

Fatal Justice: The Death of James Earl Ray

By Jim DiEugenio

On April 23rd, James Earl Ray, alleged assassin of Martin Luther King, died after a long bout with kidney and liver ailments. For two years, Ray had been denied the opportunity for a liver transplant by Tennessee authorities. As we note elsewhere, Ray had been recently denied an opportunity to live out his last days with his brother Jerry Ray who lives in a trailer park outside of Memphis. The day of his death, Coretta King, widow of MLK, issued a rather eloquent statement about Ray's passage:

We were deeply saddened by the death today of Mr. James Earl Ray. This is a tragedy, not only for Mr. Ray and his family, but also for the entire nation. America will never have the benefit of Mr. Ray's trial, which would have produced new revelations about the assassination of Martin Luther King Jr.

Predictably, the major media did all they could to drown out Coretta King's voice and instead, they propagandized over the not yet buried body of Ray. The *Los Angeles Times* wrote that Ray "confessed to killing civil rights leader Martin Luther King" which is something, as we shall see, he never actually did. In its May 4th issue, *Time* magazine called Ray a "convicted assassin." Both publications played to the hilt the "growing paranoia about government conspiracies" (*L. A. Times* jargon) that supposedly haunt Americans over the assassinations of the sixties. Both publications went out of their way to ridicule advocates of these theories. *Time* declared that "the King family has offered not a shred of credible evidence to support their charges of a wide-ranging conspiracy." The article went on to blast Ray's last lawyer, Bill Pepper, as "either a credulous buffoon or a con artist." In the May 4th issue of *The New Republic* a similar sermon was de-

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livered. This time the target was Attorney General Janet Reno was advised to quickly dismiss the King family plea for a new Justice Department investigation. The grounds for this quick rejection: its just another conspiracy theory.

The *San Francisco Chronicle* was a bit more fair in the wake of Ray's death. They more accurately, but not completely, explained Ray's decision to plead guilty as a way to avoid the death penalty. The *Chronicle* went on to add that Justice Department spokesman Myron Marlin said that the department's review of the King assassination, based on information sent them by the Kings, would continue in spite of Ray's death. Ray's brother Jerry was quoted as saying, "Like I told James before he died, the rest of my life I'll fight to prove he's innocent."

The *Chronicle* coverage also offered some possible insights into why Judge Joe Brown was stopped from holding further hearings on evidence that could have resulted in granting Ray a new trial. Billed as his first public comments on his forced removal from the case, Brown stated that he did not believe the adduced rifle in evidence was the actual murder weapon. Brown propounded on this by adding that the death slug removed from King is not from the same lot as the spent casing

found inside the rifle or from bullets recovered from the weapon. He also added that the 30-06 Remington was a pump action rifle and therefore could not have been leaning against a windowsill as the original prosecutors said it was. He then added that the telescopic sight installed on the Remington could not have been aligned correctly because the shop in which it was purchased did not have the proper equipment to perform such a technique.

Alas, the *Chronicle* does not have nearly the circulation of *Time* or the *Los Angeles Times*. Most of the public was spared pondering these difficult but relevant questions. Brown also could have enlarged on his list to include the following:

—Why would an assassin choose a public bathroom to fire a shot at his intended victim? Why risk the possibility of an unknown party waiting outside, or even knocking on the door during the shooting?

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—Why would Ray buy an original weapon a few days earlier and then bring it back to the same gun shop to buy the supposed final murder weapon? Just so the clerk could get two looks at him and be sure to recall his face?

—Why would Ray enter the low class rooming house from which he would fire the weapon dressed in a shirt, tie, and jacket? To distinguish himself from the poor alcoholics who frequented the place?

—If the case against Ray was so strong a.) Why could the prosecutors never match the fatal bullet to the weapon, or b.) Find no credible witness to link him to the alleged "sniper's lair"?

—Why was the prosecution so desperate in this last aspect that they used a witness, Charlie Stephens, who was stone drunk at the time of the shooting?

—Why did the prosecution then place one of the witnesses who could testify to Stephens' condition, his wife Grace, in a mental hospital so she could not reveal that fact?

—Why was the path of the bullet (or bullets) that hit King never tracked through his body?

—Why was the medical evidence presented at Ray's court hearing (I hesitate to call it a trial) so nonspecific as to measurements on the body and locations within the body?

—Why would an assassin leave the murder weapon on a public street with witnesses around and his fingerprints on the weapon? As Mark Lane has stated, "If Ray did that, he should be found not guilty by reason of insanity."

—How could a small time hood have access to four different aliases all living within a five mile radius in Toronto, the city he would eventually flee to after the murder? With all four men resembling Ray in height, weight, and coloring. The capper being that Ray *had never been* to Toronto prior to the assassination.

—If Ray shot King from the bathroom of that rooming house he would have had to be standing in a bathtub. When *Paris—Match* tried to simulate Ray's position, they had to pose their model *on the rim of the tub* toward the back, and then contort him into a position to lift the rifle to the window.

—If Ray was the assassin, why would an amateur marksman like himself use no clip in the rifle? Was the amateur positive he could hit King with one shot through foliage from 208 feet away?

—Why were Ray's prints found only on the rifle, yet not in the rooming house or in

his white Mustang, supposedly found in Atlanta the day after the murder?

—If Ray used no clip, why were his prints not found on the shell casing which had housed the fatal bullet in the rifle?

—If there was no conspiracy, why did a man meet Ray in Toronto after the murder and give him an envelope? That same day, Ray paid his rent and bought a plane ticket to London. When Phil Melanson tracked the courier down, he said, "Why go to Memphis and get a bullet in my head?"

Why would an assassin choose a public bathroom to fire a shot at his intended victim? Why risk the possibility of an unknown party waiting outside, or even knocking on the door during the shooting?

—If there was no conspiracy, who shifted King's room at the Lorraine Motel so it would be facing Ray's rooming house?

—If there was no conspiracy, why were there *two* white Mustangs seen outside the rooming house before the murder?

—If there was no conspiracy, who broadcast the phoney and distracting "Mustang chase" on the police radio right after the assassination allowing both white Mustangs to get out of Memphis?

—If there was no conspiracy, why are there no records of Ray's trip to Lisbon, reportedly done after he had escaped to London?

—If there was no conspiracy, why were the registers from both the Memphis rooming house and the Pax Hotel in London not produced into evidence at Ray's hearing?

—Could this have anything to do with the fact that Ray was arrested at 6:15 A.M. at Heathrow Airport in London yet he did not check out of his hotel room until 9:30 A.M.?

You will likely not see any of these questions asked, much less satisfactorily answered, by any of our media pundits now that the last hope for a resolution to the MLK assassination is gone. You certainly won't find them in the aforementioned *New Republic* article which chooses "not to be party to paranoia". No, the editors would rather bury their heads in the sand. This, of course, has been quite typical in the King case since the media's attitude has consistently resembled the government's, namely let the public be damned.

It began almost immediately after King's

murder. Attorney General Ramsey Clark announced at that time that the assassination was the work of one man. The day Ray was arrested, J. Edgar Hoover stated about the case, "No conspiracy. None whatsoever."

Picking up the cue, *Life* magazine put Ray on the cover of their June 21, 1968 issue along with Sirhan B. Sirhan. The stark black and white cover was emblazoned in capital letters, "THE TWO ACCUSED." The lower case sub-heading was "The Psycho-Biology of Violence." The latter was the title of an article about how sudden violent urges could be purged through institutional care and treatment at certain hospitals. The giveaway line in the piece was this: "The roots of violence may be psychiatric—the result, for instance, of upbringing or social environment." Needless to say, as it had done four years earlier with Oswald, *Life* was greasing the skids for a rerun of the socially maladjusted, lone nut phenomenon.

Life's main article on the murders immediately dropped any pretense of the shibboleth "innocent until proven guilty." It was entitled "Ray, Sirhan—What Possessed Them?" A representative sample:

Sirhan and Ray seemed important now only as devices by which other men might gauge the meaning of their senseless violence....Both Sirhan and Ray were products of families which were hard put to cope with the most basic problems of life. Both seemed governed by a curious, even touching unreality.

The propaganda blitz is accompanied by praise for J. Edgar Hoover's massive manhunt—which had almost nothing to do with Ray's capture in London.

With the media endorsing it all the way, the authorities began the railroading of James Earl Ray, a performance that would eventually devolve into a shabby sideshow of justice. At his extradition hearing in London, Ray was not allowed to have his chosen attorney represent him, even though Arthur Hanes flew to England twice. When author Harold Weisberg tried to get the official transcript of that hearing, he could not access it through his professional contacts in London. His reporter acquaintance told him it was "not available."

Upon Ray's return to Tennessee, that wealthy, FBI friendly author William Bradford Huie entered the scene. He agreed to finance Ray's defense team, Hanes Sr. and Jr., if he could get exclusive rights to Ray's story. With no other funding available, Ray agreed to this arrangement. Then two things happened to make things even worse. Ray grew suspicious that Huie was passing information to the Bureau, and renown southern lawyer Percy Fore-

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man paid a visit to Ray.

Whatever the faults of the Hanes team—their association with Huie, their racist backgrounds—they were preparing for trial and planned a vigorous defense. When Foreman came in unannounced in November of 1968, he confidently told Ray he would have no problem helping him beat the rap. Foreman added that he had read the contracts Ray had signed with Hanes and Huie and all those two were interested in was money. (How Foreman got hold of the contracts is not evident.) He also told Ray that if he stuck with that pair he would likely get the chair. Foreman said he could get Ray out of the previous contracts, hire a lawyer familiar with Tennessee law (Foreman was a Texan), and he would then deal with a writer only *after* the trial thereby not compromising the defense in advance.

Unfortunately, Ray bought into Foreman. He hired him and fired Hanes. Foreman then proceeded to break almost every promise he had made to Ray. But not before fleecing him. Foreman had Ray sign over his white Mustang to Foreman as a retainer. Ray also signed over the rifle which was in evidence. Foreman never hired a local attorney yet pleaded with the Memphis judge for professional aid. Judge Preston Battle furnished Foreman with Public Defender Hugh Stanton. So instead of Foreman paying for his help, the state of Tennessee, which was prosecuting Ray, was also now on his defense team.

Once furnished with Stanton, Foreman promptly ordered him to negotiate a deal with local DA Phil Canale. This appears to have been done before Foreman even investigated the case or found out what Canale had on his client. Arthur Hanes, commenting on Foreman's review of his files on the case, said the following:

We offered him our files. He could have taken the originals. The whole thing. He was welcome to. If he had wanted photocopies we would have made them. He didn't want anything.

When asked how long Foreman even *looked* at the files, Hanes responded, "About ten minutes." Hanes concluded that Foreman "never even considered trying the case." There is neither any evidence that Foreman ever initiated his own investigation. Incredibly, Ray has said that Foreman never asked him if he fired the fatal shot at King or if he had been part of a conspiracy. Foreman admitted the same to Jerry Lipsom of the *Chicago Daily News*. After Ray's conviction, Foreman reportedly told the press, "I don't care about no conspiracy."

But Foreman *did* renegotiate a deal with Huie. Foreman was now to share in all funds accrued to Huie by sale of all rights to Ray's story, including motion picture sales. In all, Foreman made over one hundred thousand dollars from his "defense" of Ray. Whatever work he did on Ray's behalf to earn this money has yet to be detected.

After virtually promising to get Ray acquit-

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ted, Foreman began to change his tune in about January of 1969. He now told Ray that his case was hopeless. The media was against him, the city of Memphis was opposed to him, the DA's office had a very strong case. When Ray asked Judge Battle if he could replace Foreman, the judge replied that it was too late. Foreman was now his lawyer of record and that was it.

With Ray hesitating, Foreman went for the kill. He told Ray that, unless he pleaded guilty, he would sabotage his defense by getting Benjamin Hooks to be his co-counsel. Hooks, a black man, was then part of the SCLC, King's civil rights organization. With this clear psychological ploy, Ray finally capitulated. He agreed to plead guilty.

On March 10, 1969 Ray showed up at an entirely stipulated and pre-scripted plea bargained "trial". Canale put on a handful of witnesses. An assistant then recited a "narration" of other evidence against Ray. Foreman cross-examined no one. Foreman accepted all of the narration. He did ask the jurors if they would be willing to send Ray to jail for 99 years. In all, he said about 700 words.

The only man to speak up for Ray was himself.

Ray: Your honor. I would like to say something too, if I may.

The Court: All right.

Ray: I don't want to change anything that I have said. I don't want to add anything onto it either. The only thing I have to say is, I don't exactly accept the theories of Mr. Clark. In other words, I am not bound to accept the theories of Mr. Clark.

Mr. Foreman: Who is Mr. Clark.

Ray: Ramsey Clark.

Mr. Foreman: Oh.

Ray: And Mr. Hoover.

Mr. Foreman: Mr. who?

Ray: Mr. J. Edgar Hoover. The only thing, I say I am not—I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it.

The Court: You don't agree with whose theories?

Ray: I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark. I mean on the conspiracy thing.

This is as close as the entire proceeding ever got to a real defense. About this sham, Robert Blakey once said, "He had a competent counsel. He had a trial. He's guilty." These comments tell us all we need to know about the Blakey-led HSCA investigation of the King case.

As dispiriting as the above was for Ray, it was equally sad for King's memory, his survivors, and the public. Why was King killed? Did Hoover have a role in the crime or the cover-up? Why did Tennessee resist, at every turn, a new trial for Ray? Why does the King family have to be pilloried for insisting on a new investigation? Why do the American people not even have access to all the files accumulated on this 30 year old case? Why does the media continue to propagandize about its facts? With Ray's death, it appears that few, if any, of these questions will ever be answered.

In 1993, Jesse Jackson hosted a talk show on CNN in which he and former representative Walter Fauntroy of the HSCA discussed the King case. Almost inadvertently, Fauntroy stumbled onto a probable answer to the above questions. Fauntroy said that in 1979, at the time the HSCA delivered its verdict, he agreed that Ray had fired the fatal shot. He didn't believe that anymore. And he tried to explain why:

Do you remember the excitement about the New Frontier? We had a great decade—the decade of the sixties....but they changed the political landscape of our country in eight years. And what concerns me is that, in fact there were an apparatus that functioned in this fashion, that apparatus—remnants of it—must be signaled that you're not going to be able to pull off that kind of thing and have people believing that one lone assassin in Dallas shot President Kennedy, and that's that; a lone two-bit robber who got arrested almost every time within hours after he was—he committed a crime did it in Memphis; and that somebody in a kitchen got an idea of how to take Bobby Kennedy out.

Five years later this is the line that the Establishment persists in. There is no "apparatus". Just lone nuts. The last 30 years of James Earl Ray's life was the latest sacrifice on the altar of that myth. ☙