

James Earl Ray and the Return of the Assassination Buff

BY RON ROSENBAUM

On April 20 of this year two lawyers for James Earl Ray flew to Detroit for a rendezvous with a man claiming to speak for the real killers of Martin Luther King.

Arriving around dinner time, the two lawyers—Robert Livingston of Memphis, and Bernard Fensterwald of Washington D. C.—took a cab from the Detroit airport to a Holiday Inn on Trumbull Street in downtown Detroit. Following instructions from the "intermediary," they checked into their motel rooms and returned to the lobby to wait. Not long after 8 p.m., a tall, heavy-set man emerged from the Club Deck Lounge adjoining the lobby and walked up to them.

Livingston recognized him. On a Saturday morning three weeks earlier, following a series of cryptic phone calls, the man had appeared at the offices of Livingston's Memphis law firm. In a four-hour session, marked by threats of violence to Livingston and his law clerk should they ever betray his identity, the "intermediary" outlined the deal he said the killers wanted to make.

In return for immunity from prosecution, the assassins would come forward and name four wealthy individuals who had paid them huge sums to kill King. They would produce the rifle that fired the fatal shot (a French-made carbine according to the intermediary); they would provide enough documentary proof to convict the four higher-ups who paid them to fire it; and they would testify that James Earl Ray was an innocent patsy in the whole scheme. They wanted the cooperation of Ray's attorneys, and Ray himself, in arranging the deal, the intermediary said.

The morning after this Memphis meeting Livingston and the intermediary drove to the State Penitentiary in Nashville. Livingston left the intermediary behind in the waiting room, entered Ray's cell, told his client the story he had just heard, and asked him if he wanted to meet this "intermediary."

Ray told Livingston he wouldn't let the man near his cell and wanted no part of any deal.

"Ray wants to get a new trial, go through it, and get himself acquitted without naming any names," Livingston told me. "He has a desire to live. He wants nothing to do with someone who desires to name names."

The intermediary dropped out of sight after Ray's refusal, but kept in contact with Livingston by phone. The Memphis lawyer was intrigued by the man's detailed knowledge of the scene of the shooting, by his recitation of certain obscure bits of evidence about the site, by his assertion that the fatal shot had been fired not from the bathroom window of the rooming house at which Ray was registered, but from a clump of



James Earl Ray testifying in federal court in support of his petition for a new trial. AP

bushes across the street behind a place called Jim's Cafe—an assertion which fit in with the defense theory of the case. Livingston thought the man was for real. He kept negotiations open by telephone and brought Ray's chief counsel, Bernard Fensterwald, into the discussions which finally resulted in an agreement for the three of them to rendezvous in Detroit on the night of April 20.

That night in Detroit they talked for nearly four hours, in the lobby, in the Club Deck Lounge, in the attorneys' rooms. At one point, the intermediary insisted that the talks had to be shifted to a different motel. Livingston recalls that as the three of them walked across the lobby toward the street exit of the Holiday Inn, two men he had never seen before entered the lobby from the street.

"He (the intermediary) didn't say anything, he just pointed to them," Livingston told me. "I walked past them going out the door. They said 'How d'ye do' to me and I said 'How

d'ye do' to them. That's all, we never saw them again." Livingston believes the men he exchanged greetings with were the gun men.

Talk between Ray's attorneys and the intermediary continued that night, and was resumed for another session Sunday morning. According to Livingston, the intermediary played rough.

"He scared the hell out of Fensterwald," Livingston told me.

"How?" I asked.

"By his demeanor, by his rough talk—at one point he was threatening to 'put us out of commission for six months' if we made a wrong move, that sort of talk."

Fensterwald and Livingston made it clear to the intermediary they could not represent his "clients" legally because of an inherent conflict of interest with their legal strategy on behalf of James Earl Ray. Ray maintains that if Federal Judge McRae grants his petition to withdraw his plea of guilty and gives him a new trial, the state won't have the

evidence to prove he fired a shot. It may turn out, ironically enough, that the only chance the state will have to convict Ray is to prove that he was part of a conspiracy to kill King even if he didn't fire a shot himself. Any admission by any "hired gunmen" that remotely connected Ray to an assassination scheme, no matter how peripheral the role assigned him, could only hurt rather than help Ray's case when it comes to trial.

Fensterwald and Livingston told the intermediary they couldn't help him but suggested he contact the Shelby County DA or a Memphis defense attorney, The Detroit negotiations ended in a stalemate between the attorneys and the intermediary, and in a profound disagreement between the attorneys themselves over whether the intermediary was legitimate or a sinister fraud of some kind.

Livingston still believes the intermediary was for real. According to Livingston the man *did* make telephone contact with the DA and with a

local defense attorney, but refused to appear at their offices in person. Livingston himself received sporadic phone calls from the man until last August. The last communication was a letter, written, Livingston says, from within a Canadian prison, where the intermediary is now serving a one year sentence.

Fensterwald has so far refused to respond to requests for comment on the bizarre dealings with the self-styled "intermediary," but his associate, James Lesar, the lawyer who did most of the courtroom work at Ray's evidentiary hearing in Memphis last week, indicated that he didn't place much faith in the "intermediary's" story.

"I think it's a lot of horseshit," Lesar told me. "You've got to consider the timing of the thing. The approach was made when no new trial had been granted yet. It was after the Sixth Circuit had upheld the order for the evidentiary hearing, but before the Supreme Court ruled on the State's appeal of that order. Developments like that could prove very embarrassing to the credibility of Ray's defense attorneys which is exactly the basis for his petition for a new trial. . . we can't be seen out chasing wild geese."

"Well if the intermediary was a fraud, it does argue that somebody is going to great lengths to prevent you from getting a chance to reopen the case, doesn't it?" I asked Lesar.

"It does," he said. "It does."

"Who might that be?"

"Conceivably it could be a couple of lunatics—one of my worries was that one of my co-counsels was embracing an escapee from a lunatic asylum."

"But if it's not lunatics . . .?"

"Then you have a scheme on the part of some one with motivation to prevent Ray from getting a new trial."

"Who?"

"There are several possible people. . ."

But before pursuing this putative wild goose chase any further, it's time somebody paid tribute to Mr. Harold Weisberg, who, appropriately enough, is a former goose farmer, the man who initiated a Peace Corps program called Geese for Peace and—more to the point—the man who more than any other individual is responsible for getting the King killing case reopened.

It was Weisberg who began investigating the King case at 2 a.m. the morning after the shooting and has kept on the case for the past six years.

It was Weisberg who published an unconventional but brilliant book-length analysis of the holes in the evidence against Ray just four weeks after Ray's capture.

It was Weisberg who sued the Justice Department and won the

release of the transcripts of Ray's extradition hearing in London, which revealed even more flaws in the case against Ray.

It was Weisberg who won Ray's personal confidence, and who ultimately became Ray's chief investigator in his effort to build a case for a new trial.

It was Weisberg who introduced Ray to Bernard Fensterwald, head of the Committee to Investigate Assassinations, the attorney who worked two years to win Ray the right to an evidentiary hearing to support his petition for a new trial.

It was Weisberg, along with James Lesar, whose massive preparation made such an impressive case for Ray at the evidentiary hearing last month.

And it is Weisberg who now knows more than anyone else but Ray and his associates about what really was going on before, during, and after the assassination of King.

Who is Weisberg? For one thing he's one of that much-maligned tribe known as assassination buffs. If Weisberg were a reporter, his efforts in the King case would merit comparison to Bernstein, Woodward and I.F. Stone. But assassination stories are decidedly unfashionable in most journalistic circles. And assassination buffs are the subject of indiscriminate ridicule regardless of the quality of their work. Weisberg is one of the oldest and most indefatigable of the lot. He started work on November 22, 1963.

"I was in the Downstairs east pen of my larger hen house gathering eggs, listening to classical music on the earphone plug of my transistor radio when the first UPI bulletin came on." That afternoon Weisberg began taking notes. Since then he's produced six books on the Kennedy assassination, including "White-wash" I and II, "Oswald in New Orleans" and three editions of "Frame Up," his book on the King assassination.

At 61, Weisberg still works full time on both assassinations. As a matter of fact, Weisberg tells me, "I'm the man who brought 'gung ho' into the language."

He explains that as a syndicated reporter for Sunday supplements back in the pre-war '40's, he wrote about Evans Ford Carlyce, the American who studied Mao's army in Ye-nan and brought back with him the Red Army concept of "gung ho," later adopted by the U.S. Marines.

"What does it mean literally, 'gung ho'?" I asked Weisberg.

"I don't know literally, but in essence, it's a total determination," he tells me.

Weisberg is no amateur investigator. He served as counsel to a Senate sub-committee investigating labor spy rackets; he did investigative stories on Nazi cartels and their links to American corporations, stories so

definitive, he says, that at the suggestion of the Justice Department he began passing his sources on to British intelligence. During the war Weisberg was an OSS intelligence analyst and trouble shooter.

"In my first job for the OSS I solved another frame-up," Weisberg tells me, "It bore a remarkable resemblance to my assassination work." He tells a story of some OSS agents who got into a brawl and were "framed" by the military police.

"They had all those famous lawyers in the OSS including one who was to become a Supreme Court Justice, Arthur Goldberg, but they let that man get convicted and his conviction was upheld through all the channels of military justice. I came into the case cold, worked entirely with materials in the files, and six weeks later they walked out free."

After the war, Weisberg settled down in rural Maryland to raise poultry.

"I became a world famous poultry farmer," Weisberg says. "I got so good because I started with one great advantage—I began ignorant, I didn't have all the accumulated ignorance of generations to fight. I won every first prize in poultry competitions for this country and my wife and I were National Chicken Cooking Champions."

Facetiously, I mention something about Malcolm X and his comment that the Kennedy assassination was a case of "chickens coming home to roost."

"Not true," says Weisberg, "although it was true for Malcolm X—one of his bodyguards was an agent." He launches into a learned discussion of the Malcolm X and Fred Hampton assassinations before returning to the subject of chickens. Or rather geese.

"Geese are wonderful. I love those animals. A goose can live on what for all other forms of life is waste—waste, anything. That Geese for Peace stunt I pulled got the Peace Corps its first good publicity. Around here people know me better for that than for the assassination work."

Weisberg's expertise in the goose world was so widely recognized that the management of the Forum of The Twelve Caesars approached him and asked him to track down a rare breed of goose for their Imperial Menu.

"They wanted me to find them some genuine Roman geese. They're very rare, supposed to be direct descendants of the geese that raised the alarm on the Palatine hill and saved the Roman Republic, you know the story."

Weisberg spent three years on this Roman goose chase. "I finally located the real Roman geese—you can tell them by the pom pom of feathers on top of their heads—I found them way up in Canada, but by that time

the chef who wanted them had died or something and they weren't interested anymore."

Back in 1963, noisy manifestations of the military-industrial complex forced Weisberg to liquidate his beloved poultry flocks. For several years low flying military helicopters on missions to Camp David and secret military installations nearby had been plaguing his henhouses with nerve-shattering noise.

"They were making nervous wrecks out of my chickens and my wife and me too," he recalls. He sued the government, and although he won a damage settlement, he wasn't able to get the government copters to change their course merely to calm his chickens. Weisberg tried improvising measures to soothe the rattled poultry.

"I discovered that if you raise the chickens in the dark they don't get nervous. They become the most docile chickens in the world," he says.

But docile chickens in darkened hen houses didn't satisfy Weisberg and he decided to sell his flocks. Two months after the assassination the last chicken was gone. Weisberg moved to another town in Maryland and began to devote himself full-time to his assassination research. He loves his work but he sounds like he still misses his geese.

I found Weisberg's ability to talk with such enthusiasm about his chickens and his geese a refreshing change from the deadly serious single-mindedness of many assassination buffs—and I've talked to most of the major ones.

Weisberg's capacity for delight in such poultry pleasures has undoubtedly helped keep him going through 11 years of ever wilder goose chases and dispiriting dead ends.

Many assassination buffs don't survive. I've talked to some of the first generation of buffs who have abandoned the field, turned icily cynical about the whole business, and ridicule any attempts to make sense out of the quicksand of questions left behind. Others turn visionary and make too much sense of everything. Others turn on each other, accusing fellow buffs of betrayal or conscious complicity in conspiracy.

Weisberg tries to take things step by step and fact by fact and not worry about the hobby horses of other buffs, but he often sounds as if he feels plagued by flocks of buffs trampling over his investigative turf in hot pursuit of wild geese.

Take the following passage from the October 30 Times dispatch from Memphis describing a small part of Ray's 10-hour testimony at the evidentiary hearing:

"In questioning by his attorneys this morning Mr. Ray said that he had been shown 10 or 12 pictures of "Latin appearing" individuals while he was awaiting trial in 1968,

'In return for immunity, the assassins would come forward and name four wealthy individuals who had paid them huge sums to kill King.'

"One of these photographs he said was of a man who had been arrested in Dallas for questioning on the day that President Kennedy was assassinated there in 1963.

"I was asked if I would identify the man if he was brought to Memphis, Mr. Ray said. I said no although he did look similar to the party I was involved with.

"The man arrested in Dallas was ... identified as an anti-Communist Cuban."

The suggestion of a link between the assassinations in Dallas and Memphis is a provocative one, and before I spoke to Weisberg, I had called three leading buffs and asked them what they made of the Dallas photo shown to Ray.

All three agreed that the photos in question were pictures of the so called Mystery Tramps. The Tramps—three men in sport shirts and vagrant-type jackets—appear in several newspaper file photos taken of the assassination scene minutes after the shooting. They are shown being led away by armed sheriff's deputies. There is no written record of their names, no indication of why they were taken into custody. This absence of information has led to much speculation about what they were doing in Dallas that day. There was talk that they were the real assassins being escorted to safety by confederates within the sheriff's department. Interest in the Tramps's connection to the King killing was aroused in 1970 when ex-FBI agent, William Turner, published in Ramparts a picture of one of the tramps—the one known familiarly in assassination circles as Frenchy—side by side with a police artist's sketch of a "fugitive" circulated by the FBI immediately after the King killing while Ray was on the run.

The King fugitive sketch looks amazingly like "Frenchy" of Dallas—and not at all like Ray. In fact, the sketch seems traced from the outlines of Frenchy's facial features. This resemblance led many buffs to speculate that "Frenchy" might turn out to be one and the same with "Raoul," the shadowy figure Ray claims bankrolled him, and set him up as a fall guy for the King killing.

The first buff I called told me, with absolute certainty, that "Frenchy" was Raoul, and that "Frenchy/Raoul" was the triggerman who killed both Kennedy and King.

The second buff didn't insist that "Frenchy" was a triggerman, but linked him to a group of Cuban exiles training to invade Cuba from a barren Caribbean Island called No Name Key back in the summer of '63, linked the No Name Key group to both assassinations, and Watergate burglar Frank Sturgis to No Name Key if you can follow all that.

The third buff didn't link the

"Frenchy" photos to either assassination, but did reveal to me that he knew the identity of the man who fired the fatal shot at King, linked him to gun-running with Jack Ruby in New Orleans, to the mysterious "sausage and eggs man" who hung around Ray's rooming house in Memphis, and to one of the two strangers at the Holiday Inn in Detroit.

"You see the kind of headaches I have," said Weisberg when I related these three stories to him. He was familiar with each of them, conceded there was some truth in some of the details of each but that all the talk of iron-clad links was just airy conjecture. Much of the conjecture had been generated by the buffs themselves in a kind of self-fulfilling prophecy because it was a buff who had slipped the tramp photos to Ray's second attorney Percy Foremen who showed them to Ray claiming that they had come from the FBI. The tramp photos were significant to the case in two ways, Weisberg told me. First, because Foremen's representation to Ray that they had come from the FBI had been misleading to his client.

"And second," I asked.

"I'm afraid I'm going to have to hold that back until the trial," Weisberg told me.

"But do you think there are any links between the Kennedy assassination and King's?" I asked him.

"As far as I can see, from my knowledge, no."

Finally I got around to asking Weisberg about the Detroit rendezvous story.

"Bullshit from beginning to end," Weisberg told me.

"Then who's responsible for it, if it's a hoax?" I asked him.

"That I don't know but my original suspicion was someone working on behalf of . The same story had surfaced before when that crazy right-wing lawyer who was a Bondo expert, Hill—"

"What is Bondo?"

"I don't know, it's some exotic form of judo. Anyhow the second time I picked it up myself in February, 1971 having to do with a guy who goes by the name of , but it was essentially the same story."

"He was posing as an intermediary?"

"He was trying to be, but the story was essentially the same story as Livingston got. That's not the only possibility. Another possibility is the people really responsible for the assassination are behind the hoax. And another possibility is that it's the people who framed Ray in official circles. There are a lot of possibilities but you gotta do first things first. If we walk Ray then someone else is going to be faced with the problem of solving the King assassination. And—if nothing happens—we're gonna walk Ray." □