For openers, Judge Battle, who ran a tight court and who had been extremely careful to provide no excuse for the overthrow of the Ray conviction, explained the procedure to the defendant, that he was "pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of murder in the first degree under the law as explained to you by your lawyers."

Ray replied that yes, he was "legally" guilty and that he was pleading guilty voluntarily, in full knowledge that he was waiving his right to a new trial and to all avenues of appeal.

"Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty?" the judge asked. "Has anything else been promised to you by anyone?"

"No, it has not," Ray declared. (He has since repudiated that admission, declaring through his present attorney that he agreed to plead guilty *because he was promised an early pardon.*)

Then Phil M. Canale, attorney general (prosecutor) of Shelby County, took the floor to swear in the jury and establish proof of death. As a prelude to those actions he said that there had been "rumors going all around . . . that Mr. James Earl Ray was a dupe in this thing or a fall guy or a member of a conspiracy to kill Dr. Martin Luther King Jr. I want to state as your attorney general that we have no proof other than that Dr. Martin Luther King Jr. was killed by James Earl Ray and James Earl Ray alone, not in concert with anyone else. Our office has examined over five thousand printed pages of investigation work done by local police, by national police organizations and by international law-enforcement agencies. We have examined over three hundred physical bits of evidence, physical exhib-

its. Three men in my office, Mr. [Robert] Dwyer, Mr. [James] Beasley and Mr. John Carlisle, the chief investigator of the attorney general's office . . . have traveled thousands of miles all over this country and the many cities in foreign countries on this investigation . . . and I just state to you frankly that we have no evidence that there was any conspiracy involved in this. I will state this to you further, if at any time there is evidence presented, competent evidence presented, which we can investigate and bear out, that there was a conspiracy involved in this. I assure you as your attorney general that we will take prompt and vigorous action in searching it out and in asking that an indictment be returned if there are other people or if it ever should develop that other people were involved and you have my assurance on that, not only me but the local law-enforcement officers and your national law-enforcement officers."

Foreman, Ray's attorney, followed with an assertion that it had taken him a month and fifty hours of conversation with Ray to reach a conclusion, but he was now convinced that "there was no conspiracy."

When the jury, whose sole duty was to confirm the conviction and sentence, had been seated, James Earl Ray unexpectedly and somewhat angrily interrupted the proceedings. It was the one point at which he departed from the script in which he had been so carefully coached. He burst out, "Your Honor, I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only thing that I have to say is that I can't agree with Mr. Clark."

Ramsey Clark, then Attorney General of the United States, had been insisting publicly that the King assassination was the work of one man acting alone—even though it was he who personally injected Federal investigators into the case by ordering the issuance of the conspiracy warrant. Before Ray could be hushed up, it became clear that he was disagreeing with Clark's and Canale's assertions that there had been no conspiracy. His outburst subsequently was to add to the public's confusion over this important point.

The rest of the trial was so routine as to be boring, and the forty carefully screened newsmen present did Canale an injustice by not reporting it fully. For the rather dry recital showed what the State would have proved, and a complete accounting of those dull facts might have anticipated and answered some of the questions that were later to be raised.

Called to the witness stand were the Reverend Samuel B. Kyles, pastor of the Monumental Baptist Church in Memphis, who on the evening of the assassination had gone to the Lorraine Motel to pick up Dr. King for dinner and who told of King's last living moments; Chauncey Eskridge, a Chicago attorney with whom King was in conversation when the bullet struck; Jerry Thomas Francisco, Shelby County medical examiner, who testified that the trajectory of the fatal bullet "was from above downward from right to left passing through the chin, base of the neck, spinal cord to the back," and that the angle of the bullet's passage was consistent with a line drawn from the bathroom window in the rooming house; and Memphis Police Inspector N. E. Zachary, who told of the finding of the bundled rifle, binoculars, zipper bag, newspaper and green spread in the Main Street doorway.

(It was at this point that Ray showed his only in-

terest in the evidence assembled against him: he asked to see the transistor radio. Through the use of ultraviolet light, F.B.I. experts had "raised" the prison number Ray thought he had scratched out, thus linking it to the Missouri fugitive and providing a major breakthrough in the case. In court Ray turned the radio over and over in his hands, running his fingers along the scratches. He never has figured out how the F.B.I. resurrected that 00-16J, his prison number at Jefferson City.)

Following Zachary to the witness stand was Robert G. Jensen, special agent in charge of the Memphis division of the F.B.I. He told of the dispatch of evidence to the F.B.I. laboratory in Washington, of the discovery of Ray's Mustang in Atlanta, of the tracing of various bits of physical evidence to their source, and, very briefly, of the manhunt which, with the expenditure of more than \$1,600,000 in public funds, culminated in Ray's arrest. (By comparison, the total bill to the taxpayers of Shelby County for the travels of Canale's three-man investigating team was \$3,500.)

That was the sum of the "proof" presented in court that day. The remainder of the transcript consists of "stipulations"—a résumé of the evidence the State would have introduced, the case it would have tried to prove had the issue gone to trial. James Beasley, the Canale assistant who outlined this material, was aided considerably in his presentation by F.B.I. models of the rooming house-motel premises. These models, which came with removable tops so that the interior of the rooming house could be exposed, were designed so that they could be tilted toward the jury. The little pieces of furniture, pedestals and toy cars were held in place magnetically so that witnesses could have moved them around at will, and the detail was so precise that even broken balusters in the railing of the rooming-house stairway had been carefully duplicated.

Beasley's recitation included a recapitulation of Ray's movements on the day of the assassination, including the witnesses (among them Charles Q. Stephens) who saw him, his purchase of the binoculars, the discovery after the shooting of the bundle of evidence, the tracing of the rifle, Ray's purchase (from a private owner) of the Mustang, some background on Ray's wanderings in California, Mexico and New Orleans, his post-assassination flight to Canada, and his subsequent arrest in England. Beasley said that Robert A. Frazier, chief of the Firearms Identification unit of the F.B.I., with twenty-seven years of experience, would have been called for testimony as to the firing of the rifle: "He examined the cartridges, the hull from the chamber of his rifle, the slug removed from the body of Dr. Martin Luther King Jr., and would testify to conclusions as follows: the death slug was identical in all physical characteristics to the five loaded .30-06-aught-6 Springfield cartridges found in the bag in front of Canale's. . . cartridge case had in fact been fired in this .30-06-aught-6 rifle. *That the death slug removed from the body contained land and groove impressions consistent with those present in the barrel of this rifle.* That he also made microscopic comparisons between the nicked dent in the sill of the window at the bathroom 422½ South Main and concluded that the microscopic evidence in this dent was consistent in all ways with the same microscopic marks that appear on the barrel of this rifle."

The italics have been added, because the language

at this point is curious. Compare it with the section of the Warren Commission report on the slugs that struck President Kennedy: "Under microscopic examination a qualified expert may be able to determine whether the markings on a bullet known to have been fired in a particular weapon and the markings on a suspect bullet are the same and, therefore, whether both bullets were fired in the same weapon to the exclusion of all other weapons. . . . After making independent examinations, both [Robert A.] Frazier and [Joseph D.] Nicol [superintendent of the Bureau of Criminal Identification and Investigation for the State of Illinois] positively identified the nearly whole bullet from the [President's] stretcher and the two larger bullet fragments found in the Presidential limousine as having been fired in the C2766 Mannlicher-Carcano rifle [Lee Harvey Oswald's gun] found in the [Texas Book] Depository to the exclusion of all other weapons." The discrepancy is obvious: In the Kennedy assassination the bullets were positively traced to Oswald's gun, but in the King slaying *the same expert could not positively certify that Ray's rifle fired the death slug.*

At the conclusion of the "stipulations," Judge Battle turned to the jury, lined up in two rows of plain chairs to his right, and said, "All right, gentlemen, all of you who can do as you said you could do and accept this compromise and settlement on a guilty plea and the punishment of ninety-nine years in the State Penitentiary, hold up your right hand."

Without leaving their seats the jurors, two of them black, extended their hands into the air.

"I believe that's everyone," Battle said. "All right, you can have someone sign the verdict."

Judge Battle was not through. He had a few words he wanted to say in defense of Memphis and in praise of the international network of law-enforcement authorities who had run Ray down. And, more to the point, he gave some evidence that the unanswered questions in the trial were on his mind. "It has been established," he said, "that the prosecution at this time is not in possession of enough evidence to indict anyone as a conspirator in this case. Of course this is not conclusive evidence that there was no conspiracy; it merely means that as of this time there is not sufficient evidence available to make out a case of probable cause. However, if this defendant was a member of a conspiracy to kill the decedent, no member of such conspiracy can ever live in peace or security or lie down to pleasant dreams, because in this State there is no statute of limitations in capital cases such as this. And while it is not always the case, my thirty-five years in these Criminal Courts have convinced me that in the great majority of cases, Hamlet was right when he said: 'For murder, though it have no tongue, will speak with most miraculous organ.'"

And that was it. The hearing, dealing with a crime which had left dozens of American cities in flame and riot, had lasted 144 minutes. James Earl Ray was taken away to close confinement in the State Penitentiary at Nashville, where he would be eligible for parole in forty-nine years, six months. (Had Foreman secured Ray a mere life sentence instead of one specifying ninety-nine years, his client would have been eligible for parole consideration at the end of thirteen years.) Subsequently, pleading the hardship of isolation, Ray was transferred to the Brushy Mountain State Prison, where he has been put on a work detail and mingles

with other prisoners; one of his reasons for seeking the transfer also has become clear: he has already made a rather imaginative—but frustrated—effort to escape.

The immediate reaction to Tennessee's brand of instant jurisprudence was hostile and bitter. Much of the American press cried, "Foul!", none more quickly than *The New York Times*. In its lead editorial the day after the trial, *The Times* said, "The aborted trial of James Earl Ray for the assassination of Dr. Martin Luther King Jr. is a shocking breach of faith with the American people, black and white, and of people the world over still numbed and puzzled by the gunfire that struck down this international leader."

"Ray is entitled by all legal means to avail himself of the defenses open to him under the law. But by no means, legal or pragmatic, should the doors of the courtroom and the jail be slammed shut on the facts, the motives and the doubts of this horrible murder. . . . Nothing but outrage and suspicion can follow the handling of this long-delayed and instantly snuffed-out trial. . . ."

"Why should this assassination case be tried by statements instead of formal legal procedures, subject to examination and cross-examination, the presentation of all the evidence by the prosecution, the appearance of the accused in open court? . . . In the ghetto and in the world outside the ghetto, the question still cries for answer: Was there a conspiracy to kill Dr. King and who was in it? . . ."

"Unless proceedings are convened in court—Federal, if not state—we shall never know the adjudicated truth. There should be no Warren Commissions necessary—a month or a year from now—to still our doubts and do what a Tennessee court has failed to do."

The indignant protests voiced by *The Times* and other newspapers have never completely subsided. Last July John Seigenthaler, the Nashville editor who was an administrative assistant in the Justice Department under Robert Kennedy, published a book, *A Search for Justice*, in which he said that the central question of a possible conspiracy in the King murder remains outstanding. In the Ray trial, he wrote, "The administration of justice succeeded in punishing a guilty man. But it made no pretense of initiating a search for truth or putting down what very well may have been a lie by Ray."

In fact, the public would be almost wholly in the dark about Ray's activities had it not been for William Bradford Huie's persistent investigation and the publication of his findings. But Huie, who was at constant loggerheads with Judge Battle and who did not meet Ray face-to-face until after the trial and after most of his writing was done, does not claim that he found out the whole truth (for one thing, he feels frustrated because he never got a flat admission of guilt from Ray). He does admit rather ruefully, though, that in his involvement in the King investigation he wasted a year of his time and lost \$25,000 of his money. "The Ray case is a bad dream to me," he wrote me recently.

Like millions of Americans, I had worried over Dr. King's death and the uncertainties that grew out of it. Back there in a time which now seems almost prehistoric, as a newspaper reporter I had walked with Martin Luther King up Highway 80 from Selma to Montgomery, through Klan country, through the soft Alabama spring. And those of us who were there and who listened to the mourning strains of *We Shall*

Overcome knew then that this man was a walking target, if not on that day, on the next, or the next. He had already had his dream then, and had been to Oslo. But it was not my battle. I was a reporter, a purveyor of factual information, and if on the next day I should be pulled from the line, as I was, and told to go interview George Wallace at the State Capitol, ahead of the advancing hordes, I could do it, with an equal lack of involvement, an equal passion for the truth of the honest quote and the intelligently marshaled facts marching in black print across the page.

But it is King whom I remember, to whom it seems in justice only fair that as much as can be told about the trial of his confessed assassin should be gathered together in one place for public examination. And where would an old reporter turn now to get the facts?

I flew into Memphis on a Thursday morning aboard a Piedmont Airlines plane that had been delayed by weather, and Phil Canale and his chief investigator, John Carlisle, once a Shelby County deputy sheriff, were waiting for me. They knew why I was there, and they were patient and obliging and infinitely courteous and hospitable. Canale is fiftyish, not an overpowering man, but he could have launched a highly successful political career on the strength of the Ray conviction. He has chosen not to profit from it, except that regularly, without opposition, he is returned to the Attorney Generalship. Between him and every member of his staff of thirty-eight, among them twenty-six trial assistants, there is genuine affection. He is of Italian extraction and his father was a successful attorney in Memphis. When I was there his kids were overrun with gift rabbits.

We drove into Memphis, along South Main Street, the crumbling old double-building rooming house contrasting sharply with the modern new firehouse on the near corner. Jim's Grill is still there, and the Canipe Amusement Company, both footnotes to history. And then we circled around to the Lorraine Motel and sat in the parking lot, looking up at the fateful balcony. With a little worrisome jockeying back and forth, through the regrowing trees, we could spot the bathroom window where the assassin is said to have done his work. There is a brick retaining wall there, and the view is up a hill topped by a jungle of underbrush. The room where King fell has been converted into a shrine, and a plaque on the motel wall reads, "And they said one to another, Behold, this dreamer cometh. Come now therefore, and let us slay him . . . and we shall see what will become of his dreams. Genesis 37: 19-20."

None of it seems real. None of it seems convincingly to be the scene of one of the dark moments in American history. It is squalid, tacky, bereft of nobility, derelict. And yet, as the gimmick of the sign suggests, an honorable man gasped out his life here; and just over there, somewhere, hidden by the bushes or the crumbling walls, the assassin lay in wait.

Canale fielded my questions well. One thing I wanted to know about was the trial, why Canale, with all his mountains of evidence and the opportunity to play a central role on a world stage, had been willing to accept an agreed verdict, making trial unnecessary. "Since I've been district attorney," he said, "and that's been sixteen years, there's never been a case of any nature where if a defendant's lawyer came in and said, 'My man wants to plead guilty,' that if we can agree on

what the State thinks is a satisfactory sentence and it's accepted by the defense—there's never been a case where we haven't allowed a man to plead guilty. Of course, you can't plead guilty and go to the electric chair in Tennessee. That has to be done by a jury after a trial. And if they approached me on a guilty plea and a recommendation of sentence I would accord Ray the same privilege as anybody else who commits a heinous crime."

Asked if he were aware that public reaction to that procedure might be one of shock or that it might give rise to charges that the facts were being covered up, Canale said that prospect didn't bother him. "I think I'd be stupid to say that I didn't think there would be a lot of comment from the press about trying to cover up something, but so long as my conscience and the discharge of my official duties is concerned, I always say that if I can go home and put my head on the pillow at night and go to sleep without looking back, then I'm not going to worry about it."

Question: "It was admittedly an advantage with the conditions you had here in Memphis not to make a big deal out of it. Wasn't that a consideration?"

Canale: "Well, I didn't want to put on a trial just for my own gratification or just for the benefit of the press, since the precedent was established in this office of allowing people to plead guilty in any type case if they accept the recommendation. Now, we had been through some turmoil here, and we were ready to face any turmoil. We were well prepared for any turmoil that might come off."

Q: "So 'cooling off' the city was not a primary factor?"

Canale: "I'm sure that allowing the guilty plea had an ancillary effect of cooling off the city, but as far as its being one of the considerations in allowing him to plead guilty, it was not."

Q: "Mr. Canale, you said in the trial in your opening remarks that if you ever discovered that there was any kind of conspiracy involved here, that other people were involved in this crime, that you would immediately proceed against them. You remember that?"

Canale: "That's correct. In fact, almost exactly, I said that I'm not saying there was no conspiracy. I'm saying that we have not one bit of credible evidence that there was a conspiracy, but if any competent evidence ever developed that there was a conspiracy, then we'd move against them the same as we do against anybody."

Q: "Is that still true?"

Canale: "Of course it's true."

Q: "And since the trial, there has been no additional evidence that there was a conspiracy?"

Canale: "No, sir, there has not been."

To the extent that there has been no "credible" or "substantial" evidence to the contrary, Canale said he insisted in his own mind that Ray, acting alone, shot Dr. King. On one question he declined to be asked directly. That concerned motive, which the State's stipulations had not gone into and was not duty-bound to prove—although its case might have been stronger if it had presented sworn evidence as to motive. But Canale said he has evidence that Ray is a racist. He seemed to agree with Huie's contention that Ray, before the assassination a criminal of petty stature, wanted to win fame with a crime of staggering proportions.

Canale said the Memphis police department had run down the fake radio broadcast² which seemed at the time to suggest that Ray had accomplices. "It was a hoax," he said. "This was a teen-ager who had a ham set. . . . I'm satisfied with the investigation of the police department and that they have the person who did it—a young teen-ager with a mental problem." The youth apparently had been monitoring the police radio and had put out his fake broadcasts to create confusion. He had no connection with Ray.

Nor did the second white car which had been seen at the rooming house. John Carlisle, Canale's investigator, said he had established that the second car, driven by innocent parties, had departed the area before the shooting took place.

One part of the case against Ray had bothered me considerably in studying the transcript and in viewing the evidence in Memphis. Why had Ray, knowing that his personal belongings were loaded with his fingerprints, ditched that bundle of evidence in the doorway of the amusement company when he ran out of the rooming house? He was only a few short paces from his car. Why had he panicked?

Canale and Carlisle had the answer to that. A few minutes before the assassination, three police squad cars had stopped at the fire station for coffee, and the policemen had gone inside. From the entrance of the rooming house that day the concrete apron in front of the firehouse was obscured by a row of shrubbery (it has since been removed), and one of the police cars was parked so that its nose stuck out toward Main Street, toward Ray's parked Mustang. Ray had no way of knowing whether the car was occupied (it was not). Had it been, the policemen would have seen him stowing his load into the Mustang. So he dumped the incriminating evidence. That, at least, is Canale's theory.

The prosecutor also feels that Ray had no actual plan to kill Dr. King that evening, that he probably intended to do his work when the Negro leader passed along Main Street at the head of a parade scheduled for the following Monday. But as he monitored the motel through his binoculars he saw his opportunity and seized upon it. In fact, escape would have been much more difficult on Monday, and Ray actually had insisted on a perch from which he could view Dr. King's room.

One aspect of the case which Canale says casts grave doubts on the conspiracy theory is that Ray did everything for himself. He bought the car; he bought the gun; he bought the binoculars; he rented the room. And he is identified beyond any doubt as having done all these things. If others were involved in a conspiracy, Canale says, they would have surfaced somewhere along the line. But all of the evidence suggests that Ray was working alone. He spoke of assistants. Over and over to Huie he told of a shadowy "Raoul" who was giving him directions, and when he bought the gun he spoke of "going hunting" with a brother. But Raoul has never been located, at least not by Huie or the F.B.I. or by Canale's men. And there is no evidence in existence, Canale said, that suggests the participation of an accomplice.

As for Ray's supposed inventiveness in securing papers in Canada for his flight (Continued on page 163)

² A citizens' band broadcast of a purported chase of the white Mustang (with one white male) by a blue Pontiac hardtop occupied by three white males.

forgotten the earlier Democratic complicity in disaster and perhaps even the role of some of the architects who are still around.

Alternatively the Democrats can recognize that they have been rather badly outflanked by Mr. Nixon—as has also been true on economic policy. They can then make clear their intention to reform ranks on the sensible side of the Nixon policy. This means an even more positive commitment to coexistence with the Communist countries. It means a much more determined effort to get the military competition with the Soviets under control, which means also a far firmer grip on our own military establishment and its spending. It means abandoning the effort to isolate Castro. It means abandoning the Sub-Imperial ambitions in the Third World and recognizing instead that there is little we can do to influence political development

in this part of the world and less that we need to do. The principal need here is for a decent and generous concern for people who are poorer than ourselves. And it means, most of all, eliminating the intelligence and military bureaucracy, both in Washington and in the field, that these changes make redundant. Also it means making Washington a center of straightforward administration and making the White House not a symbol of anything fancy but a place where a sensible man lives and does business with the least possible ostentation and the greatest possible accessibility.

It is still uncertain as to how the Democrats will react. As I have just said, the Party has a strong sense of tradition and this extends to the men and policies that have been its undoing. Mr. Nixon has made things very difficult. We should all be grateful. #

were, was a duplicate of that conspiracy. He claims that the bullet that killed Dr. King ("a perfect evidence bullet") was not fired from the gun Ray bought, and he contends that the evidence in the doorway was dropped not by Ray but by someone else. He feels that the State's case against Ray was not sufficient to sustain a first-degree murder charge, and he expresses confidence that had the case gone to a jury he could have won a mistrial. (He admits that the case in large part would have been tried in the selection of the jury.)

This is a rather bland recital of his case. He tells it with a lot more vigor. "James Earl Ray was apprehended at the airport in London on Saturday, June 8, and we got a call the following Thursday asking whether we would care to represent Ray if and when he was extradited to the United States. That was from Michael Eugene, Ray's court-appointed attorney in London. Of course our first question was, did the man have any money? He meant nothing to us; we didn't know him, didn't know anything about him, and Eugene indicated that he did. So we said, 'Yes, we certainly will,' and he said, 'Write me a letter confirming this.'

"While I was doing that, Art Jr. went to the public library and got a London telephone directory and called back just to verify Eugene, to see if he were real. Anyway, we immediately set the wheels in motion getting ready for this thing. We cleared with the Tennessee Bar Association, we checked out the Tennessee lawbooks, dug into some criminal cases in Tennessee. And we set up a little checklist. We couldn't conceive that one man could do this, particularly under the circumstances, and be gone and do what James Earl Ray did. Or what they said he did. So we set up the checklist. Number one, motive: who would want Martin Luther King killed? Two: who had the brain, intelligence and know-how to conceive this plot? Three: who would be able to finance such an operation? Right on down the line. . . . We reached a conclusion that only two groups met the criteria: the black militants and the C.I.A."

Q: "You discounted the White Citizens Council?"

"Oh, yeah. We knew the Klan and the Citizens Council. The Citizens Council is no more than the P.T.A. and never has been. Just like the N.A.A.C.P., that's what it was, only white citizens. The Klan didn't pass the criteria; they couldn't have done it. We had feedback, of course, and contacts [a good criminal lawyer has got informants just like a bourgeois police department] and we knew they couldn't have done it. And an old patriotic fellow like me, I just couldn't believe the C.I.A. would have done it. So before we ever went to London the first time we had determined that the black militants more than met all the criteria on the checklist, and during the ensuing months and even since, we have not run across one single thing, one scintilla of evidence, to change our original conclusion. That's what we believe."

Here is how Hanes justifies his belief

ARE YOU SURE WHO KILLED MARTIN LUTHER KING?

(Continued from page 119) abroad, Canale discovered that the procedures were common lore among prisoners in the Missouri State Penitentiary: every convict there who had served time contemporaneously with Ray was questioned and a whole body of expertise on Canada was turned up. It was not original with Ray at all. Nor was his financing of his flight any mystery: Ray supported himself through holdups (he is known to have robbed a bank in England and is suspected of a Canadian heist), which would not have been necessary—which, in fact, would have been plain stupid—had he had wealthy backers. For those post-assassination jobs he used a pistol (taken from him by London police) which he had acquired in the same way he bought the Mustang: through answering an ad in a newspaper. When the gun was returned—with Ray—to the United States, Investigator Carlisle spent some very careful moments removing several layers of friction tape Ray had wrapped around the gun butt. He found nothing—except the butt. Only Ray knows why the tape was necessary.

All of this material assembled by Canale's office, with the help of the F.B.I., is very convincing. Clearly, it impressed—and perhaps shocked—Percy Foreman. In his book, *The Strange Case of James Earl Ray*, Clay Blair Jr. wrote: "After Foreman had examined the state's case against Ray, he despaired of ever doing more than saving him from a death sentence."

But to talk with the prosecution in Memphis, to see the physical evidence, all of it linked inescapably to Ray, is to see only one side of the case. There is another side, and it is best heard in Alabama.

The law firm of Hanes and Hanes, Arthur J. and Art Jr., father and son, is on the sixth floor of the Frank Nelson Building in Birmingham. It is a good address, but the Hanes suite is modest: the reception room, a clerk's office, the rooms of the two attorneys, a library-conference room. Arthur Hanes,

fifty-five, has a characteristic Southern drawl, dripping with red-eye gravy and grits, and he is a master before Southern juries. Art Jr., out of Princeton, has a deceptively boyish look, but he has a mind that is quick, clear and analytical. The Hanes firm was not Ray's first choice; Ray first offered his case, sure of acceptance, to F. Lee Bailey, but Bailey declined because he was a friend of Martin Luther King. Hanes, Ray's second choice, nominated in London, was not a friend of King. As a former mayor of Birmingham he had had his troubles with the black leader, and he had successfully defended white Southerners in race cases. He is himself a Southern conservative, firmly opposed to the kind of change King was trying to bring about, but he is not a blatant racist and he is not susceptible to easy deception by the likes of James Earl Ray.

Hanes knows Ray inside out. Between July 5, 1968, and the day four months later when he was "Sred" as Ray's counsel, Hanes kept up a running conversation with Ray, and it is probably true, as he told me, that "I have spent more time with James Earl Ray, man to man, jawbone to jawbone, than anyone else has in his adult life. We understand each other."

Although he is the only winner in the Ray case (through his contract with Ray, Hanes got the largest share of the earnings from Huie's writings), Hanes has no reason now to assert that the Martin Luther King assassination was a conspiracy—except that he believes it. He no longer represents Ray in any capacity; he is an old F.B.I. man himself, able to look at evidence with an absolutely detached eye; yet he still says with fervent conviction, "I'll state flatly right now that James Earl Ray did not fire the shot that killed Dr. Martin Luther King."

Aside from that, Hanes, among other major conclusions, believes that King was the victim of a black militant conspiracy financed by Fidel Castro and Red China, and that Ray, directed by some "contact" not as yet unearthed, and not knowing who the real plotters

that black extremists were behind the murder:

"You have to know a little bit about the background of this thing. There's a power struggle going on among the black people in the United States, and it's been going on for some time. Martin Luther King, Roy Wilkins, and Whitney Young were the symbols of moderation, of nonviolence. Then there's this growing black militant group which in my judgment is financed by Red China and Castro. They're gaining recruits every day, and they're advocating that the blacks arm themselves and start shooting whites, start a shooting war. In order for them to have a free hand, the moderates, the Uncle Tom blacks, had to be disposed of. In my judgment this was the basic, underlying reason for the assassination of Dr. Martin Luther King.

"You check with your police departments in Detroit, Chicago, Washington, Los Angeles and Memphis. They'll tell you that the coming of Dr. King to their cities posed a great security problem. They had no fear—nor did Martin Luther King fear—that a white racist or a white person was going to kill him. But King was scared to death of the black militant groups that were hounding him. They had chased him out of Chicago and they had chased him out of Detroit. And exactly one week prior to his shooting, Dr. King started to lead a parade in Memphis and a black militant jumped in and tried to kill him. Memphis police ferried him down to the Holiday Rivermont Inn and kept him in isolation and seclusion, under tight security, for a day or two and then got him flown out of town. . . . And two months after the murder of Dr. King, three black militants were indicted for conspiring to murder Whitney Young of the Urban League and Roy Wilkins of the N.A.A.C.P. and they were convicted of that. I suppose they're in the penitentiary now."

Q: "All this about black militant involvement in the King assassination—is this solely theory on your part?"

"It is theory based on everything I know."

Q: "And how does James Earl Ray figure in this?"

"They were using him, and he had no idea who was behind it all. I know that James Earl Ray did not fire the shot that killed King. James Earl Ray was a man who loved to go out at night and sip a little vodka and orange juice and jaw with the girls at the bar and maybe pick up one—that sort of thing. Here was a man who had made good his escape from the State Penitentiary in Missouri, had covered his tracks well and was living good. He knew that if he did anything to come within the clutches of the law he was going back to Missouri. He owed them eighteen years—thirteen on his original sentence and an additional five on the escape charge. So he wouldn't stick his neck out."

"And this man didn't have that much violence in him. There was not that much bitterness and hatred in his heart. They were using old James Earl Ray.

That gun that he bought here in Birmingham at the Acro Marine Supply was taken from Ray on Tuesday night in a little motel in Mississippi—prior to the shooting of Dr. King on Thursday. And Ray never saw that gun again. He was given a little slip of paper saying, 'Check in at this rooming house, 422½ South Main Street, in Memphis at 3 o'clock Thursday afternoon.' As was typical of James Earl Ray, he got lost. He parked his car about a mile and a half from the rooming house. Got in there about 3:20, checked in, and his contact came to him and dispatched him up the street to get a pair of binoculars. He brought the binoculars back and laid them on his suitcase. Then they told him to go get his car and bring it down and park it in front of the rooming house, which he did. So by then it's getting up to 5:15 or 5:20 and his contact told him, 'You go down and have a beer in Jim's Grill underneath here, and you wait for me.' And here was James Earl Ray down there; he had his beer and was out on the street when the shot was fired, and he knew that was no place for him.

"The only witness the State had was Charlie Stephens. [I had a witness, a cabdriver, he knew Charlie. Charlie had called a cab that got there at ten minutes to six—eleven minutes before the shot was fired. And the cabdriver couldn't haul Charlie, wouldn't haul him, because he was so drunk.] Anyway, the witness [Stephens] said that the man fired the shot, fled from the bathroom and ran down the stairs 'with something that appeared to be a stick in his hand.' Now, when he fled from that bathroom to get to those stairs he had to pass Ray's room. Yet this man ran past the room and down the stairs, pell-mell, and simultaneously with the firing of that shot, James Earl Ray's suitcase, the binoculars with his fingerprints on them, the gun he had bought in Birmingham, in its cardboard carton, all strapped together, were thrown down in the doorway of Mr. Canipe's Amusement store.

"Now, this man fleeing past the room and pell-mell down the stairs—out of thin air did he just grab a box and throw this gun in it? Did he grab the suitcase and binoculars out of thin air and throw them down?"

Stephens, Hanes contends, "was no more an eyewitness than I was." Hanes found another witness, Stephens' friend, Grace Walden, "and her description in no way fitted James Earl Ray." Canipe's men claim that Grace Walden saw nothing at the time of the shooting and did not profess to remember anything until reporters came around offering her money. She was subsequently committed to a State mental hospital, and Hanes interviewed her there.

"Another thing about that gun Ray bought," Hanes said. "That is not the gun that fired the shot that killed Martin Luther King. At least, the State couldn't show that it did—which is most unusual. In most instances, if they get a sliver of lead as big as a pinhead from a victim's body, they've got the gun. From King's body they removed a per-

fect evidence bullet, dang near as perfect as if it were fired in a lab under controlled conditions. And yet these experts—and I have all the respect in the world for them—could not say that that gun that James Earl Ray bought in Birmingham was the gun that fired the shot that killed Martin Luther King to the exclusion of all other weapons. When I got through with him on cross-examination that firearms expert was going to have to tell me that possibly six million other thirty-eight-caliber guns could have fired that shot, too. The State is going to argue on a theory of possibility, and that's no good in criminal law, or civil law, medically and evidentially speaking."

Q: "Do you accept the State's triangulations showing that the gun had to be fired from that bathroom window?"

"No firearms man can tell you that. Suppose the victim were leaning over or leaning back or lying down? Suppose the gunman were lying down? But let me tell you another amazing thing. Prior to the trial, overnight, we awakened one morning and discovered that all the trees and the underbrush on that bank opposite the Lorraine Motel had been cut to the ground. It's a mystery to this good day who ordered it, who did it, everything." The suggestion here is that it may not have been possible to get a clear shot at King's balcony—perhaps even to see it—from the window until the growth was cut away.

Asked what he thought of Foreman's handling of the case, Hanes said, "It took Percy Foreman five hours to talk James Earl Ray into pleading guilty. And it was a bad day for James Earl Ray. . . . But the case should have been tried—win, lose or draw. It should have been tried for posterity's sake."

Hanes does not deny that James Earl Ray shares some guilt in the King assassination. "There's no question about that," he said. "I'm not denying, never have, that James Earl Ray was in Memphis or that he was at that rooming house. He's no paragon of virtue. He never has been. But the fact remains that James Earl Ray was just a very, very small part of the overall plot. I think the man was duped; he was there as a decoy, a plant; and I think he was used by people a lot smarter than he is." Nevertheless, for all his theories, Hanes is unable to add to the existing evidence.

There is another man who must be allowed, in fairness, to have his say about the King assassination. His role in this whole affair is shadowy, but is a thread subtly interweaving the fabric of the Ray case. From the moment of Ray's arrest in London, J. B. Stoner, a Savannah attorney now of Marietta, Georgia, sought to represent the defendant. Ray did not immediately retain him, because the attorneys of national reputation he wanted to plead his case would have nothing to do with Stoner.

To understand the appeal of the Ray case to Stoner, it is necessary to know something of Stoner's background. He is now forty-eight, and as chairman of the National States Rights Party he is an admitted racist and white suprema-

ist. From the age of sixteen, when he was an organizer for the Chattanooga Klan, Stoner has been a champion of bigotry. In 1945 he formed the "Stoner Anti-Jewish Party," which was a hate organization, and in 1952 he announced the formation of the Christian Anti-Jewish Party and urged the deportation of all Jews so that their property could be confiscated and redistributed to "Christian Americans." In announcing his candidacy for the governorship of Georgia in May, 1970, he said, "I do not want any Jew votes. . . . I don't want any Socialist votes. I am a white Christian and proud of it. I am proud to be carrying on this program of unity and love." A June advertisement in the *Savannah News* described Stoner as "the Champion of White Supremacy" and in it he promised as governor to "smash the Black and Hippie Revolutionists in Georgia." A month later, in a speech at Waynesboro, Georgia, Stoner became so violent in attacking Jews, blacks and "blue-bellied Yankees" that Governor Lester Maddox, himself no friend of Southern minority groups, walked out in disgust. He later described Stoner as a "white Panther."

Stoner's campaign manager was Jerry L. Ray, brother of James Earl, and the political trail was marked by violence. At one point Ray was charged with shooting a seventeen-year-old boy who was attempting to remove campaign materials from Stoner's office. He was subsequently acquitted of a charge of aggravated assault. Stoner's racist appeal did not generate massive support. In the gubernatorial campaign he polled 17,663 votes, running fourth and some 50,000 votes behind the only black candidate in the race. Such reverses do not daunt him, however. He is a candidate now for the United States Senate.

William Bradford Huie told me that one of his motives in getting into the Ray case was "to keep Stoner out," because Stoner's kind "have been my natural enemies most of my life." He continued: "I of course knew that *somebody* had to finance Hanes: otherwise Hanes would either have to decline to represent Ray or would have to associate with Stoner. Hanes may have thought that the Wallace Gang might come in with him secretly, but I knew . . . and Hanes learned . . . that Wallace quickly ordered all his 'people' to avoid even the appearance of supporting Ray.

"When I approached Hanes I, quite frankly, felt that if I didn't finance Hanes that he would likely wind up with Stoner. So I temporarily defeated Stoner when I furnished money to Hanes. But only temporarily! Because of the Battle, right or wrong, held that Stoner must be allowed to visit Ray in the Memphis jail.

"Here is something I did not put in my book because Judge Battle was dead: One of my conflicts with Battle was over Stoner. I *urged* the judge not to allow Stoner to visit Ray, contending that Stoner was not an attorney for Ray and therefore had no right to visit Ray. (Of course, when I *urge*, I soon

become bitter, and then goddamn bitter!) But despite my bitter urging, Judge Battle gave Stoner unlimited visiting privileges with Ray. And Stoner did nothing from the beginning except to agitate Ray against Hanes, against me, and then against Foreman."

Except for Stoner, Huie contends, "we might have got from Ray all that we hoped to get." Huie has other grounds for being resentful toward Stoner, because the legal actions Stoner has instituted in an attempt to nullify the Ray-Huie contracts have cost Huie \$2,000 in legal fees.

But Stoner is now, in law and in fact, Ray's attorney. If Ray were to win a new trial (which is highly unlikely), Stoner would be in the thick of it. I therefore felt that I must see what Stoner had to say, and I flew to Savannah to meet him. He came into my motel room, dragging the game leg, casually attired, eyes watery, and he never raised his voice except once when he protested that he didn't want the conversation to be taped. "I don't trust tape recorders," he said. (No one else I talked to in researching this article declined to be taped, although some discussions were off the record.)

I said that Stoner was not strident; he wasn't. In a perfectly level voice he derogated "Martin Luther Coon" and the "Jew lovers" and "nigger lovers," and he made it clear from the beginning that he and I were not proceeding from the same set of basic principles. "I had no sympathy for Martin Luther Coon," he said. "I'm glad he's dead." And like Hanes, although for different reasons, Stoner asserted that James Earl Ray did not shoot Dr. King.

"Ray was a pawn, a decoy, in a conspiracy planned and carried out by agencies of the United States Government. And the conspirators were using some of King's own people," Stoner said.

Q: "Specifically, do you mean that the F.B.I. was responsible for Dr. King's death?"

Stoner: "Yes."

In Stoner's lexicon, this makes a lot of sense. He has been warring with the F.B.I. for years, and in his gubernatorial campaign he described the agents of the F.B.I. as a "bunch of armed gangsters out here protecting a bunch of black revolutionaries."

Q: "Why would the F.B.I. want King dead?"

Stoner: "Because he had outlived his usefulness to the blacks and the white liberals. He was no longer effective as a civil-rights leader. But through an assassination, King could be made a martyr to the black cause."

Because King had "outlived his usefulness" and was "no longer effective," Stoner said, neither the Klan nor the White Citizens Council had any interest in seeing him removed from the national scene. "We couldn't see any advantage in killing King. If I had wanted him killed, I could have had it done years ago. In fact, several years ago the F.B.I., through an undercover agent, offered me \$25,000 to kill King."

Q: "Why would anyone come to you with that kind of proposition?"

Stoner: "Because I know people who do that kind of work."

Q: "If Ray was being used in an F.B.I. plot, why doesn't he tell the truth about what he knows?"

Stoner: "Because he doesn't want to hurt others who were duped."

Q: "If Ray's role were as minor as you say it was, why did he agree to plead guilty and accept a ninety-nine-year sentence?"

Stoner: "Because he was promised an early pardon. Of course, he couldn't say that in court."

Q: "Mr. Canale, J. B. Stoner, Ray's present attorney, says that one of the reasons why Ray agreed to plead guilty is that he was promised an early pardon. Is there any truth in that?"

(Canale: "Well, that's the first I've ever heard about that. I categorically deny it. . . . Neither I nor anybody in my office ever discussed a pardon, and I feel sure that nobody involved in any official position in the State discussed such a thing. Such a consideration was never mentioned and never entered my mind.")

Stoner said a murder was wholly out of character for James Earl Ray. In no previous crime had he ever hurt anyone, he is not a fanatic racist, and he had no motive for killing King. Huie's theory that Ray wanted to make the big time in crime Stoner dismissed as "nonsense." Ray, he said, became involved in the conspiracy without ever knowing what its aim was; Ray was directed throughout by an intermediary, he said, and he (Stoner) knows who the "contact" was.

Q: "Do you expect to get a new trial for Ray?"

Stoner: "Well, he hasn't had one yet. But I expect to get him one. And I expect to get his conviction reversed."

Subsequent to my visit with Stoner, I received a letter from the attorney's Savannah office, very painfully typed and signed by Jerry Ray. He wrote: "As you probley know NBC plus a couple of Book writers has offered [his brother] quite a sum of money for a interview

and he has turned them all down, the reason he has turned them down is for legal reasons. But in a few months he will go into Federal Court under a writ of Habeas Corpus and he will take the witness stand and hopes to reveal enough to get a Trial, if he fails then he will talk to the news media, I am not referring to news reporters I am referring to Book writers or NBC or whoever can afford to pay him money for information. So if you're at all interested then you can answer back and furnish me with the information."

Art Hanes Jr. told me in the newsroom of the Frank Nelson Building that when all avenues of appeal have been closed "the day is going to come when James Earl Ray will sing like a bird." If that day comes, perhaps James Earl Ray and I can make a deal. I would be willing to listen to his song, whether it be a detailed elaboration of conspiracy or a candid accounting of how he pulled it all off by himself.

But one deal already is available which should interest him very much. In my travels in Nashville, Memphis, Birmingham and Savannah I established that when Ray wants to talk, when he is willing to name names that check out, he can get his prison sentence reduced—the more important the information the larger the reduction. All he has left to him now is time, and if he has an honest case he can conceivably save some of it for himself.

All of the available evidence suggests that only Ray can clear up the questions remaining in the public mind. Hanes and Stoner have only theories; they do not have evidence. They may—and do—raise disturbing questions, but the questions they raise Ray, and perhaps only Ray, can answer. Until Ray decides to start supplying contrary information, information that is honest and verifiable, the case of the State of Tennessee v. James Earl Ray is the only reliable account of the Memphis slaying. #