

# Is It Ever Too Late To Do The Right Thing?

By Lisa Pease



In 1963, a popular political figure was shot in the back. The killer was not convicted. In his closing arguments to the jury, having laid out the evidence of the accused's guilt, the Assistant District Attorney responsible for the case asked the jury:

Where justice is never fulfilled, that wound will never be cleansed....Is it ever too late to do the right thing?

And the Hinds County jury rose to the call, and made a bridge across history to right an old wrong. On Saturday morning, February 5, 1994, the Hinds County, Mississippi jury, over 30 years after the crime, convicted Byron de la Beckwith with the murder of one of the earliest civil rights activists of the 1960's: Medgar Evers.

The circumstances that brought this case from the dustbin of history back into the headlines and courtroom is an extraordinary one, detailed in the book *Ghosts of Mississippi*, by Maryanne Vollers (New York: Little, Brown & Company, 1995) and depicted in a movie made from the book. Were it not for a courageous, tenacious Assistant District Attorney named Bobby DeLaughter, and a set of fortuitous circumstances, aided by the widow Myrlie Evers, this crime might have gone forever unsolved, unpunished. Fortunately for the Evers family and for history, DeLaughter was determined to bring this to trial, saying "We would have been derelict in our duty if we had not proceeded."

In 1987, DeLaughter's boss, District Attorney Ed Peters, had said he didn't think the case could be reopened. And most likely he would have been right, had it not been for a confluence of evidence that surfaced, such as a 1989 *Jackson Clarion-Ledger* article revealing the possibility of jury tampering in a previous trial; long-preserved court records from previous trials, held by the widow; and in a truly mystical twist of fate—the finding of the murder weapon in DeLaughter's ex-father-in-law's gun collection. And by the time of the trial, DeLaughter and his staff had found six people to whom Beckwith had bragged of his murder of Evers. No, in Mississippi, in 1994, it was not too late to see justice served.

But is it too late in Memphis? In an eerily preemptive comment made to *USA Today* in

1994, the NAACP's Earl Shinhoster had warned that the Evers victory might be a unique case, saying that it "would take something of proportion or magnitude" of what had happened in the Evers case to right other old wrongs, "which we may not ever get". On February 20, 1997, the family of Martin Luther King, together with William Pepper, lawyer for James Earl Ray, went before Shelby County Criminal Court Judge Joe Brown to plead for new scientific tests to be performed on the alleged murder weapon. No match has ever been made between the bullet found in King and the weapon associated with Ray. Sophisticated tests could conceivably rule out Ray as the assassin.

As the last chance for the truth is fading

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with Ray's health, the family of Martin Luther King has stepped from the shadows of their own long-held doubts to call for a new hearing of evidence in the killing of the great leader. Spurred by the rapid deterioration of James Earl Ray, the man alleged to have been the assassin, Dexter King, the youngest son of Martin Luther King, spoke for his family in calling for a real trial. The King case was never tested in a court of law, since Ray immediately confessed, then recanted a couple of days later claiming his confession was coerced. "The lack of a satisfactory resolution to questions surrounding the assassination of Martin Luther King Jr. has been a source of continuing pain and hardship to our family. Every effort must be made to determine the truth...this can only be accomplished in a court of law," said Dexter to reporters, adding that the family members "...are united today in calling for the trial that never occurred. We make our appeal at this time because of concerns that Mr. Ray's illness may result in death, which will end the possibility

of a trial ever to come."

As reported in the last issue of *Probe*, Ray is deathly ill. In need of a liver transplant and in hospital care, this is his last chance to see the truth come out in his lifetime. His current lawyer, William Pepper, has written a book detailing much of the evidence that shows that Ray could not have committed such a crime without help, and that it is extremely unlikely that Ray committed the crime at all. In December of 1993, Lloyd Jowers, owner of the restaurant Jim's Grill, (located in the basement of the rooming house from which the shots were allegedly fired,) went on ABC's *PrimeTime Live* show to say that he been had asked to hire an assassin to kill King. The person he hired, he said, was not James Earl Ray. Jowers' confession came on the heels of an HBO-sponsored mock trial in which Pepper and others laid out the facts of the case before a jury. The jury in the HBO trial found Ray not guilty, but the facts uncovered in the process caused Jowers to ask for immunity if he told more of what he knew. When promises of immunity were not forthcoming, Jowers went into hiding.

Dexter and the family have harbored suspicions of a high level conspiracy involving forces in the government for 29 years, but have kept silent. Now, Dexter is finding his voice. "It's no secret that my father during that time was considered enemy No. 1 to the establishment. It's no secret that he was not the most favorite person of J. Edgar Hoover, the head of the FBI." Citing his father's opposition to the Vietnam war, Dexter expanded upon this theme, suggesting that "There may have been individuals [in the government] who saw him as a major threat. The country was in turmoil at the time, I guess you could say civil unrest, and this frightened many people. So, certainly there would be adequate motive."

Pepper commented on the coming forward of King's family at this time, calling it "courageous" and "bound to have impact. This is the unified family of the victim saying, 'We would like a trial so that some of the evidence can see the light of day.'"

Too bad there is no DeLaughter in the DA's office in Shelby County. Instead, Assistant District Attorney John Campbell is not at all anxious to reopen the almost 30 year old case. He says James Earl Ray and the associated

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## Ruth Paine

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6. MP's testimony at WC Vol. 9 p. 458-459
7. Carol Hewett presented a paper on the Paines' third vehicle at the 1995 COPA conference; a more thorough analysis of this matter will appear in an upcoming issue of *Probe*.
8. RP's 3/19/63 testimony, WC Vol. 3, p. 12-13
9. RP's 3/19/63 testimony, WC Vol. 3, p. 13
10. RP's 3/19/63 testimony, WC Vol. 3, p. 13
11. RP's 3/19/63 testimony, WC Vol. 3, p. 13
12. RP's 3/19/63 testimony, WC Vol. 3, p. 14
13. RP's 3/19/63 testimony, WC Vol. 3, p. 14
14. RP's 3/19/63 testimony, WC Vol. 3, p. 15-17
15. RP's 3/19/63 testimony, WC Vol. 3, p. 15
16. Generally speaking, researchers see only photocopies of documents at the NARA; the author is currently working with the NARA to track down the original Gemberling Report in hopes of finding the missing pages.
17. RP's 3/20/63 testimony, WC Vol. 3, p. 51
18. RP's 3/20/63 testimony, WC Vol. 3, p. 51
19. RP's 3/20/63 testimony, WC Vol. 3, p. 52
20. RP's 3/21/63 testimony, WC Vol. 9, p. 395
21. RP's 3/21/63 testimony, WC Vol. 9, p. 395
22. MP's 3/17/64 testimony, WC Vol. 9, p. 458-459
23. MP's 3/17/64 testimony, WC Vol. 9, p. 459
24. RP's 3/21/63 testimony, WC Vol. 9, p. 395
25. RP's 3/21/63 testimony, WC Vol. 9, p. 395
26. CE 15, WC Vol. 16, p.34
27. RP's calendar at WC Vol. 17, p. 60; WC Vol. 9, p. 358
28. RP's letter to Mother CE 425, WC Vol XVII, pp. 150-153
29. *Oswald and the CIA* by John Newman, p. 371.
30. *Ibid.*, p.398.
31. MP's testimony at WC Vol. 11, p. 401.
32. Newman, p. 427. The CIA claims it was unaware of Kostikov's Department 13 connections until after the assassination. Professor Newman argues for disclosure of CIA files on Kostikov to confirm or refute this point. Consider also that the FBI still maintained a significant (and rival) presence in Mexico after the creation of the CIA and may have known of Kostikov's background even if the CIA did not.
33. Oleg Nechiporenko, *Passport to Assassination*, p.66-81.
34. John Barron, *KGB: The Secret Work of Secret Soviet Agents*, pp. 379, 392
35. CE 7, WC Vol. 16, p. 10 36. Nechiporenko, p. 82. The author did not provide any insight into the meaning of this statement. Presumably the source meant that there were few Soviet citizens who had immigrated to the U.S. after marrying an American abroad in the U.S.S.R.
37. MO's testimony at WC Vol. 1, p. 10-12 and RP's testimony at WC Vol. 2, p. 449.
38. See Marina's letter at CE 12, WC Vol. 16, p.25-29, the date of which can be inferred from CE 11 and CE 13. Lee turns in a change of address to the Soviet Embassy on behalf of himself

and Marina on 5/5/63. On 7/1/63 he asks the Embassy to expedite both their visa requests, albeit separately. See CE 986, WC Vol. 18, p. 516, 526.

39. Hosty began an inquiry into Marina's whereabouts on March 4, 1963, claiming that it was pursuant to routine procedure that he was checking up on her every 6 months as a Russian immigrant specifically selected for observation. WC Vol. 4, p. 441.

40. Military Intelligence File on RCN/Marina: 1969 Agent Report, Thomas J. Hench, 766 Military Detachment.

41. On 6/5/63 Marina wrote Ruth to tell her that LHO was insisting that she return to Russia (CE 409, WC Vol. 17, p. 100). Yet in Marina's 7/8/63 letter to the Soviet Embassy, Marina begs for expeditious processing for the Oswald family (CE 986, WC Vol. 18, p. 527). Ruth wrote a letter on 7/11/63 to Marina inviting Marina to come live with her (CE 410, WC Vol. 17, p. 10). Ruth wrote on 7/21/63 again extending an invitation (CE 90, Vol. 16, p. 280.). Meanwhile a letter to Marina from a friend in Russia dated 9/29/63 suggests that Marina expressed to this friend a continuing interest in returning to Russia with Lee (CE 75, WC Vol. 16, p. 237-239). At the 1995 COPA Conference, researcher Steve Jones described Ruth's curious and timely comments to her friends during August and September 1963 that she was taking Marina back to live with her even before the 9/24/63 decision was made by Marina and LHO to accept Ruth's invitation.

## King Case

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evidence do not deserve another hearing. "He's the confessed killer. Nothing else out there can really be looked upon as credible evidence," said Campbell. And Campbell is not alone. Former Chief Counsel Robert Blakey of the HSCA, asked "Is the rule now that we don't believe guilty pleas?" Blakey's comments are especially embarrassing in light of the evidence that strongly supports the contention that the guilty plea was indeed coerced. Blakey's committee even concluded there was a strong possibility of a conspiracy in the King killing, but tried to limit it to Ray and a few southern bigots. Multiple lone nuts, you see, not a serious conspiracy.

The all-too-familiar media "spin" piece was perhaps best exemplified by the *Newsday* piece by Sheryl McCarthy (2/24/97). Remember, she is writing about the King case, although if you blink you might swear she was talking about another. She wrote:

When a notable man or woman is slain...When the identified villain happens to be a single actor, we figure there must be more to it than that. Because the loss was so great, so, too, must be the scheme that caused it.

These days there's a clamor for a trial for

James Earl Ray...The bizarre thing is that King's family has joined in asking for a trial...

The idea that King's murder was part of a conspiracy is tempting...

If, as his lawyer claims, they know where Raoul [Ray's supposed handler] lives, then they should produce an address.

Sound familiar? It was just a lone nut. When people are killed by lone nuts no one believes it (because that's not usually what happened). That King's family would want to find the truth is labeled "bizarre". And any ideas of conspiracy are "tempting" but unjustified. And the last is a classic that will be familiar to any who participate in online discussions of the Kennedy assassination. If you say Oswald didn't do it, lone nut defenders will ask, or rather demand, that you name the conspirators who did. One doesn't have to show who *did* commit a crime to show that the accused *didn't*.

But what else are we to expect in a case that again seems to imply high level involvement by agencies of our government? Why should the media assets rest when there are fables to be spun? And they *are* nervous. This is as close as Ray has ever come to a chance to formally, and for all time, put his comments safely in the record where they be-

long. McCarthy ended her article by noting that no one has kept Ray from talking but Ray himself, therefore why have a new trial. But discerning readers will note that sworn testimony is infinitely more important than a prisoner's ramblings. And Ray could talk all he wants, and have no guarantee that his information will ever be on record. By having a public trial, Ray would finally have such a chance. "Put me on the witness stand and you'll find out what really, what really, what took place," the frail Ray stammered during his recent appearance on the Montel Williams show. "I didn't, didn't do it."

Judge Brown has decided to allow the testing of the rifle. But the State Appeals court could overrule Judge Brown. Dexter pleaded not just with the Judge, but with all of us when he said, "It's time to come clean, and it's time to start letting people know that in order for this nation to come together, we have to deal with the sins of our past."

Martin Luther King's daughter Yolanda told perhaps the most difficult truth of all: "We always hoped that somebody else would lead the charge...We realized that without our direct involvement, perhaps the truth would never come out."

Kennedy children please take note. It's never too late to do the right thing. ☐