

## Questions on Dr. King's Murder Likely to Remain, Whether or Not Ray Wins Current Plea for 2d Trial

By MARTIN WALDRON

A Federal Court judge in Memphis is nearing a decision on James Earl Ray's petition for a new trial in the killing of the Rev. Dr. Martin Luther King Jr. But whatever form the decision takes, it is not likely to answer many of the questions that have lingered ever since the 1968 assassination.

Following a two-week hearing that ended on Nov. 1 before Judge Robert M. McRae Jr., attorneys for both sides filed briefs this week. Counsel for Mr. Ray contended that his conviction should be set aside; the state of Tennessee said he had pleaded guilty of his own free will.

Judge McRae has given the opposing lawyers until Dec. 13 to file their final arguments before he decides whether Mr. Ray, serving 99 years in prison for the murder, should be given a new trial.

Those who have doubted that James Earl Ray shot the civil rights leader had their doubts reinforced by the evidence given at the hearing.

Dr. King was slain on April 4, 1968, as he stood on the balcony of a motel in downtown Memphis. James Earl Ray was arrested in London on June 8, 1968, and charged with the murder. He pleaded guilty on March 10, 1969, and received the 99-year sentence.

Although the hearing earlier this fall was called to help Judge McRae determine whether Mr. Ray was treated fairly by the prosecution and by his defense attorneys six years ago, the judge allowed some questions about the assassination itself. He ruled that because Mr. Ray was contending that his lawyers had virtually abandoned him, it was germane to know what Mr. Ray had told his attorneys while they were preparing to defend him.

Mr. Ray said he had consistently told his attorneys that he did not fire the shot that killed Dr. King. But he said he did not tell them the entire story. He said he had witnesses who could establish that he was nothing more than an unknowing accomplice in the murder, but that he had withheld their names because he did not want them harassed by agents of the Federal Bureau of Investigation.

The story that Mr. Ray told in the hearing does not differ materially with that pieced together by newsmen in the months after the 1968 assassination, except for some details.

Mr. Ray escaped from the Missouri State Penitentiary in April, 1967, after serving seven years of a 20-year sentence for robbery. He lived in Canada for several months and then in Birmingham, Ala., and in Mexico before establishing himself with a new identity in Los Angeles.

During these months, he said, he was given several thousand dollars by a mysterious benefactor, a "Latin" with reddish blond hair and the code name of "Raoul."

Mr. Ray said that in return for the money, he smuggled several small packages into the United States from Canada and smuggled an automobile tire into Mexico. Most of the time, he said, he sat around waiting for instructions from "Raoul," who had promised him \$12,000 and a forged passport.

After leaving Mexico in late 1967 and setting himself up in Los Angeles, Mr. Ray took a course in ballroom dancing, attended a school for bartenders and had plastic surgery on his nose. He said that he had wanted to alter his features so that he would not resemble the picture on the wanted poster issued after his escape from the Missouri prison.

On March 15, 1968, Mr. Ray abruptly checked out of the resident hotel where he had been living in Los Angeles and drove eastward in the white Mustang automobile he had bought in Birmingham, Ala., some six months previously. He said that the \$1,995 that the car cost came from "Raoul."

Mr. Ray told Judge McRae that when he left Los Angeles, he was supposed to meet "a party" in New Orleans, but that when he arrived in the Louisiana city, "the party" had gone to Birmingham and Mr. Ray was told to meet him there.

William Bradford Huie, the Alabama author who wrote articles for Look magazine in October and November, 1968, based on information Mr. Ray supplied him from jail, has said that Mr. Ray was "stalking" Dr. King on that trip eastward from Los Angeles.

Mr. Huie cited as evidence of this assertion the fact that Mr. Ray had spent the night of March 22, 1968, in Selma, Ala., while Dr. King was scheduled to make a civil rights speech in a town some 30 miles away. Mr. Ray told the judge he spent the night in Selma because he had gotten lost on the way from New Orleans to Birmingham and had detoured through Selma by mistake.

Mr. Ray said that on March 23 in Birmingham, "I met another party and went to Atlanta." It was not clear from his testimony, but apparently Mr. Ray was saying that the "party" rode with him to Atlanta, where Mr. Ray rented a room.

In Atlanta, he said, he discussed going to Birmingham to buy a gun. He had an Alabama driving license under an assumed name and he thought he might have to show identification if he bought a rifle.

Mr. Ray did not explain to

the Judge why he wanted a gun, but his new lawyers have said that Mr. Ray contends that he thought he was going to join a gun-smuggling ring in Memphis and that the other "party" wanted him to buy a heavy rifle to show the gun runners the variety that he might steal for them.

#### Gave False Name

On March 29, Mr. Ray drove to Birmingham and bought a .243-caliber rifle and when he was not asked for identification, he gave the name Harvey Lowmeyer.

Mr. Ray said that the first rifle he bought "was the wrong type. I had to take it back and get another." The second rifle was a .30/06-caliber rifle. Mr. Ray said he also "got" a .38-caliber revolver during that two-day trip to Birmingham.

Mr. Ray said that after exchanging the rifle, he drove back to Atlanta and spent the night. The next day, he started driving to Memphis, he said.

On April 2, he arrived in Memphis and registered at a motel and said that on that night he gave the rifle to "Raoul."

He said that "Raoul" told him to rent a room at a dingy rooming house at 422½ South Main Street in Memphis.

The back of the house had a view of the motel where Dr. King was staying.

#### Reports Being Lost

Mr. Ray said that he was supposed to be at the rooming house at 3 P.M. on the afternoon of April 4, but that he got lost and put his car in a parking lot and had to walk seven or eight blocks to the rooming house, where he paid for a week's rent on a room.

Then, still under orders from "Raoul," Mr. Ray went to a nearby gun store to buy an infrared telescope for a rifle. The store did not have one, so Mr. Ray bought a pair of binoculars instead.

The story varies somewhat at this point, depending on who is telling it.

The version related to the Judge by Arthur Hanes Jr. of Birmingham, who with his father were among Mr. Ray's original attorneys, was that "Raoul" told Mr. Ray to go get the car after he had delivered the binoculars, and to park the car in front of the rooming house and to have a beer or two while "Raoul" shaved and changed clothes in the room which Mr. Ray had rented.

Mr. Ray drank several beers at a nearby tavern and came back to the rooming house to see why "Raoul" was late, Mr.

Hanes said. While Mr. Ray was standing on the sidewalk in front of the rooming house, he heard a shot and saw "Raoul" rush down the stairs from the second floor of the rooming house and throw the rifle into Mr. Ray's suitcase in an alcove leading into the Canipe Amusement Company, a small specialty store.

Mr. Ray knew he was in trouble and fled, Mr. Hanes said.

#### Details as Given by Ray

Mr. Ray's version, as related on the witness stand and through his new attorneys, is that he had been stopped by the Tennessee Highway Patrol the night before because one of his tires was low.

After buying the binoculars and delivering them to "Raoul" at the rooming house, Mr. Ray said he went to the parking lot, got his Mustang and took it to a service station to have the tire fixed.

By the time he got back to the rooming house, the shooting had already occurred and the street was swarming with police. Mr. Ray said he did not even slow down. He drove to Atlanta, he said, abandoned the Mustang at a housing project and caught a bus to Cincinnati.

In addition to the details of Mr. Ray's story, two new bits

of information came out in the hearing. A roomer at the house told police that she had seen "a little bitty" man in the bathroom shortly before Dr. King was shot. The police believe that the civil rights leader was killed by someone in the bathroom of the house.

When F.B.I. agents and Memphis policemen searched Mr. Ray's car after it was retrieved from the housing project parking lot, they found in the trunk an extra small Army jacket that Mr. Hanes said "James Earl Ray couldn't have gotten his big toe into."

#### Chances of Acquittal

Mr. Hanes and his father said that because of "the holes" in the state's case against Mr.

Ray in 1968, they thought chances of acquitting him of the actual murder were good. He said that those holes included:

¶ The lack of a witness.

¶ A statement by F.B.I. ballistics experts that they could not say that the bullet that killed Dr. King came from the rifle found on the street.

¶ A statement by customers in Canipe's that the rifle and Mr. Ray's luggage were abandoned at least five minutes before the police arrived. The police have said they picked up the rifle and the suitcase within 90 seconds of the shooting.

¶ Statements by several observers that the fatal shot appeared to have been fired from the parking lot of the motel where Dr. King was staying.

The hearing was ordered by the United States Sixth Circuit Court of Appeals, which had said there was serious question about the way Mr. Ray had been treated before his guilty plea.