

# The Question

By Paul W. Valentine  
Washington Post Staff Writer

MEMPHIS — Did James Earl Ray pull the trigger in the assassination of Dr. Martin Luther King Jr.?

The answer to that question continues to elude the public after an exhaustive and tangled federal court hearing two weeks ago into claims by Ray that he was coerced by money-hungry attorneys into pleading guilty to slaying the civil rights leader more than six years ago.

U.S. District Court Judge Robert M. McRae Jr. has taken the case under advisement and indicated he will not rule for some weeks on whether Ray may withdraw his guilty plea and stand trial for the murder.

Ray, thin and wan at 46, has been returned to his maximum security cell at the Tennessee state penitentiary in Nashville.

Although the hearing, somewhat technical and narrow in scope, was not called to answer the larger question of who killed King, at least four separate versions of Ray's activities and whereabouts at the moment King was shot nevertheless came to the surface, muddying the already controversial evidence in the murder.

Tennessee state prosecutors acknowledged they do not have a textbook case against Ray—there are some gaps in the physical evidence linking Ray with the murder bullet—but they still feel there is a sufficient overall pattern of evidence to convict Ray if he should stand trial.

Ray's attorneys contend the evidence is so weak they will be able to establish at least a "reasonable doubt" about his guilt and win an acquittal.

As attorneys, they are not interested in establishing who the real killer is, just in showing the state's proof is insufficient to pinpoint Ray.

Throughout last week's hearing two weeks ago into opposing attorneys portrayed Ray in widely contrasting terms.

Defense attorneys pictured him as a hapless victim, his will softened by harsh prison conditions, who was pressured by his former lawyers to remain silent and plead guilty, thus preserving exclusive details of the murder to fulfill lucrative literary contracts with author William Bradford Huie.

State prosecutors portrayed Ray as a street-wise, prison-savvy convict who ac-

cepted the guilty plea and 99-year sentence arrangement as the only way to avoid a probable death sentence. He also anticipated a portion of the royalties from Huie's literary efforts, they argued, and in any event he planned to short-circuit the 99-year sentence by escaping at the first opportunity.

Ray has already attempted to escape at least twice since starting his sentence, prison officials said.

Last week's hearing also provided conflicting versions of Ray's movements at the instant King was shot, 6:01 p.m., April 4, 1968. According to varying accounts:

- Ray was standing on the sidewalk in front of a Main Street rooming house when King was felled by a single bullet fired from the rear of the building.

- Ray was sitting in a car in front of the rooming house when the shot was fired from the rear.

- Ray was elsewhere in the city at the moment the shot was fired.

- Ray himself killed King, firing a Remington .30-06 rifle from a rear bathroom window of the rooming house as King stood on the balcony of the Lorraine Motel 207 feet away.

The versions came from Huie and assorted attorneys, all of whom claim Ray gave them their particular version at one time or another in the past six years.

"Clearly," said one member of Ray's present defense team, "some or all of these people were confabulating," which is one way of saying their memories weren't working properly. Or else, others suggest, Ray told each person a different story.

Ray, who himself testified for several hours at the hearing, was silent on the subject.

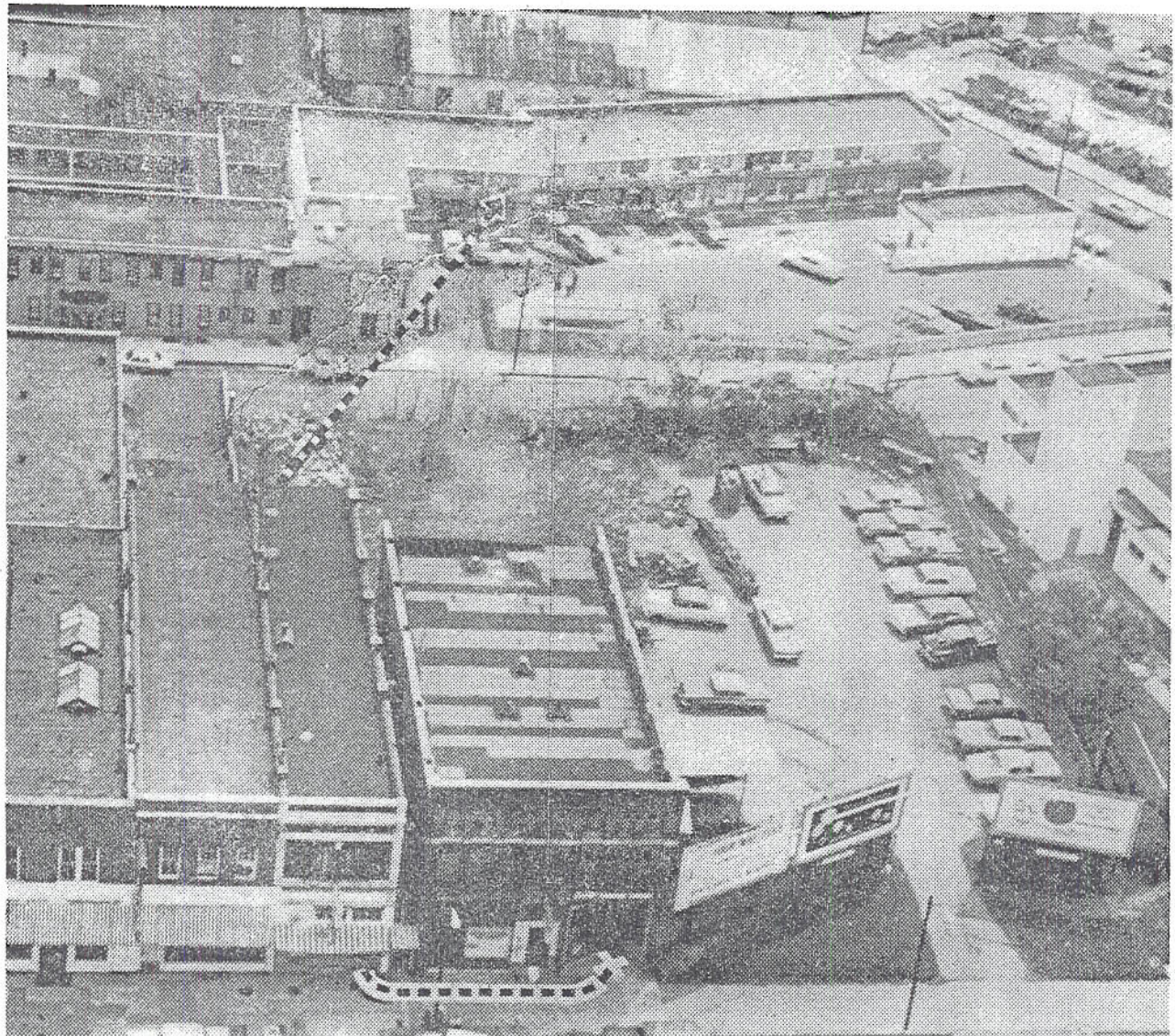
The hearing stemmed from years of court maneuvering by Ray's current attorneys, including Bernard Fensterwald of Washington, assassination researcher, former Senate Judiciary Committee expert on wire-tapping and sometime attorney for convicted Watergate burglar James W. McCord Jr.

Fensterwald, 53, was joined by Robert I. Livingston, a drawling, pistol-toting Memphis lawyer, and James H. Lesar, doggedly energetic young Washington attorney who has handled virtually nothing but the Ray case in his brief career.

Opposing them was Ten-

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# Remains: Who Killed Dr. Martin



Associated Press

Broken line shows the path of the bullet from the rooming house in the foreground to the balcony where Dr. Martin Luther King Jr. was standing when he was killed. James

Earl Ray, who pleaded guilty to the murder, has said he was elsewhere at the time, and he has never been linked to the bathroom from which the shot was fired.

nessee assistant attorney general Henry Haile, 31, quick-footed courtroom strategist with a disarming, country-boy manner, aided by William J. (Joe) Haynes Jr., a 25-year-old black attorney in Haile's office who said he had asked for the Ray assignment.

McRae, the 52-year-old judge who presided over the mammoth evidentiary hearing, is a quiet man with a tousled look who rarely commented except for occasional light jabs of humor. Considered a political moderate, he was appointed to the bench in 1966 by President Johnson and has handled the bulk of Memphis' current racial busing litigation.

The hearing set the stage for Ray's charges of unconstitutional coercion and ineffective assistance by his former attorneys, Arthur Hanes Sr., segregationist ex-mayor of Birmingham, Ala., and Percy Foreman, noted criminal attorney from Houston.

The Sixth U.S. Circuit Court of Appeals, in ordering the hearing, said the Ray case "reeks with ethical, moral and professional

irregularities demanding a full-scale judicial inquiry."

Shortly after Ray's arrest in England on June 6, 1968, Hanes flew to London at Ray's request carrying a hastily drawn contract with writer Huie. The contract contained a schedule of advance payments to Hanes totaling \$40,000 ostensibly as a defense fund for Ray and based on anticipated royalties from a book planned by Huie about the murder to be published by Delacorte Press.

Huie also planned a three-part series of articles for now-defunct Look magazine, and there was speculation that a movie would also come out of the assassination story.

Huie's contract specified that, among other things, Hanes would be advanced \$5,000 "on the first day" after Ray was returned to the United States and \$5,000 each month thereafter for five months, "assuming that I receive all the cooperation from you and Ray guaranteed by the agreement."

Ray's attorneys contended

the book contract imposed a "schedule" on Ray's legal moves, foreclosing a possible extradition fight in England and timing his court appearances and trial in Memphis to fit Huie's publishing deadlines.

Huie denied this in a deposition submitted to McRae's court, and Hanes, who appeared in person, firmly maintained he was concerned only with Ray's legal welfare, and that Huie had no influence on him.

Specifically, he said, Ray told him he did not want to fight extradition. "He told me he was weary and tired and wanted to come home," Hanes testified.

Hanes said he continued preparing for Ray's trial, scheduled for Nov. 12, 1968, and was confident his client would be acquitted when Ray suddenly dismissed him two days before trial and replaced him with Percy Foreman.

Foreman obtained a postponement of the trial and, after examining the case, said he agreed to have Ray plead guilty because of the

"overwhelming" evidence against him. The guilty plea was made on March 10, 1969, and Ray was sentenced to 99 years in prison with the earliest parole eligibility date in the year 2018, when he will be 90.

On entering the case, Foreman also assumed the contracts that Hanes had

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had with Huie. Ray's attorneys contended Huie, who was receiving firsthand written accounts from Ray on details surrounding the assassination, initially urged Ray not to testify at his November trial and later to plead guilty so that Huie could retain his exclusive access to the details.

Huie denied these charges. He said that when he decided after his own investigation that there was no evidence of a more interesting tale of conspiracy and that Ray alone killed King, "My publisher said, 'Then why write a book at all?'"

Ray's ultimate guilty plea "completely destroyed" the sales potential of a book, he said. Even so, a book by Huie entitled "He Slew the Dreamer" was published, but Huie said he received only \$4,461 in royalties from it.

Foreman, the blustery 72-year-old Texas lawyer, said in a deposition that there was no need to pressure Ray to plead guilty because of the strong evidence against him and because Ray acknowledged committing the crime.

He said Ray told him he intentionally left his fingerprints on the .30-06 rifle found near the murder scene "because he wanted the boys back in Jefferson City, [Missouri state prison where Ray was formerly held] to know that he had done it . . . He didn't want to be caught but he wanted the credit. He thought he would be the hero of the white segment of America."

According to Memphis police and state prosecutors, King was shot by a person firing from the rear bathroom window of the rooming house. The .30-06 Remington rifle was discovered moments after the shooting abandoned on the sidewalk near the front of the rooming house.

Ray, who says he was an unwitting member of a

group he believes responsible for killing King, acknowledged purchasing the rifle and renting a room in the rooming house the afternoon of the shooting.

But he claims he gave the rifle to "another party" two days before the murder and left the rooming house several minutes before the shot was fired. Ray's attorneys say he was working with a narcotics smuggling ring as a low-level operative and was unaware of any plot to assassinate King. They say he was elsewhere in the city when the fatal shot was fired and has a witness to support the claim. They would not name the witness.

While FBI agents and Memphis police found physical evidence that Ray was in the rented room, they found no prints or other evidence that he was ever in the adjacent bathroom.

Also, FBI ballistics expert Robert A. Frazier said in an affidavit that the bullet removed from King's body was so mutilated that it could not be matched conclusively with the rifle found on the sidewalk.

During the hearing, Ray's attorneys also attacked the credibility of the state's key eyewitness, a rooming house resident and known heavy drinker named Charles Q. Stephens who told police he saw a man resembling Ray fleeing from the building moments after the shot.

James C. McCraw, a Memphis taxi driver, testified, however, that 15 minutes before the shooting, Stephens was in his room "pretty drunk" and unable to get up.

Even before Ray pleaded guilty, his attorneys argued, he was subjected to constitutionally harsh jail conditions, constant closed circuit television surveillance and mail censorship, all of which deprived him of the ability to make reasoned or confidential decisions in his case.