

From Page B1

Lane

believes Ray is innocent, but not because of Pepper's work.

"He's taken very strong evidence and fouled it," Lane said.

Pepper did not respond to calls to his home and office in London.

Lane said he was asked to join the clemency effort by Wartburg, Tenn., lawyer Andrew Hall, who received an application of commutation last month from the Tennessee Board of Paroles.

The seven-member board makes recommendations of clemency to the governor.

Under criteria issued last year by Sundquist, a terminally ill inmate may be eligible for commutation under certain conditions. Ray has been diagnosed as having advanced cirrhosis of the liver.

An aide in Hall's office said it may be another two weeks before Ray's clemency application is ready to be filed with the state.

Meanwhile, differences are brewing among Ray's defense lawyers in his bid for a trial.

Criminal Court Judge Joe Brown said Monday he understands that Pepper and Chastain have asked that McNeil be removed from the defense team, although he said he'd received nothing in writing. The

request came after McNeil visited Ray in prison last week, apparently without the knowledge of his co-counsels.

Chastain did not respond to two calls to his home Monday. Chastain initially filed a motion to withdraw from the case, citing legal differences and financial difficulties. The defense attorneys say they're working without fee.

McNeil said he received a letter Monday from Chastain, but said he's been too emotional to open it.

(Mount Clipping in Space Below)

FBI finds 1968 Ray rifle test bullets

By Marc Perrusquia
The Commercial Appeal

The FBI said Wednesday it has located four test bullets fired 29 years ago from the rifle prosecutors say was used to kill Dr. Martin Luther King Jr.

The bullets, believed missing, were found in the Federal Bureau of Investigation's ammunition archive in Washington, said special agent Steven Berry.

The bullets may help resolve James Earl Ray's claim that he was framed for King's 1968 murder in Memphis. Serving a 99-year sentence, Ray, 69, contends someone planted the hunting rifle found with his fingerprints on it near the crime scene.

But as Ray's bid for a trial heads toward another showdown Friday, new controversies continue to pop up like weeds after a summer shower.

Criminal Court Judge John Colton has asked an attorney to help determine if fellow Judge Joe Brown has jurisdiction to hear the case. The Ray case originally was in Colton's Division 3, but a petition to test the rifle was randomly assigned to Division 9, where Brown approved the controversial test-firing this year.

Colton could not be reached for comment Wednesday, but Brown said he understands Colton wants to know if Brown has jurisdiction to hear the case.

Brown retained the case after that question was put to a local administrative judge and an appeals court earlier this year.

"The last I heard, the Court of Criminal Appeals resolved this," Brown said.

Also Wednesday, lawyer Andrew Hall said friction with defense lawyer William Pepper may have jeopardized a clemency plea for Ray.

But for now, attention is focused on the FBI bullets.

"We're glad that they're available," defense co-counsel Wayne Chastain said. Chastain issued a subpoena two weeks ago to the FBI's Memphis office to produce the test bullets.

Brown this month ordered attorneys to locate the bullets after test-firings in May produced inconclusive results. Tests by the FBI in 1968 and Congress in 1978 also could not conclusively determine if the bullet removed from King's body had been fired from the .30-06 Remington rifle, al-

though the tests found the bullet came from that type of gun.

Firearms examiners said the original test bullets may pose the best chance at resolving the question. The test bullets, fired by the FBI a day after King's April 4, 1968, assassination, pose the best comparison to the King death bullet because of their close proximity to the crime, experts said.

Defense attorneys three weeks ago asked for a second test-firing, citing a microscopic bump that appeared on some test bullets but not the death bullet. Defense firearms examiner Robert A. Hathaway said the mark could be the result of buildup of copper in the rifle's bore, but suggested it also could be evidence that the death bullet did not come from the evidence rifle.

Brown said he may decide whether to grant more testing Friday, when the defense must submit a written report on the May test results.

Chastain said the report will be ready, but said he hadn't received it Wednesday.

While Pepper, assisted by Chastain, tries to get Ray a trial by proving the rifle was planted, another attorney, Andrew Hall, is heading a separate effort to convince the governor to commute Ray's sentence and release him because he's suffering from advanced cirrhosis of the liver.

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Hall said Ray told him this week that Pepper has asked the convicted assassin to hold off on the clemency plea. Ray also doesn't want former attorney Mark Lane to represent him, Hall said.

But Hall said Lane, a noted conspiracy buff who represented Ray in hearings before Congress in the 1970s, is essential to the clemency bid.

"I'm not going to let Pepper ruin the clemency effort," an angry Hall said Wednesday in a telephone interview from his Wartburg, Tenn., office. "He wants to prove his theory is right, come hell or high water, whether James dies in prison or not."

Pepper, who lives in Great Britain, could not be reached for comment.

MEDIA REP. *[Signature]*

FBI/DOJ

(Mount Clipping in Space Below)

Emotions mount as Ray case plods on

Is bickering or law the focus?

By Marc Perrusquia
The Commercial Appeal

When lawyers gather Tuesday for yet another showdown over James Earl Ray's bid to get out of prison, they will bring more than legal strategies into court.

They will bring passion and frustration, the result of months of allegations leveled over Ray's claim he was framed for the 1968 assassination of Dr. Martin Luther King Jr.

Prosecutors have suggested that Criminal Court Judge Joe Brown shows a bias in favor of Ray's defense. Brown says prosecutors aren't doing their job. He's indicated he may seek appointment of a special prosecutor or an investigator.

Meanwhile, Criminal Court Judge John Colton Jr., who asserts that the case belongs in his court, is investigating Brown's handling of it. Brown says Colton's motives are political.

Brown faces a decision Monday on whether to honor a Colton order to return Ray court files to the clerk's office.

NEWS ANALYSIS

For now, the bickering seems largely that — bickering. No formal complaints have been lodged alleging legal misconduct, said attorneys in the case, and no appeals are pending before higher courts.

A review by The Commercial Appeal found that some of the more serious allegations appear open to interpretation.

Yet some legal observers question the appropriateness of the proceedings.

"My personal view (is) it's become a sideshow," said University of Memphis law professor Barbara Kritchevsky. "It's not about law anymore. It's about personalities and politics."

Serving a 99-year sentence, Ray, 69, claims someone planted the .30-06 Remington hunting rifle found with his fingerprints on it near the scene of King's murder. Saying he was coerced to plead guilty in 1969, Ray wants to withdraw that plea and get a trial.

Hearings have dragged out for six months, and frustration is running high.

"I've never been in a situation like this where the law is so clear, yet the law doesn't seem to mean very much," said lead prosecutor John Campbell, who contends Brown is overstepping his authority to investigate Ray's claims and that the defense improperly sought to keep the case before Brown in April.

"We believe in our heart of hearts he's guilty as sin," Campbell said. "And we will fight to keep him in jail."

MEDIA REP. 

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From Page A1

Ray

"All I'm doing," Brown said last week, "is handling the case that was given me."

Brown says he's following an appeals court ruling that gives him power to test the rifle.

Brown, too, speaks passionately about the case: "I'm trying to get to the bottom of this," he angrily told prosecutors at a July 11 hearing.

Brown heard testimony in February from King's widow, Coretta. She said she supports a trial for Ray, fearing that the full truth about the assassination — including possible involvement of others — may die with him. Ray has cirrhosis of the liver.

Brown at times has likened proceedings in his court to a fact-finding mission regarding the death of an American hero. There's nothing improper with that, defense attorneys say.

"We're seeking justice. We're seeking a new trial. It's not a sideshow," said defense lawyer Wayne Chastain. "The prosecutors act like little children. They think they own the Criminal Court judges . . . They can't take an independent judge."

Even discounting the personal fighting, the case is unusual as legal proceedings go.

Brown got involved in the case in 1994 when Ray's attorneys filed a post-conviction petition alleging new evidence of a conspiracy. Ray had lost seven previous appeals, but this one stemmed from fresh allegations by former Memphis cafe owner Loyd Jowers, who said in late 1993 in a nationally televised interview that he was paid money to have King killed.

Claims about the planted rifle were just a part of the petition.

Brown authorized the defense to test-fire the rifle that year but was blocked by the Tennessee Court of Criminal Appeals. In February, Brown referred the case back to the appeals court. The higher court in April rejected Ray's motion to reopen his petition.

Yet this time the appellate court addressed what it called "the real issue in this case," something not "properly articulated by petitioner": That the local court had "inherent authority" to control evidence regardless of whether a post-conviction appeal was before it or not. The rifle testing could proceed.

Brown approved test-firing in May. But after the firing of the rifle in Rhode Island and examination of bullets under a high-technology microscope in Pennsylvania — at a cost of at least \$18,000 — results released last month were inconclusive in determining whether the bullet removed from King's body came from the evidence rifle.

Tests by the FBI in 1968 and Congress in 1978 also were inconclusive.

Defense attorneys want to test-fire the rifle a second time, one of several matters Brown is expected to take up Tuesday.

But complicated controversies continue to arise:

Which court should hear the case, Brown's Division 9 or Colton's Division 3?

The answer lies in the *Rules of Practice and Procedure in the Criminal Courts of Shelby County*, which, under state law, is approved by local judges. All 10 criminal court judges, including Colton and Brown, signed an order in 1996 approving the current rules.

Rule 4.02 says: "Once a case has been assigned, all matters in the case shall be heard in that division."

Because Ray pleaded guilty in Criminal Court's Division 3, where Colton presides, prosecutors contend Colton should be hearing the rifle-testing issue. Yet under Rule 4.03, post-conviction petitions are assigned to judges on a rotational basis and not filed in the division of original jurisdiction.

Chastain said that when he filed Ray's petition in 1994, the Criminal Court Clerk's Office told him the petition would be assigned on rotation to then-Division 8 Judge Joseph McCartie. The clerk's office is responsible for receiving documents and assigning cases.

McCartie's number came up under a format that rotates as-

signments in sequence. Under that format, Division 1 gets a petition, then the next petition filed goes to Division 2, the next to Division 3 and so forth.

But McCartie declined to take Ray's petition, and it then went to Brown in Division 9.

Has either the defense or prosecution engaged in forum shopping?

Prosecutors contend the rifle-testing issue should have returned to Colton's court when the appeals court dismissed Ray's petition on April 9.

Although the appeals court said the local trial court has discretion to allow testing of evidence, prosecutors contend that trial court is Colton's Division 3, because it had original jurisdiction. Brown counters that the appeals court directed its ruling to him.

Forum shopping, or improperly picking a favorable judge, arose as a controversy April 17 when Criminal Court Judge Chris Craft, acting as administrative judge, heard a state motion to clarify whether Brown or Colton should hear the matter. Craft said he lacked authority to resolve the matter. Still, he criticized Brown's handling of the case and accused defense attorneys of forum shopping.

Colton pursued the issue again last week when he ordered transcripts of that hearing to be filed with the clerk's office.

Concerns revolve around former Ray attorney Jack McNeil. After the appeals court dismissed Ray's petition, he filed a motion to set the time and place of test-firing. McNeil wrote Brown's name on the top of the document when filing it.

Transcripts show Craft found that McNeil violated court rules when he did that.

"This court feels it's extremely important that no attorney be allowed to forum shop and choose which judge of our 10 Criminal Courts that an

attorney feels should hear a particular matter," Craft said.

"I know as a lawyer and as a judge, you don't blame us if we feel like we're getting justice somewhere, we try to stay there," McNeil told Craft at one point.

But McNeil also said he wrote Brown's name on the motion after a clerk asked where it should be filed. Denying he'd acted improperly, McNeil noted that while the appeals court dismissed Ray's petition it "remanded" the case "back to Judge Brown."

Prosecutor Campbell said he believes McNeil did that to ensure the motion was heard by Brown.

Chastain counters that prosecutors, who asked Craft and the appeals court to consider sending the case back to Colton, were trying to pick a judge: "They're indulging in the very forum shopping the defense attorneys were accused of."

Charlie High, disciplinary counsel for the Tennessee Board of Professional Responsibility, which handles complaints about lawyer misconduct, said he would need to examine details more closely.

"I don't know if I'd call that forum shopping," High said. "I would want some pretty strong evidence to show he tried to get it assigned to that court."

Has Judge Brown improperly received and stored court documents in his office?

Three weeks ago, Colton appointed University of Memphis law professor Mike Roberts as a special master to investigate the jurisdiction question and Brown's handling of the case.

Colton ordered Criminal Court Clerk Bill Key to seize Ray files after Roberts filed a report alleging Brown had made a "shambles" of the files by keeping them in a sloppy manner. Among Roberts's concerns: Documents were not properly indexed or recorded.

Key delivered the order to Brown's office Friday and said

Brown can return the files at his pleasure. Key also left a letter citing state and local law that makes the clerk the legal custodian of court files.

Key has expressed mixed feelings about Brown's handling of the files. The files were in disarray, Key said, but he wouldn't call them a shambles.

Judges often check out files of cases before them, Key said, but Brown had this file longer than most, about two months. Brown did receive five or six documents from attorneys that should have been filed with the clerk's office, Key said.

Local Rule 6.09 says: "All papers and records of the court shall be under the custody and control of the clerk."

Did Brown violate that rule? "That's a tough question," said Key, who said the files are now in good condition.

Brown said he did nothing improper. He said he seized the file after a sealed document was leaked.

"I've never heard of anything like this before," he said of Colton's order, calling it "unprecedented." Brown has accused Colton of doing the bidding of local Republicans.

Colton denied that, saying he's just doing the job voters elected him to do.

Has Brown gone too far in investigating Ray's claims?

One prosecution motion before the court asks Brown to dismiss a defense motion to retest the rifle. Granting more testing may constitute an abuse of discretion to examine evidence, prosecutors claim.

"This authority (to test evidence) is discretionary and not unlimited," the appeals court said in its April ruling. "... There is no abuse of discretion in this case assuming the trial court sets proper terms and conditions for the custody and testing of the physical evidence for both the petitioner and the state."

The appeals court also said it was premature to reopen Ray's petition, saying he would have to rely on a narrow avenue available under state law:

"To reopen the petition for post-conviction relief, the petitioner must present new scientific evidence that establishes actual innocence."

Prosecutor Campbell contends the defense had its chance to test the rifle, saying testing should not be indefinitely strung out until attorneys "get the result they want."

Law professor Kritchevsky said it's tough to draw a precise line limiting a judge's discretion. Similarly, it's difficult to make a judgment on prosecutor claims that Brown has conducted heavy-handed examinations of expert witnesses.

But overall, the proceedings appear puzzling, she said: "It's hard to even figure out what the point of it is."

JOHN COLTON JR.

Age: 59

Position: Criminal Court judge

Birthplace: Memphis

Education: University of Memphis, BS, 1961; law degree, 1964

Career: Deputy Shelby County Criminal Court clerk, 1962-64; assistant Shelby County public defender, 1965-1976; private practice, 1978-90

Political experience: Shelby County delegate to 1971 Tennessee constitutional convention. Elected Criminal Court judge, 1990.



JOE BROWN

Age: 50

Position: Criminal Court judge

Birthplace: Washington

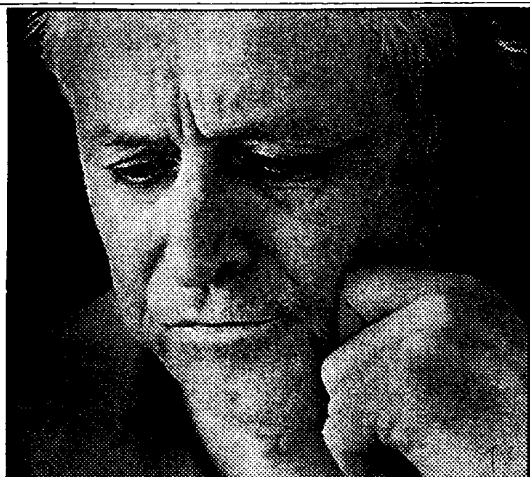
Education: University of California at Los Angeles, BA, 1970; JD, 1973

Career: Legal services attorney, 1973-75; Memphis city prosecutor, 1975-77; City of Memphis chief public defender, 1977-78; private practice, 1978-90

Political experience: Ran for General Sessions judge in 1988. Elected Criminal Court judge, 1990.



(Mount Clipping in Space Below)



James Earl Ray

Doctors say Ray has 4-6 months to get liver

By Marc Perrusquia
The Commercial Appeal

James Earl Ray appears eligible for a liver transplant and may live just four to six months if he does not get one, a leading organ transplant surgeon said Tuesday.

The University of Pittsburgh Medical Center has quietly conducted medical tests on Ray, 69, despite a judge's June ruling that the confessed assassin of Dr. Martin Luther King Jr. cannot travel to Pennsylvania for an examination.

Prison records show Dr. Wallis Marsh of Pitt's Thomas E. Starzl Transplantation Institute examined Ray in June at the DeBerry Facility in Nashville.

That examination and a review of Ray's medical records "at least points to (the possibility) he would be a reasonable candidate," said Dr. John Fung, chief of transplantation surgery at Pitt. Doctors still are awaiting results of heart and liver evaluations, Fung said.

"He's not any worse than most of the patients we receive," Fung said.

In a letter to be mailed next week to state officials, Fung also provides the first public explanation on how Ray may have developed cirrhosis of the liver: Ray suffers from hepatitis C, a condition that can weaken the liver over time.

Fung said Ray apparently contracted hepatitis from a blood transfusion in 1981 following Ray's prison stabbing, allegedly by three black inmates and a white accomplice.

Ray, who is white, was stabbed more than 20 times that year during an assault at Brushy Mountain prison, where he carried the infamy of having assassinated America's

foremost civil rights leader.

"It is my medical opinion that Mr. Ray be given an opportunity to undergo a liver transplantation. Without it, he will surely die," Fung said in an Aug. 4 letter to the Tennessee Board of Paroles.

Ray's lawyer, Andrew Hall of Wartburg, Tenn., is holding the letter and plans to forward it to the state as part of an application for clemency on grounds of terminal illness. Ray has been in critical condition several times since briefly slipping into a coma eight months ago.

But as a legal windstorm brews over Ray's contention he was framed for King's 1968 murder in Memphis, Fung's letter indicates Ray is not ready to give up yet.

"We consider him only a moderate risk (for surgery), although if his condition continues to worsen, his risks will increase," Fung's letter said.

In June, Ray's long-shot bid for a new liver stumbled when Davidson County Chancellor Irvin H. Kilcrease Jr. said prison officials lacked legal authority to allow Ray to travel to Pittsburgh for tests.

Ray, who is serving a 99-year sentence, is incarcerated at the Lois DeBerry Special Needs Facility in Nashville. Claiming he was coerced to plead guilty in 1969, he's been engaged in a months-long effort to prove that someone planted the hunting rifle found with his fingerprints on it near the scene of King's 1968 murder.

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Doctors say Ray has 4-6 months to get liver

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Ray faces a hearing Friday before the Tennessee Court of Criminal Appeals, which halted court proceedings in Memphis after Atty. Gen. John Knox Walkup charged that two judges overstepped their power to investigate Ray's claims.

Underlying the legal battle has been the understanding that Ray is near death's door.

Yet Ray has at least temporarily rebounded, his brother said.

"He's doing a lot better," said Jerry Ray, 62. "He's read this stuff all about the liver. It tells you what to eat and what not to eat."

James Ray has cut meat and soft drinks out of his diet and often fasts a couple days at a time to ease the strain on his liver, his brother said.

Ray's hepatitis was diagnosed two to three years ago, but he "has never been treated

for his hepatitis C," Fung said.

Department of Correction spokesman Pam Hobbins declined comment, citing inmate medical confidentiality.

Fung said Tuesday he was surprised Ray is still alive, considering he was in a coma in December. Among other ailments, Ray is suffering from malnutrition and muscular atrophy, yet still may qualify as a transplant candidate, Fung said.

Ray possibly could live another nine or 10 years with a transplant, Fung said.

Performing more types of organ transplants than any center in the world, Pitt often accepts patients rejected by other centers. Although the public tends to frown on organ transplants for felons, Pitt has provided kidney and liver transplants to about 20 inmates.

"We don't judge patients by their social worth," said Lisa Rossi, a Pitt medical center spokesman.

Even if Ray is medically fit for a transplant, politics and

finances could prevent it. The operation could cost \$100,000.

Vanderbilt University in Nashville rejected Ray for consideration this year, but state attorneys noted in June that Ray's attorneys hadn't contacted the state's other transplant center, the University of Tennessee, Memphis.

Wayne Chastain, local co-counsel for Ray's defense, said Tuesday he believes lead attorney William Pepper of Great Britain has contacted UT-Memphis. Dr. Osama Gaber, director of the UT-Memphis transplantation program, said he believed a request has been made, but could not provide details Tuesday. Pepper was unavailable for comment despite calls to his London home and office.

Chastain also has filed an amended motion in Nashville to allow Ray to travel out of state, but he said no court date has been set.

To reach reporter Marc Perrusquia at 529-2545 or E-mail perrusquia@gomemphis.com

(Mount Clipping in Space Below)

Ray battle in state appeals court

By Marc Perrusquia
The Commercial Appeal

Battle lines were drawn Tuesday for an appellate court hearing this week on James Earl Ray's quest to get out of prison.

State and defense attorneys filed written legal arguments to be considered Friday by the Tennessee Court of Criminal Appeals in Jackson.

The appeals court last week halted local court proceedings on Ray's claim he was framed for Dr. Martin Luther King Jr.'s 1968 murder in Memphis.

Now, lawyers will battle to determine if Ray's complicated legal claims go any further.

"This matter has an extensive and convoluted procedural history," Tennessee Solicitor General Michael E. Moore and deputy Atty. Gen. Kathy Morante said, starting out a 16-page brief detailing their opposition to continued Ray hearings.

Serving a 99-year sentence, Ray, 69, claims someone planted the hunting rifle found with his fingerprints on it near the scene of King's murder.

Claiming he was coerced

to plead guilty in 1969, Ray is trying to withdraw that plea and get a trial. Criminal Court Judge Joe Brown allowed Ray's defense to test-fire the rifle in May, but results were inconclusive.

Brown is considering a second test-firing.

The state contends Brown and fellow judge John Colton Jr. overstepped their power to investigate Ray's claims, violating constitutional separation of powers. Among concerns is a Brown order requiring the FBI to produce four test bullets it fired from the King rifle in 1968 and a Colton order to subpoena witnesses with information about an alleged conspiracy to kill King.

"Investigation and prosecution of crime is left to the discretion of the district attorney general working in conjunction with the grand jury," the state's brief said.

In their own 16-page brief, defense attorneys said the FBI test bullets should have been requested by prosecutors in 1969 when they prepared for a possible trial.

To reach reporter Marc Perrusquia, call 529-2545 or E-mail him at perrusquia@gomemphis.com

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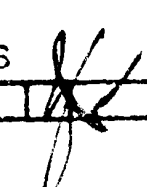
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(Mount Clipping in Space Below)

UT rejects Ray for transplant, says he's too old

By Marc Perrusquia
The Commercial Appeal

The University of Tennessee, Memphis, will not consider James Earl Ray for a liver transplant because he's too old, a surgeon said Wednesday.

Dr. Osama Gaber, director of the UT-Memphis transplantation program, said Ray's attorneys recently inquired about a possible transplant but were rejected.

"He was outside our protocol," Gaber said, saying the school does not provide liver transplants for patients over 65. Ray is 69.

"That's the major reason," Gaber said. "That's the very same reason Vanderbilt turned him down."

Vanderbilt University in Nashville rejected Ray, who has cirrhosis of the liver, earlier this year.

Ray, who is serving a 99-year sentence for the 1968 assassination of Dr. Martin Luther King Jr., has four to six months to live if he does not receive a transplant, said Dr. John Fung, chief of transplantation surgery at the University of Pittsburgh Medical Center, which is considering Ray for a transplant.

Pitt conducts more organ transplants than any center in the world and accepts many patients rejected by other centers. Fung said Pitt has performed liver transplants for patients as old as 77.

The rejection by UT-Memphis means Ray's only option for a transplant may be at Pitt. Tennessee officials said they would consider allowing Ray to travel for medical procedures inside the state, but a judge ruled in June that Ray could not leave the state.

Ray attorney Wayne Chastain has asked the judge to reconsider. No court date has been set. Chastain said he plans to talk with lead attorney William Pepper on Friday about the matter.

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FBI DOJ

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State hopes to assure Kings of Ray's guilt

By Marc Perrusquia
The Commercial Appeal

Dist. Atty. Gen. Bill Gibbons Friday told Dr. Martin Luther King Jr.'s younger son, Dexter, that prosecutors want to meet his family and detail why they believe James Earl Ray is guilty of King's assassination.

Gibbons and King met privately for about 15 minutes while awaiting an appeals court decision on prosecutors' efforts to end Ray's latest bid to prove he was framed for Dr. King's 1968 murder in Memphis.

Although they still seem to disagree over Ray's guilt or innocence, both men indicated a follow-up meeting may be coming.

"I offered to spend a day with him if necessary," Gibbons said after the meeting. A presentation to the King family, in Memphis or Atlanta, would spell out the state's evidence against Ray, which prosecutors say is overwhelming.

King, who visited Ray in prison in March and says he believes he's innocent, said of Gibbons's offer: "I may take him up on that."

But King, whose allegiance remains strong with Ray attorney William Pepper, said he differs with Gibbons in his concept of appropriate closure in the case.

"What I urged to him is that I would be most comfortable with a new trial," King said. "They ought to let common, educated, intelligent people who can hear the facts and, with reason and logic, make a determination. I can live with that."

Serving a 99-year sentence, Ray, 69, has been trying to get a trial since almost the day he pleaded guilty in 1969.

At Pepper's urging, King's

family called for a trial in February and has embraced Pepper's controversial theory that elements of the federal government murdered the civil rights leader.

Pepper's credibility took a blow in July on a nationally televised news program when a former Green Beret soldier confronted him over a supposed murder plot Pepper had detailed in a 1995 book. The soldier, who Pepper claimed had been killed to ensure his silence, later sued for libel. The case is pending.

On Friday, King called the confrontation on ABC's *Turning Point* "an ambush" and said he still has "every confidence" in Pepper.

Minutes before meeting with Gibbons, King said: "The state continues to be obstructionist" in blocking a trial for Ray. "I always thought and grew up watching *Perry Mason* and everything else that the state protects the rights of the victims. In this instance, the victims are basically being told, 'Look, we know what's best.'"

Gibbons said that, while it's possible others could have helped kill King, Ray is guilty. He said his office continues to investigate leads about the possible involvement of others, but declined to elaborate.

Evidence against Ray includes his fingerprints on a rifle and binoculars found near the murder scene and his fleeing the country afterward.

"I made our position pretty clear," Gibbons said. "We think he's guilty. He's where he ought to be (in prison) and we're going to fight to make sure he stays there."

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FBI/DOJ

(Mount Clipping in Space Below)

Man tells court Southaven and airport have no right to his home

By William C. Bayne
The Commercial Appeal

In a courtroom bristling with security, Bill Cockrell on Friday reiterated his charges of fraud against the City of Southaven and the Memphis and Shelby County Airport Authority for attempting to seize his family's house in Southaven.

"We have a right to life, liberty and property and to be free from harassment. It's time to stop this now," Cockrell said, his voice charged with emotion.

Circuit Court Judge George Carlson took the case under advisement after the 47-minute hearing. He said he would render a verdict soon.

Cockrell, 54, was accompanied by Carolyn Cockrell, 47, his wife, and their 10-year-old son, William Jeffrey Cockrell, who owns the house at 8767 Woodbine. The family had appealed a 1996 eviction order stemming from an eminent domain case in 1995 in which Southaven was given the right to seize the house.

The house is one of the few remaining structures in what was termed the "airport buyout area" surrounding Memphis International Airport. After purchasing most of the homes

and buildings in the buyout area beginning in 1987, the airport authority donated all of the buyout area in Southaven to the city for use as a park.

DeSoto County Sheriff James Albert Riley said he was pleased there were no incidents. His security plan showed at least nine uniformed officers in and around the courtroom, including one armed with an automatic rifle loaded with a 30-round magazine; a metal detector for all people entering the room; and a patrol helicopter circling the courthouse.

"I'd rather be prepared and have nothing happen than to have to tell people that I'm sorry because we didn't do enough," Riley said. "We don't want anyone to get hurt. I think our precautions were appropriate."

On Jan. 30, a threat by an attorney representing the city to bulldoze the house brought a group of men claiming to be members of various state militia organizations to the Cockrell defense. Some of those men were armed.

Militia members, who see Cockrell as an embattled victim of state and municipal aggression, were back in support Friday. Drew Malone of Little Rock said seizures of private

(Indicate page, name of newspaper, city and state.)

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Title: Man tells court Southaven and Airport have no right to his home

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property by government are wrong and must be stopped.

"I'm a landowner in Arkansas, Louisiana and Texas, and I don't want any of my property taken," he said.

Steven Hall, a militia member from Oakland, Tenn., accused the news media of "too much liberal slant." He pledged to return in support of the Cockrell family if the court rules in favor of the city.

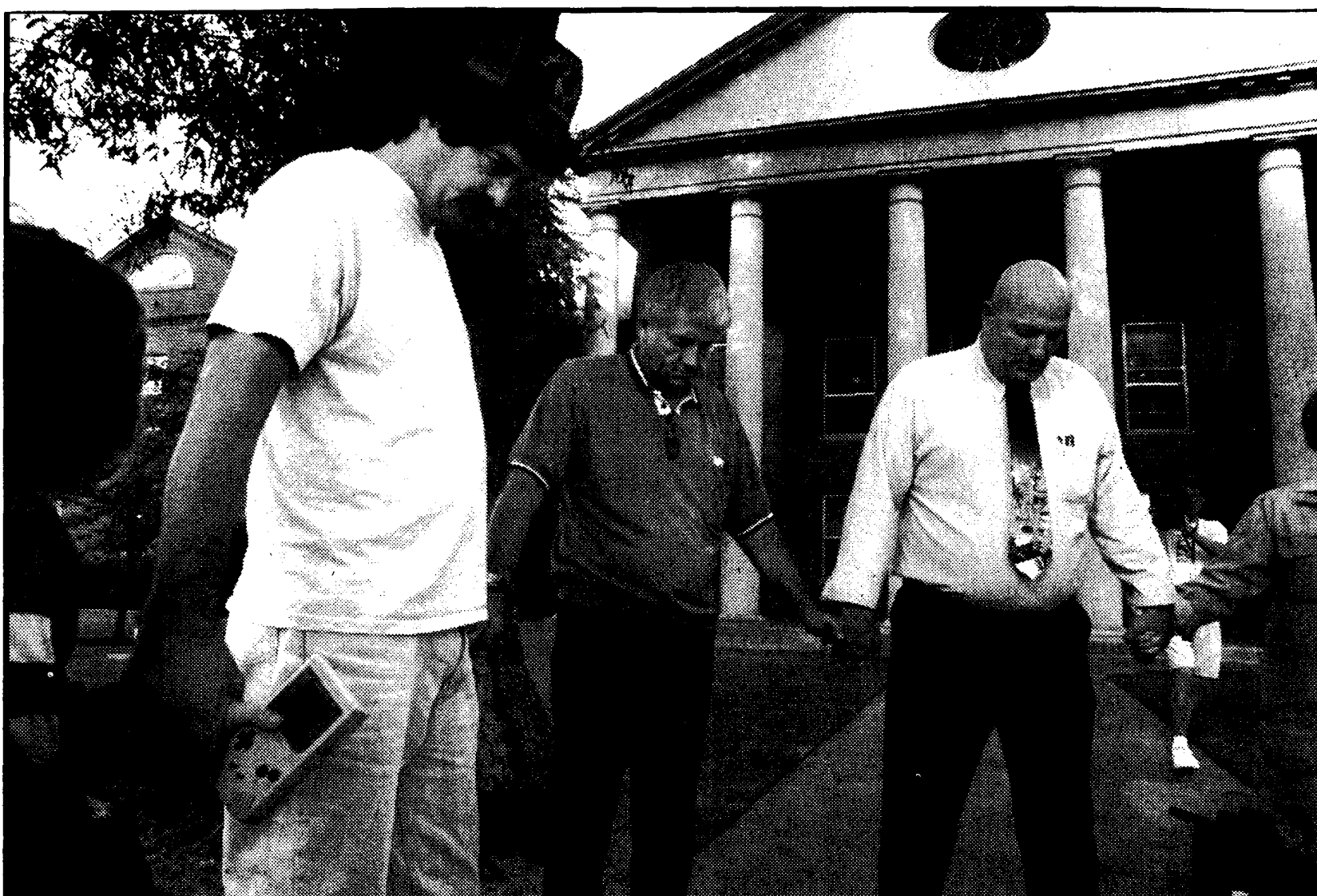
Cockrell, who claims to be self-taught as a lawyer, has filed countless documents with the courts and accused Southaven officials of racketeering and conspiracy in their attempts to obtain the home.

Mark Sorrell, the attorney representing the City of Southaven, said the city has followed proper procedure. "Most of the arguments presented (by Cockrell) are ludicrous," he said. "The City of Southaven was legally awarded this property. The city owns this property although it is not in possession at this time."

Cockrell vowed to take the case to the Mississippi Supreme Court and to the U.S. Supreme Court if the ruling favors the city.

MEDIA REP. YH

44-1987-760 FBI/DOJ



By Mike Maple

Bill Cockrell (center) and supporters — Mike Overstreet of Lake Claiborne, La. (left), and Drew Malone Raines III of Little Rock — pray Friday morning before entering the DeSoto County Courthouse in Hernando, Miss.

(Mount Clipping in Space Below)

Court admonishes 2 judges in Ray case; more rifle tests OK'd

By Marc Perrusquia
The Commercial Appeal

Rifle-testing in the James Earl Ray case can continue, but a Shelby County judge cannot call witnesses regarding an alleged plot to assassinate Dr. Martin Luther King Jr., an appeals court ruled Friday.

A three-judge panel of the Tennessee Court of Criminal Appeals sharply criticized Criminal Court Judges Joe Brown and John Colton Jr., who have wrangled to control proceedings on Ray's claims that he was framed for King's 1968 murder in Memphis. The panel said Colton and Brown overstepped their power to in-

vestigate Ray's claims.

The court, meeting in Jackson, voided Colton's recent order giving subpoena power to University of Memphis law professor Mike Roberts to investigate an alleged conspiracy. The judges said Colton did not have jurisdiction to act and had usurped prosecutors' authority to investigate crimes.

Colton indicated through a spokesman late Friday he may appeal to the Tennessee Supreme Court.

While taking Brown to task for some of his actions, the court ruled that, under narrow conditions, he may continue supervising tests on the rifle Ray says was planted to frame him. Ray, 69, is serving a 99-year sentence and is trying to withdraw his 1969 guilty plea

after eight previous attempts that courts dismissed.

Friday's decision voided Brown's order that the FBI turn over four test bullets from the King rifle. The court also said Ray, not the state, must pay the cost of testing.

The judges questioned Brown's handling of the case, and reserved their harshest comments for him: "The function of a judge is to determine controversies; a judge is a fair and impartial adjudicator, not an investigator. In this regard, we find that Judge Joseph B. Brown Jr. has crossed the line."

In a written order, the court enumerated seven ways Brown exceeded his authority, including criticizing prosecutors as "singularly opposed" to

(Indicate page, name of newspaper, city and state.)

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FBI/DOJ

THE RULING

■ Voided Criminal Court Judge John Colton Jr.'s recent appointment of University of Memphis law professor Mike Roberts as special master and said Colton could not give Roberts subpoena power to investigate a possible conspiracy.

■ Said Criminal Court Judge Joe Brown cannot require the FBI to produce four test bullets from the suspected King assassination rifle in 1968.

■ Allowed Brown to continue supervising tests on the rifle under narrow parameters.

■ Sharply criticized Brown and Colton, saying both overstepped their powers.

discovering the truth and receiving sealed documents, "creating an appearance of secrecy."

Brown was not available for comment late Friday.

But Dexter King, son of the slain civil rights leader, criticized prosecutors for trying to block the truth.

"We support this judge," King, 37, told reporters outside the Jackson courtroom. "We think it's very unfortunate that after he really starts getting close (to the) truth in this case that he's being attacked."

King flew in from Atlanta, but did not speak during the 45-minute hearing. King, who says Ray is innocent and sup-

ports a trial, said he attended as the representative of a victim's family seeking justice.

He was not alone. Toting a sign that read, "We Support Judge Joe Brown," Memphian Coby Smith said he too believes the truth behind King's assassination is being suppressed. Smith, 51, in 1968 was a member of the Invaders, a group of young black Memphis activists who met and at times differed with King over sanitation strike tactics in the days before his death.

Acting on an appeals court ruling in April, Brown allowed Ray's defense to test-fire the .30-06 hunting rifle found with Ray's fingerprints on it near the scene of King's murder.

Tests were inconclusive in

determining if the rifle fired the bullet that killed King, but Brown has been considering a second test-firing.

Colton got involved last month when he appointed Roberts to review Brown's handling of the matter. As judge in Criminal Court's Division 3, where Ray pleaded guilty, Colton asserted jurisdiction.

Friday's ruling, however, noted that Ray's most recent post-conviction petition was appropriately assigned by rotation to Brown's Division 9. "This ends our inquiry into the appropriate division. No action is pending in Division 3," the court said.

Reached late Friday, Roberts said he is considering filing an appeal on Colton's behalf.

Roberts said state attorneys made a "gross misstatement" in characterizing him as a special prosecutor who would usurp the district attorney general's powers.

"I had received allegations of

a conspiracy to kill Dr. King," he said. "Colton felt he had a legal and ethical duty to preserve testimony." That involved taking testimony under oath and sealing it and "nothing more."

In arguments before the court, Deputy Atty. Gen. Kathy Morante said a court may not investigate crimes, which is a prosecutor's job. Such actions violate separation of powers and threaten "the liberty of the people," she said.

The appeals judges agreed, finding Colton had "encroached upon the constitutional province of the executive branch of government."

Ray's attorney, William Pep-

per, agreed Colton should not be involved, but told the panel Brown's Aug. 11 order telling the FBI to turn over the 1968 test bullets was necessary because the state had never bothered to ask for them.

The judges questioned why the state should help overturn a conviction it believed just.

Concerned that the state may wind up paying for tests that already have cost about \$18,000, the court ordered that Ray's defense cover the cost. King said later he "would certainly consider" helping.



At the Tennessee Court of Criminal Appeals in Jackson Friday morning, Dexter King (right), son of Dr. Martin Luther King Jr., talks with (from right) Shelby County Dist. Atty. Gen. Bill Gibbons, his Asst. Dist. Atty. Caran Curry, and Mark Glankler of the West Tennessee Regional Violent Crime & Drug Task Force. The four spoke after a hearing to evaluate the actions of two Memphis judges in an ongoing investigation of King's assassination in 1968 and James Earl Ray's persistence of his innocence in the slaying.

By Kent Phillips

(Mount Clipping in Space Below)

Ray to use 1969 death of judge as basis for refiling his release bid

By Marc Perrusquia
The Commercial Appeal

Attorneys today plan to open yet another legal bid in James Earl Ray's continuing efforts to get out of prison.

Lawyers Mark Lane and Andrew Hall say they will file a petition in Nashville seeking Ray's release pending a trial. At issue is a technical matter involving the 1969 death of a Memphis judge.

Days after pleading guilty to the assassination of Dr. Martin Luther King Jr., Ray sought to withdraw that plea in a letter to Shelby County Criminal Court Judge W. Preston Battle. Battle died of a heart attack days later, before he could rule on Ray's request.

A petition to be filed this afternoon in Davidson County Chancery Court contends state law allows a new trial when a judge dies while considering such a motion. The petition seeks Ray's "immediate release" on bond.

The Tennessee Supreme Court rejected a similar petition by Ray in 1970, but Hall says the justices then did not consider the law involving a judge's death.

"He has an automatic right to a trial," Hall said Monday from his Wartburg, Tenn., office.

Ray, 69, recently has been trying to withdraw his guilty plea in a separate court action in Memphis. Ray claims someone planted the hunting rifle found with his fingerprints on it on April 4, 1968, near the scene of King's murder.

The Tennessee Court of Criminal Appeals ruled Friday that Criminal Court Judge Joe Brown may continue supervising those proceedings, yet admonished Brown and fellow Judge John Colton Jr. for exceeding their authority to investigate Ray's claims.

Serving a 99-year sentence, Ray has an advanced liver disease, and a doctor says he has perhaps six months to live.

The merits of Ray's legal bid in Nashville remain to be seen, yet lawyers made it clear they expect to intensify efforts as Ray moves closer to death. To publicize the new bid, Lane hired a California public relations firm, which moved an announcement Monday over news wires.

Lane and Hall have not been involved in the rifle-testing controversy. Lane, 70, of Wash-

Please see RAY, Page B2

From Page B1

Ray

ington, a longtime conspiracy buff who wrote one of the first books on the Kennedy assassination, represented Ray in 1978 hearings before Congress.

Hall, who has represented Ray in civil suits, obtained a clemency application for Ray earlier this year and plans to file it this month with the Tennessee Board of Paroles.

The substance of their petition is a March 26, 1969, letter to Battle two weeks after Ray

pleaded guilty in which Ray says: "I would respectfully request this court to treat this letter as a legal notice of an intent to ask for a reversal of the 99-year sentence."

Battle died five days later. His successor, Arthur C. Faquin, denied Ray's motion. The Tennessee Supreme Court also rejected the request, saying Ray "knowingly and intelligently" pleaded guilty and had voluntarily waived his right to appeal.

"I think they're barking up the wrong tree," lead Ray prosecutor John Campbell said Monday of Ray's latest bid. "By

pleading guilty, you waive a (right to) a trial."

But Hall said the 1970 Supreme Court ruling didn't consider a state law that says a defendant gets a new trial if the judge dies while considering a motion. The law says: "When a vacancy in the office of trial judge exists by reason of death . . . a new trial shall be granted to the losing party if the motion has been filed."

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MEDIA REP.

FBI/DOJ

(Mount Clipping in Space Below)

Brown's recusal is sought

Judge 'totally' lacks
impartiality in Ray case,
says prosecutor motion

By Marc Perrusquia
The Commercial Appeal

Prosecutors asked Wednesday that Criminal Court Judge Joe Brown step down from the James Earl Ray case, contending he's made false statements, engaged in questionable conversations with defense attorneys and is "totally lacking" in impartiality.

"The only remedy available . . . is for the Court to disqualify himself from any actions connected to this cause," prosecutors said in a motion filed just before the close of business.

The motion, extraordinary in its criticisms of a local sitting judge, asks that the case be reassigned to another judge or referred to the Tennessee Court of Criminal Appeals to appoint a retired judge to the case.

The request comes after last week's appeals court ruling that admonished Brown and fellow Judge John Colton Jr. for overstepping their power to investigate Ray's claims that he was framed for Dr. Martin Luther King Jr.'s 1968 murder in Memphis.

Brown said late Wednesday he hadn't read the motion, but he indicated he disagreed with prosecutors' claims.

"You can file anything you want to, that's your privilege," he said. Brown said "history will judge" if he's acted impartially, but said, "Some of those (claims) are allegations, rather than what actually happened."

Brown has conducted hearings into Ray's claims he was framed and ordered test-firings of the rifle suspected of killing King this spring. Those tests were inconclusive, as were tests in 1968 and 1978.

Ray, 69, who is serving a 99-year sentence, claims someone planted the hunting rifle found with his fingerprints on it April 4, 1968, near the

(Indicate page, name of
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MEDIA REP. _____

FBI/DOJ

From Page B1

Ray

scene of King's murder.

In separate legal action in Nashville late Wednesday, a hearing on another Ray request for a trial was canceled. At the request of Ray's defense, Davidson County Chancellor Ellen Hobbs Lyle transferred the case to Criminal Court in Nashville. No new hearing date has been set on that Ray request, which is based on a technicality involving the 1969 death of a Memphis judge.

Last week, the appeals court was particularly critical of Brown, finding he had exceeded his authority in seven ways. Concerns included ordering the FBI to produce four test bullets fired from the King rifle in 1968, criticizing prosecutors as "singularly opposed" to discovering the truth and receiving sealed documents filed with him instead of the clerk's office, thus creating "an appearance of secrecy."

Still, the court rejected a state motion to discontinue the rifle-test proceedings, saying Brown could continue supervising them.

Acting on the ruling, Wednesday's strongly worded motion, filed by prosecutors John Campbell and Lee Coffee, asserts Brown has violated judicial ethics. "The Court has intentionally defamed the State and any other perceived threats to 'his case,'" said the seven-page motion filed with

the Shelby County Criminal Court Clerk's Office.

"The intentional politicizing of this case by the Court just makes a controversial case more controversial. The Court is also trying to ferment distrust of the District Attorney General in the community if the State does not adopt a plan of action consistent with the Court's wishes..."

"To make the matter worse, these remarks (about prosecutors' not pursuing the truth) are totally without foundation. The State is left with no recourse to these false statements. There is no instruction from a higher court, no legal fiction to try to correct this problem, that can diminish the taint created by the Court."

Possible violations of judicial canons cited in the memo include speaking publicly about a pending case. The memo refers to comments Brown made in several newspapers, including an article in *The Tri-State Defender* headlined "Judge Joe Brown fires back," in which Brown was quoted:

"The State has not done what it ought to have done in terms of protecting the interest of all the people. . . . What you get to is a political action committee which is Republican in the attorney general's office — all of the prosecutors there are involved in this."

Wednesday's motion also refers to ex parte communications — discussions that may have improperly excluded prosecutors — Brown "has had apparently with the defense." It refers to a June 6 telephone

conversation between Brown and lead defense attorney William Pepper "regarding problems with the rifle testing." The motion also notes that Pepper and local co-counsel Wayne Chastain were seen coming from Brown's office Aug. 19.

Chastain said he knew nothing of the June 6 telephone call. He said he and Pepper went to Brown's office last month to inspect records, but "Brown wasn't there."

"They're desperate," Chastain said of the prosecutors. "They don't like Judge Brown. They haven't liked him since he's been on the bench because he isn't a member of their club."

Brown, 50, a former defense attorney, has rankled prosecutors at times with his decisions since he was elected to an eight-year term in 1990.

Chastain noted that appeals court Judge Paul G. Summers asked state attorneys during Friday's hearing whether they were asking Brown to recuse himself or to be involuntarily recused. Deputy Atty. Gen. Kathy Morante said no. Morante said after the hearing that the appellate ruling meant Brown could order more rifle tests if he desired.

"They had an opportunity to raise this before the Court of Criminal Appeals — they did not," Chastain said.

Campbell declined comment Wednesday, saying the motion speaks for itself.

Call reporter Marc Perrusquia at 529-2545 or E-mail perrusquia@gomemphis.com

(Mount Clipping in Space Below)

Hearing may finally be the end of the line for James Earl Ray

By Marc Perrusquia
The Commercial Appeal

James Earl Ray today faces what could be his last stand in a 28-year quest to get out of prison.

State attorneys will ask the Tennessee Court of Criminal Appeals at a 10 a.m. hearing in Jackson to shut down Memphis court proceedings on Ray's claim he was framed for Dr. Martin Luther King Jr.'s assassination.

Ray has been asking for a trial almost since the day he pleaded guilty in 1969. He claims he was coerced and set up as a fall guy for King's 1968 murder in Memphis. Prosecutors counter that not only is Ray guilty, he has manipulated the legal system for years.

A decision from the three-judge panel on whether to pull the plug on the Ray proceedings isn't expected for at least a week or two. Some sense an

ending may be near.

"It seems to go on forever with no resolution," said King biographer David J. Garrow of Atlanta, who has closely followed recent court developments in Memphis but says he remains perplexed by them.

"The combination of all of the infighting among Ray's lawyers, in tandem with all of the infighting between the judges, makes the entire story a sort of a bizarre freak show ... where nothing is ever decided and nothing ever ends."

At 69, Ray suffers an advanced liver disease, and a doctor says he has perhaps six months to live. Now, Ray's long struggle has come to a central question: How far can a judge go to investigate a crime?

The state contends Criminal Court Judges Joe Brown and John Colton Jr. overstepped their judicial power by acting to investigate Ray's claims. Prosecutors cite Brown's order

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that the FBI produce four test bullets fired from the suspected King murder rifle in 1968 and Colton's grant of subpoena power to a law professor to investigate an alleged conspiracy behind King's murder.

The appeals court temporarily halted all proceedings Aug. 18, acting on an appeal by Atty. Gen. John Knox Walkup. The appeal came hours after Colton authorized University of Memphis law professor Mike Roberts to subpoena witnesses with information on an alleged conspiracy. The appeals court issued a temporary halt, or emergency stay, saying Colton and Brown "have so far departed from the accepted and usual course of judicial proceedings as to require" intervention.

Ray's attorneys disagree, saying prosecutors fear the judicial scrutiny is getting too close to the truth.

"Judge Brown conducted each and every hearing within the permissible (legal) parameters," defense attorneys said in a written legal argument.

The defense brief addresses only Brown's actions. Colton ef-

fectively will be without a voice today because the appeals court rejected a Roberts motion to file arguments on the judge's behalf.

The state wants the appeals court to halt further proceedings until Ray files a petition in accordance with Tennessee's Post-Conviction Procedure Act, which restricts defendant appeals "to impose some measure of finality" in criminal cases.

Over the years, Ray has filed and lost eight state and federal appeals. Should Ray file a new petition, the state says, it should be dismissed because it cannot comply with the law.

Orders by Brown and Colton "if permitted to stand would create a new process cut out of whole cloth for setting aside convictions long since final," state attorneys said in a brief, contending Brown and Colton "lack any legal authority" because Ray has no active petition before the courts.

The appeals court in April dismissed Ray's latest petition, but said the local trial court had "inherent" powers to examine evidence. Brown then allowed the defense to test-fire the rifle Ray claims was planted with his fingerprints on it near the King murder scene.

Results were inconclusive, but Brown is considering a sec-

ond test-firing.

The state contends actions by Colton and Brown usurp its authority to investigate and prosecute criminal acts. That argument relies partly on a 1995 appellate decision rejecting a defendant's claim that prosecutors acted vindictively when they charged him with three counts of second-degree murder after a 1990 East Tennessee traffic accident.

Prosecutors are officers of the executive branch and "the courts are not to interfere with the free exercise of this discretionary authority in their control over criminal prosecution," the court ruled.

Two of the judges hearing today's arguments are former prosecutors and one is a career judge with an interest in judicial ethics. They are: Paul G. Summers, 47, former District Attorney General in Fayette County who's served on the appeals court since 1990; David G. Hayes, 54, former District Attorney General in Obion and Weakley counties and a member of the appeals court since 1994; and Joe G. Riley, 49, former Circuit Court judge in Dyer and Lake counties.

(Mount Clipping in Space Below)

Judge grants hearing on Ray's trial request

By Marc Perrusquia
The Commercial Appeal

James Earl Ray will get a hearing on a new request for freedom, a judge ruled Tuesday.

Yet, in granting a hearing Thursday in Nashville, Davidson County Chancellor Ellen Hobbs Lyle questioned whether she has authority to rule on Ray's latest request: a new trial based on a technicality involving the 1969 death of a Memphis judge.

"Chancery Court has no jurisdiction in criminal matters," but has limited power to act on inmates' requests for freedom, Lyle said in a written order. State and defense attorneys were ordered to appear before Lyle to address her concerns.

Ray, 69, is seeking to withdraw his 1969 guilty plea in the murder of Dr. Martin Luther King Jr. in Memphis. Ray has been trying to prove that some-



one planted the hunting rifle found with his fingerprints on it April 4, 1968, near the scene of King's murder.

Now, in a separate legal action, Ray contends he is entitled to a trial because Shelby County Criminal Court Judge W. Preston Battle died in 1969 before he could rule on Ray's request to overturn his guilty plea and 99-year sentence.

The law in place at the time said: "When a vacancy in the office of trial judge exists by reason of death . . . a new trial shall be granted to the losing party if the motion has been filed within" 30 days. Ray wrote his request to Battle 16 days after he pleaded guilty.

The law was changed in 1996.

Five days after receiving Ray's letter, Battle died. Battle's successor, Ar-

thur C. Faquin denied Ray's motion. In 1970, the Tennessee Supreme Court also rejected it.

But Ray lawyer Andrew Hall of Wartburg, Tenn., said the courts never considered the state law requiring a new trial when a judge dies.

"Legally, it should be a cakewalk," Hall said. But, he said, politics may keep Ray from getting a trial. Sharon Curtis-Flair, spokesman for Atty. Gen. John Knox Walkup, declined comment.

Lyle's order noted that circuit and criminal court judges have authority to hear writs of habeas corpus (actions by prisoners alleging wrongful imprisonment). Lyle said chancery courts may consider writs in "cases of equitable cognizance," or cases in which fairness prevails, rather than strictly formulated rules.

Hall said he filed the case in chancery court because it is an equity court.

Hall and co-counsel Mark Lane are seeking to expedite

Ray's request because he is suffering from cirrhosis of the liver. Ray has three to six months to live if he does not get a transplant, according to Dr. John Fung, chief of transplantation surgery at the University

of Pittsburgh Medical Center.

Ray is seeking immediate release on bond pending trial.

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MEDIA REP. 

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FBI/DOJ

(Mount Clipping in Space Below)

Brown decides today on recusal in Ray case

By Marc Perrusquia
The Commercial Appeal

Criminal Court Judge Joe Brown will decide today whether to step down from the James Earl Ray case.

Brown told attorneys Thursday he will act promptly on allegations by prosecutors that he's lost his impartiality to supervise hearings in Memphis.

"I'll be looking at it tonight," Brown said late Thursday, saying he expects to file a written ruling by midafternoon.

In Nashville, meanwhile, Ray was confronted with another delay in his continuing efforts to gain freedom.

Davidson County Criminal Court Judge Cheryl Blackburn told Ray's attorneys she wants state attorneys to review a defense petition seeking Ray's release before she considers granting a hearing, and said she may summarily dismiss it.

Ray, 69, who is serving a 99-year sentence, is waging legal battles in Memphis and Nashville to overturn his 1969 guilty plea for the assassination of Dr. Martin Luther King Jr.

Brown has supervised the hearings in Memphis, where Ray is trying to prove someone planted the hunting rifle found with his fingerprints on it April 4, 1968, near the scene of King's murder.

Brown allowed Ray's defense to test-fire the rifle in May, but results were inconclusive and Brown is considering more tests.

Following an appellate court ruling last week admonishing Brown for overstepping his au-

thority to investigate Ray's claims, prosecutors asked Wednesday that the judge recuse himself.

That led to more fireworks Thursday, when prosecutors and defense attorneys traded more accusations.

"The ink is hardly dry on the appellate court's decision when the District Attorney General again renews its campaign to defame this Honorable Court and impugn the actions and motives of Petitioner's coun-

sel," defense lawyer Wayne Chastain said in a written response to the prosecution motion.

Chastain said Brown should "promptly dismiss" the state motion and order more test-firing.

But prosecutor Lee Coffee said Brown must step down, saying Ray has been given ample opportunity to prove his claims.

"This coward assassinated one of the most important people in the world. I don't care if he might die tomorrow," Coffee said, referring to a doctor's report that Ray, sick with a liver ailment, may have six months to live.

"That coward pleaded guilty to save his neck from the electric chair," Coffee said.

Brown, often outspoken, this time offered little insight into how he will rule. "It's intrigu-

ing," he said.

In Nashville, Blackburn said she would consider hearing a Ray petition seeking a trial, a request based on the 1969 death of a Memphis judge who died before he could rule on Ray's motion to withdraw his guilty plea and get a trial.

Attorneys for Ray claim a state law in effect at the time should have given Ray a new trial.

But Blackburn also said she may summarily dismiss the petition for failing to make the proper legal claims.

"The way she said it, she basically is going to dismiss it," said a dejected Andrew Hall, Ray's attorney from Wartburg, Tenn.

Hall said he will consider filing an amended petition claiming Ray's sentence was voided by the judge's death, saying he remains hopeful Ray may get a hearing next week.

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FBI/DOJ

(Mount Clipping in Space Below)

Brown mum on status in Ray case

By Marc Perrusquia
The Commercial Appeal

Criminal Court Judge Joe Brown did not file a ruling Friday on a prosecution request that he remove himself from the James Earl Ray case.

Brown said Thursday he would answer by Friday prosecutors' contention that he has exhibited a bias in supervising recent hearings.

Ray, 69, claims he was framed for Dr. Martin Luther

late Friday, despite calls to his home and cell phone.

In Nashville, meanwhile, attorney Andrew Hall continued a second battle for Ray's freedom. Hall filed an amended motion that seeks Ray's release based on the 1969 death of a Memphis judge.

A state law in effect then said a defendant gets a trial if a judge dies before ruling on a motion for a new trial. Criminal Court Judge W. Preston Battle died five days after receiving a letter from Ray asking to overturn his guilty plea and 99-year

King Jr.'s 1968 assassination when someone planted the rifle with his fingerprints on it.

Friday morning, Brown's secretary said the judge might file a ruling by the end of the day or perhaps on Monday. But throughout the afternoon, no one answered the judge's office phone, and nothing had been filed in the clerk's office by the close of business.

"We were expecting him to file today so we would know how to proceed Monday," said prosecutor John Campbell.

Brown could not be reached

sentence.

The amended motion claims an order by Battle's successor denying a trial is void. The addition was made after Davidson County Criminal Court Judge Cheryl Blackburn suggested Ray's earlier petition lacked proper legal claims. Blackburn said state attorneys will get five days to review Ray's petition before she decides whether to grant Ray a hearing.

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(Mount Clipping in Space Below)

Judge will decide if James Earl Ray petition is heard

A Nashville judge will hear legal arguments next week to determine if James Earl Ray is entitled to proceed with a petition seeking his release.

Davidson County Criminal Court Judge Cheryl Blackburn set a Sept. 18 hearing on a petition Ray filed this month. Ray, 69, who is serving a 99-year sentence for the assassination of Dr. Martin Luther King Jr., is waging legal battles in Nashville and Memphis to overturn his 1969 guilty plea.

In Nashville, Ray claims his sentence is void because a judge died in 1969 before he could rule on a motion for a trial. In an order Tuesday, Blackburn said she will, for now, consider only whether Ray stated a proper claim in his petition, not whether he should be released.

Also Tuesday, former Tennessee Court of Criminal Appeals Judge Charles Galbreath asked to file a friend-of-the-court brief on Ray's behalf. Galbreath, who retired in 1978 following controversy about his use of profanity in court and for writing a supportive letter to the pornographic magazine, Hustler, represented Ray on an appeal in 1979.

In Memphis, meanwhile, former Ray attorney Jack McNeil has been mailing letters to "persons with information" of a possible conspiracy in King's death, asking them to present information to a grand jury Sept. 25.

—Marc Perrusquia

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FBI - MEMPHIS	

MEDIA REP.

FBI/DOJ

(Mount Clipping in Space Below)

Claims of threats, misunderstanding muddy Ray probe

By Marc Perrusquia
The Commercial Appeal

Prosecutors said Wednesday they've asked University of Memphis law professor Mike Roberts to share information he has gathered on a possible conspiracy to kill Dr. Martin Luther King Jr.

But the request grew into a controversy with Roberts claiming he's been threatened with criminal charges for withholding information and prosecutors calling it a misunderstanding.

The flareup started Friday when Dist. Atty. Gen. Bill Gibbons wrote a letter to Roberts, who was briefly appointed by Criminal Court Judge John Colton Jr. last month to explore allegations of a conspiracy.

"... You have indicated that you have uncovered evidence of a criminal conspiracy," Gibbons said in a Sept. 5 letter. "... We expect you to come forward with your information promptly so it can be investigated by the proper authorities."

Roberts responded in a letter Monday claiming an investigator in Gibbons's office had threatened to charge him with obstruction of justice if he didn't tell what he knew.

"In my opinion, people in your office have chosen to threaten me as a way of attacking Judge Colton," Roberts wrote.

In a followup letter Wednesday, Roberts said prosecutors may not be seriously exploring a possible conspiracy: "I have serious questions about my ethical duties in revealing allegations made by citizens claiming the killing of Dr. King was not being adequately investigated."

The controversy led to a meeting Wednesday between Gibbons and an attorney representing Roberts. Attorney Russell C. Winston said Roberts now will seek an opinion from the Tennessee Board of Professional Responsibility, which polices lawyer conduct, to determine what he should do with his information.

Prosecutor John Campbell, meanwhile, said there was no threat to charge Roberts, characterizing the incident as a misunderstanding.

"It's gotten out of hand," said Campbell, the lead prosecutor handling James Earl Ray's recent efforts to withdraw his 1969 guilty plea for King's murder.

The district attorney general's office has been exploring various allegations of conspiracy since former Memphian Loyd Jowers told a national television audience in 1993 he received money to have King murdered.

Roberts, 52, got involved in the case in July when Colton appointed him as special master to investigate fellow Judge Joe Brown's handling of

Ray's claims he was framed.

Last month, Colton granted Roberts subpoena power to explore a possible conspiracy, but that order was voided when the Tennessee Court of Criminal Appeals said Colton and

Brown had overstepped their power to investigate Ray's claims.

Winston, however, said the matter poses an unusual ethical dilemma: "In 20 years of practicing law I've never had a question come up like this."

Roberts declined comment, saying only, "No good deed goes unpunished."

In a related matter, Brown said through his secretary Wednesday he may not answer prosecutors' request he recuse himself until Friday or perhaps next week.

(Indicate page, name of newspaper, city and state.)

Date: September 11, 1997
Edition: The Commercial Appeal

Title: Claims of threats, misunderstanding muddy Ray probe

Character:
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"No good deed goes unpunished."

—Mike Roberts

"It's gotten out of hand."

—John Campbell

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MEDIA REP.

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FBI/DOJ

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Critics hard on King's son Dexter

Special to the Tri-State Defender

This is a hard one to write, inasmuch as I have to scold what may be Black America's first family: the survivors of the Rev. Dr. Martin Luther King Jr.

But it has to be said, so here goes. Dexter King, son of Martin Luther King Jr., is a sap. There's simply no other word for it. And just because Dexter is Dr. King's son doesn't make him any less of a sap. The truth is, Dexter's dad had some sappy moments of his own.

Take, for example, the elder King's well-known statement during the civil rights struggle in which he suggested to White racists that they could beat, bludgeon, shoot, hang and bomb Black folks, who would be forgiving of all these atrocities. King then delivered the ultimate in sappy remarks when he said, "If blood must flow, let it be our blood."

Quintessential sappiness, but Martin Luther King was not alone. Nor is his son. Each of us struggles daily in a never-ending war between our brilliant selves and our sappy selves. For most of us, the war is private. Dexter King chose to go public with his.

It happened March 27. King traveled to a prison hospital in Nashville, Tenn., where the man who was convicted of killing his father 29 years ago is dying of a liver illness. Dexter King and James Earl Ray met before television cameras and had a conversation that, according to news reports, went something like this:

Dexter King: Did you kill my father?

James Earl Ray: No, no. I didn't.

Dexter King: Well, as awkward as this may seem, I want you to know that I believe you and my family believes you, and we are going to do everything in our power to try and make sure that justice will prevail.

Hold the phone there, a sec, Dex. While losing your dad must have been a trauma-



Ray



Dr. King

tizing experience, surely you realize Martin Luther King Jr. belonged to the entire nation.

There are those of us who felt shock, grief and pain that terrible April 4 night in 1968 when we heard the news that Martin Luther King Jr. had been shot and killed in Memphis. We felt the anguish and the rage.

There may be some of us who are not so willing to accept Ray's denial without further questioning. Ray's simple answer "No, no. I didn't," doesn't begin to tell what he knows about the King assassination. You should have been less forgiving and more inquisitive, Dex, and gone after Ray thusly:

Well, if you didn't do it, who the hell did? I know you know, so tell me, you worthless scamboogah. Denying being the actual shooter doesn't mean you weren't involved.

How did you get to London after the shooting, where you were found two months later? Who gave you the financial and logistical help necessary to pull your escape off? And if you're innocent, why did you light out like a cat in a pit bull pound?

The House Committee on Assassinations found in 1978 that you stalked my father for over a year? Why? How did you know what city he'd be in and when? How'd you

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know he'd be in Memphis? And how did you know he had switched accommodations from the Riverfront Holiday Inn to the Lorraine Motel?

Ray's denial just inspires a wealth of other questions. He is, if not the assassin of Martin Luther King Jr., at least an accessory to his death. How did this small-timer escape from prison in 1967 and then find the means to stalk King for a year? Escaped convicts do this on a regular basis, do they?

Some reports say Ray shot King to collect a \$50,000 contract on the civil rights leader's head. If so, why does he wait a year? Why doesn't he pop King after one month, or one week for that matter? It's only logical to assume he could have used the money sooner as opposed to later.

Conspiracy buffs would have us believe that Ray is totally innocent, that he had nothing to do with the crime. Conservative talk show host and author Tony Brown, in his book "Black Lies, White Lies," suggests that Army intelligence units were in Memphis on April 4, 1968, conducting surveillance on King.

But this was the late '60s. Government agencies were spying on everybody. Watching somebody and actually killing them are worlds apart.

No, the man who knows the most about the assassination of Dr. Martin Luther King Jr. is lying in a prison hospital in Nashville, only months away from dying. It's time he told the full truth about what he knows. And he knows more than he's told.

MEDIA REP.

(Mount Clipping in Space Below)

Judge: Test Ray rifle

(Indicate page, name of newspaper, city and state.)

Date: *April 19-23, 1997*
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Ballistics tests may finally prove if James Earl Ray murdered Dr. King

by Larry Reeves

Tri-State Defender Staff Writer

Shelby County Criminal Circuit Court Judge Joe Brown, at week's end ordered that the alleged rifle used by James Earl Ray to murder the late Dr. Martin Luther King Jr., be tested on Monday.

Brown's decision came on the heels of an attempt by prosecutors to remove him from making such a decision.

Brown's ruling now shifts the burden of proof to the weapon. He made the decision to test the rifle last month after defense attorneys for convicted assassin Ray argued successfully that the rifle had never been tested for validity and that Ray had never received a trial.

Prosecutors earlier this week pleaded that such a decision regarding the testing of the rifle belongs to Division 3, where Ray pleaded guilty in 1969, and where Judge John Colton Jr. now presides.

Asst. District Attorney Gen. John Campbell claimed the state's motion had nothing to do with Brown, but instead involves adherence to rules governing criminal court cases.

"Once a case has been assigned, all matters in the case shall be heard in that division," Campbell reportedly said. Brown is assigned to Division 9.

"This is not just for us to get this away from Judge Brown. If it winds up being in his division, that's fine," Campbell said. "The rule is pretty clear. And I'm not going to be involved in basically taking a case away from another judge."

Campbell's motion now sits before Criminal Court Judge Chris Craft, who also serves as administrative judge for Shelby County's criminal courts. No hearing had been set at deadline.

There still remains a possibility that Brown's decision to test the rifle can be overturned prior to Monday's testing. But that would call for an emergency hearing. Brown nor Craft could not be reached for comment.

MEDIA REP. 

RIFLE

Continued from Front Page

Campbell said that post convictions can be filed in other divisions, but matters such as testing of evidence should be heard in the original division.

Ray is seeking the trial he was never afforded although at the time of his arrest, he chose not to go to court.

Now Ray's attorney's want to conduct high-magnification tests on the 30-06 Remington hunting rifle prosecutors say was the weapon that killed Dr. King.

The FBI never tested the weapon and no ballistics from the rifle has ever been examined.

Dr. King's family is supporting Ray's efforts to seek a trial, believing all along that Ray couldn't have acted alone. The controversy has spawned criticism from the mainstream press, who have suggested that the King family is "being spoofed" by the real killer.

FBI/DOJ

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Ray loses another petition for new trial

By Marc Perrusquia
The Commercial Appeal

NASHVILLE — James Earl Ray lost another bid for freedom Thursday when a judge dismissed his petition for a new trial based on the 1969 death of a Memphis judge.

It took Davidson County Criminal Court Judge Cheryl Blackburn just 30 minutes to toss out Ray's petition.

In what amounted to a preliminary hearing, Blackburn said Ray was not entitled to a full hearing because his attor-

neys provided nothing to prove Ray is improperly serving a 99-year sentence for Dr. Martin Luther King Jr.'s 1968 murder in Memphis.

"You have not presented me any evidence," Blackburn told Ray attorney Andrew Hall.

Hall contended that Ray's 1969 guilty plea should be voided because Shelby County Criminal Court Judge W. Preston Battle died of a heart attack three weeks after sentencing Ray.

Battle had been considering letters Ray wrote seeking to withdraw his plea. A state law in effect then said a defendant

is entitled to a new trial if a judge dies before ruling on a motion for a trial.

Blackburn said the law, which changed in 1996, no longer applies.

After the hearing, Hall said he may appeal, but he said Ray's legal options are running out as his health continues to slip.

"James Earl Ray is running out of life," Hall said. "He's going down. The last couple times we've seen him, he's getting worse."

Ray, 69, is suffering advanced cirrhosis of the liver. A doctor said in early August that

Ray may have three to six months to live.

A second group of lawyers has been trying to prove in a Memphis court that Ray was framed when someone planted a rifle with his fingerprints on it.

A court-ordered test-firing of the rifle in May was inconclusive, and efforts for a second test-firing have stalled amid legal wrangling.

Hall said he will file a clemency application next week on grounds Ray is dying. Hall said he also may request a medical furlough in which Ray could get a liver transplant and acute

care, but said the chances of the state allowing that are "slim and none."

After the hearing, Hall was asked what options Ray had left.

"Escape," he quipped, referring to his client's 1967 escape from a Missouri prison and his brief escape in 1977 from Tennessee's Brushy Mountain prison.

"He ain't in a ... position to do that, though."

To reach reporter Marc Perrusquia call 529-2545 or E-mail perrusquia@gomemphis.com

"James Earl Ray is running out of life. He's going down. The last couple times we've seen him, he's getting worse."

—Andrew Hall

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MEDIA REP.

(Mount Clipping in Space Below)

TBI orders records of investigators who hinted at King plot

By Marc Perrusquia
The Commercial Appeal

The Tennessee Bureau of Investigation issued subpoenas Thursday to two Memphis private investigators who say they have details on a possible conspiracy to murder Dr. Martin Luther King Jr.

The subpoenas require detectives John Billings and Ken Herman to meet Monday with TBI agents and to bring "all papers, books, records, agreements, documents and any other information in your possession concerning the assassination of Dr. Martin Luther King Jr."

The subpoenas were issued at the request of Dist. Atty. Gen. Bill Gibbons, who said this week he is seriously exploring conspiracy allegations regarding King's 1968 murder in Memphis.

"This is part of our investigation," said prosecutor John Campbell, who's handling confessed assassin James Earl Ray's continuing efforts to get out of prison. "People have made statements publicly they have information about the killing of Dr. King, and we intend to see what they have to say."

Billings said he believes the subpoenas were issued to counter an effort by him and others to present conspiracy claims to the Shelby County Grand Jury independent of

prosecutors. Billings and former Ray attorney Jack McNeil tried to meet Thursday with grand jury foreman Herbert W. Robinson, but were told to come back at a later date.

"They freaked out," Billings said. Billings, 49, said he offered information to prosecutors three years ago, but they didn't want it.

Herman, 60, who shared information with prosecutors last spring, had a similar reaction: "They're afraid something's going to show up in a grand jury... they're not aware of."

Campbell said the subpoenas were "in the works long before McNeil showed up today." It was unclear whether others would be subpoenaed, and Campbell said he could not discuss details. The subpoenas were issued under a state law that allows the TBI to take formal statements from witnesses at a district attorney general's request.

Herman and Billings in the past have worked for Ray defense lawyer William Pepper and investigated a New York man Pepper claims is the mysterious Raoul who Ray says set him up. The detectives also have explored claims by former Memphian Loyd Jowers, who claimed he received money to have King killed.

To reach reporter Marc Perrusquia call 529-2545 or E-mail perrusquia@gomemphis.com

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Cab driver, 2 private eyes give statements in King case

By Marc Perrusquia
The Commercial Appeal

Three Memphians gave statements Monday to investigators exploring conspiracy allegations in the death of Dr. Martin Luther King Jr.

The Tennessee Bureau of Investigation took sworn statements from private detectives John Billings, Ken Herman and cab driver Nathan Whitlock.

Prosecutor John Campbell said authorities will evaluate the statements to determine if more witnesses should be subpoenaed.

"We'll see what stories we get," Campbell said.

Dist. Atty. Gen. Bill Gibbons said last week he's seriously exploring whether King's 1968 murder in Memphis was the work of conspirators or confessed assassin James Earl Ray acting alone. Ray, 69, who's serving a 99-year sentence, claims he was framed, but his 1969 guilty plea has been upheld by eight appeals and congressional investigation.

Herman, 60, said he gave the TBI a 12-page statement recounting how witnesses had told him Loyd Jowers had a life in his cafe in the hours after the assassination. In 1968, Jowers, now 70, ran a greasy spoon restaurant directly below the second-story flop house where Ray allegedly fired the shot that killed King.

Herman and Billings, 49, worked for a time with Ray defense lawyer William Pepper, whose conspiracy theories have stirred wide criticism.

Whitlock, who waited for several hours Monday outside TBI offices at 5350 Poplar, showed up with a stack of legal documents and photographs of Frank Liberto, a now deceased produce dealer. Whitlock claims Liberto once told him he had King killed.

The FBI in 1968 investigated a tip about Liberto's possible involvement, but dismissed it for lack of evidence.

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give statements in King case

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Jury panel to review conspiracy charges in King death

Will decide if grand jury to investigate

By Marc Perrusquia
The Commercial Appeal

A three-person panel of the Shelby County Grand Jury will review conspiracy allegations in the murder of Dr. Martin Luther King Jr., the grand jury's foreman said Thursday.

Herbert W. Robinson Jr. said lawyer Jack McNeil gave him several affidavits alleging a conspiracy in King's 1968 assassination in Memphis.

By law, Robinson and two other jurors will review the evidence before deciding if the grand jury will investigate.

"Once we get the two people chosen, I'll set up the time when we can go through it," Robinson said.

Tennessee law allows private citizens to apply to the grand jury to present evidence of criminal acts.

The development marks the first time a grand jury has agreed to look into conspiracy allegations in King's death. Confessed assassin James Earl Ray, who's serving a 99-year sentence, claims he was framed, although he pleaded guilty and his conviction has been upheld through eight appeals and a congressional investigation.

"This should be an automatic indictment," McNeil said, despite assertions by some that the allegations are nonsense.

McNeil is trying to bring charges against two people: Former Memphian Loyd Jowers, 70, who claimed in a nationally televised interview in 1993 he received money to have King killed, and a 63-year-old New York man whom conspiracists claim is the mysterious Raoul who set Ray up.

"Here it is, the crime of the century," McNeil said. "The ball is in (Dist. Atty. Gen.) Bill Gibbons's court now." Gibbons said this month he's conducting his own investigation of conspiracy claims.

Prosecutor John Campbell said Thursday the grand jury development will not affect the attorney general investigation.

Evidence presented to Robinson includes a videotape of Jowers's interview with the ABC News program *PrimeTime Live*.

Jowers's attorney, Lewis Garrison, said TBI agents contacted some of Jowers's relatives Wednesday. "He's afraid he's going to be indicted," Garrison said. Garrison said he plans to ask the King family next week to sign a petition seeking immunity for Jowers. King's younger son, Dexter, said in a letter he supports immunity for Jowers if he tells what he knows, Garrison said.

Garrison said his client contends several Memphis police officers were involved.

Evidence given to Robinson also includes a five-page affidavit from Booneville, Miss., resident Glenda Grabow, who claims she knew Raoul and Jack Ruby, who was convicted of killing presidential assassin Lee Harvey Oswald in 1963. Grabow seems to imply that the New York man and Ruby were involved in President John F. Kennedy's assassination.

"This is nonsense," said Memphis attorney David Wade, who represented the New York man in a lawsuit Ray brought against him in 1995 for alleged false imprisonment.

MEDIA REP. 

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Title: *Jury panel to review conspiracy charges in King death*

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FBI/DOJ

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James Earl Ray in fair condition

James Earl Ray was up-graded Thursday to fair condition, a hospital spokesman said.

Ray, 69, confessed assassin of Dr. Martin Luther King Jr., was admitted Wednesday in serious condition to Columbia Nashville Memorial Hospital. Ray has been in the hospital eight times since December.

Ray has cirrhosis of the liver, and a doctor said in August he may have three to six months to live.

—Marc Perrusquia

(Indicate page, name of newspaper, city and state.)

Date: *October 31, 1997*
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Title: *JAMES EARL RAY*

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FBI MEMPHIS <i>[Signature]</i>	

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James Earl Ray back in prison

NASHVILLE — James Earl Ray, the confessed assassin of Dr. Martin Luther King Jr., was returned to jail Friday after a two-day hospital stay.

Ray, 69, who suffers from cirrhosis of the liver, was transferred from Columbia Memorial Hospital at 11:50 a.m., Department of Correction spokesman Pam Hobbins said.

He was hospitalized Wednesday afternoon in serious condition and was upgraded to fair condition Thursday after undergoing tests.

Ray has been hospitalized eight times since December.

—The Associated Press

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The Commercial Appeal

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Prosecutors want to talk to Dr. King's son

44-1987

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Prosecutors want to talk to Dr. King's son

By Marc Perrusquia
The Commercial Appeal

Shelby County prosecutors say they want to know more about a recent meeting between Dr. Martin Luther King Jr.'s son Dexter and Loyd Jowers, the former cafe owner who claims he was involved in King's assassination.

Dist. Atty. Gen. Bill Gibbons sent a letter to Dexter King Tuesday asking for details after prosecutors received information King had met with Jowers late last month in Nashville.

A prosecution task force is re-examining Dr. Martin Luther King's 1968 murder in Memphis and, in an odd twist, King's son now might be a ma-

terial witness. "We're intending to talk to him," said John Campbell, lead prosecutor on the case. "I'd like to know what Mr. Jowers told him."

Dexter King, 37, could not be reached Tuesday, despite two calls to the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta, where he is chief executive officer.

Jowers's attorney, Lewis Garrison, said he could not confirm a meeting had occurred, referring questions to King.

Campbell said he hopes King will tell authorities what Jowers told him. If not, a subpoena could be issued ordering King to tell what he knows, he said. "There's no need to do anything else (other than the letter) right now," Campbell

said. "I'm going to assume he's going to cooperate."

Jowers, 71, told a national television audience in 1993 that he received \$100,000 from a now-deceased produce dealer with reputed mob connections to arrange King's murder.

In 1968, Jowers operated Jim's Grill, a cafe on South Main directly below the second-story roominghouse where prosecutors say confessed assassin James Earl Ray fired a rifle through a window, striking King as he stood across the street on the balcony of the Lorraine Motel.

Since the 1993 interview on the ABC-News show *Prime Time Live*, Jowers has said several Memphis police officers were involved in planning King's murder, attorney Garri-

son said. Jowers claims the officers met at least twice at Jim's Grill in the days before King's April 4, 1968, assassination, Garrison said.

Former Dist. Atty. Gen. John Pierotti received Jowers's story skeptically four years ago, calling it a "sham and a fraud." A witness has said Jowers's story may have been motivated by income he hoped to get through book or movie deals.

Gibbons, who became Shelby County's top prosecutor last year, has reopened the case amid Ray's continuing claims he was framed.

To reach reporter Marc Perrusquia call 529-2545 or E-mail perrusquia@gomemphis.com

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FBI/DOJ

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Lawyers strategize to win freedom for James Earl Ray

By Marc Perrusquia
The Commercial Appeal

Attorneys are preparing another legal salvo in the continuing effort to win freedom for James Earl Ray.

Lawyer Andrew Hall said Wednesday he plans to file a new motion next week to set aside Ray's 1969 guilty plea for the assassination of Dr. Martin Luther King Jr. Hall said he will argue Ray was mentally incompetent when he pleaded, suffering from isolation and harassment in the Shelby County Jail.

Hall, who has represented Ray in a variety of civil matters for eight years, may be joined by University of Memphis law professor Mike Roberts.

Roberts said he'll represent Ray provided he has no ethical conflicts. Roberts briefly served this summer as a special master appointed by Criminal Court Judge John P. Colton Jr. to investigate a possible conspiracy in King's murder.



Mike
Roberts

Roberts met Wednesday with prosecutor John Campbell, who said he sees no conflict for Roberts provided the case is not heard in the court's Division 3, where Colton serves.

Roberts said he's hired an ethics attorney for guidance.

Ray, 69, is slowly dying of liver disease, and lawyers have made several recent bids to win a trial and at least temporary freedom for a possible liver transplant. Recent bids include arguments that the murder rifle found with Ray's fingerprints on it was planted and that he was improperly blocked from retracting his plea in 1969.

To reach reporter Marc Perrusquia call 529-2545 or E-mail perrusquia@gomemphis.com

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Date:
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MEMPHIS, TN

Title:

King case investigators
check New Yorker said to be
Character: 'Raoul'

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MEMPHIS

44-1987-780

Indexing:

King case investigators check New Yorker said to be 'Raoul'

By Marc Perrusquia
The Commercial Appeal

A Shelby County prosecution task force is in New York this week investigating allegations that a retired wine importer may have played a role in the 1968 assassination of Dr. Martin Luther King Jr..

A prosecutor confirmed Tuesday that a four-man squad of investigators is checking claims by conspiracy theorists that a 63-year-old New York man is the mysterious "Raoul" who supposedly set up confessed assassin James Earl Ray as a fall guy.

"They're looking into the Raoul allegations," said John Campbell, the lead prosecutor opposing Ray's continuing efforts to get out of prison. "They're going to talk to a lot of people."

Ray, 69, who's serving a 99-year sentence, pleaded guilty

to King's murder in 1969 but has claimed since that he was framed by a man he knew only as Raoul. A congressional investigation concluded in 1979 that Ray shot King and that his Raoul story was "unworthy of belief."

Citing new evidence, Ray's lawyer, William Pepper, filed suit against the New York man in 1994 in Shelby County Circuit Court, naming him as the mysterious Raoul who is responsible for Ray's false imprisonment. The suit, which was sealed and never publicly named the man, was dismissed on technical grounds.

The man, whose first name is Raul, told The Commercial Appeal in January that he never knew Ray and doesn't under-

stand why he was sued.

Campbell said work records show the man, a Portuguese immigrant who once ran a wine importing business, was working in a New York auto factory the day King was killed in Memphis.

Dist. Atty. Gen. Bill Gibbons decided to re-examine King's murder this fall after King's family and others questioned Ray's involvement. The task force includes representatives of the Memphis Police Department, Shelby County Sheriff's Office, Tennessee Bureau of Investigation and Gibbons's office.

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James Earl Ray liver transplant status may be announced today

By Rob Johnson
The Commercial Appeal

Attorneys for James Earl Ray, the confessed assassin with a failing liver, are expected to announce in Pittsburgh today the status of their client's longshot bid for an organ transplant.

But any announcement would come amid a thicket of medical and legal ramifications that, as of Tuesday, was extremely tangled.

The Atlanta Journal-Constitution reported that Dr. John Fung, chief of the University of Pittsburgh's division of transplantation surgery, plans to announce today that the confessed killer of Dr. Martin Luther King Jr. has been cleared to receive a new liver.

On Tuesday, a hospital

spokesman said Fung will do no such thing.

"My understanding is that Ray's lawyers are staging a press conference tomorrow. But Dr. Fung will not be participating. No one from the University of Pittsburgh will be participating, but we will be issuing a statement," said Lisa Rossi, a hospital spokesman.

"The approval process is not totally complete, so he's not on the waiting list," she said. "It's up to the transplant program to make the judgment and to place a patient on the national waiting list."

Fung has maintained Ray is a viable transplant candidate but only if it can be done quickly. In August, Fung gave Ray six months to live.

The 69-year-old Ray would also have to be "financially cleared," Rossi said. And that requires a \$278,000 deposit.



James
Earl Ray

needs state prison in Nashville most of this year. He's suffering from the hepatitis C he contracted from a blood transfusion he received after being stabbed 22 times in a 1981 prison attack.

Despite his confession and guilty plea, he claims he was framed for King's murder in 1968. Legal efforts to win Ray a new trial intensified this year

Ray's chief legal counsel, London attorney Dr. William Pepper, couldn't be reached Tuesday for comment.

Ray, who is serving a 99-year sentence, has been incarcerated at a special-

as his liver began to fail.

Assuming Ray's supporters can raise the funds and Pittsburgh puts him on the waiting list, Ray would still have to find a way to get to Pennsylvania.

Ray does not meet Tennessee's liver transplant requirements, and in June, a Davidson County Judge ruled Ray couldn't leave the state for medical procedures.

Pam Hobbins, spokesman for the Tennessee Department of Correction, said the prison must respect the judge's order.

"James Earl has applied for a medical furlough, but that has not been decided yet," Hobbins added. "That is going through the proper channels, just like any other inmate."

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DEC 15 1997

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Ray's lawyer says fundslacking for transplant

By Marc Perrusquia
The Commercial Appeal

James Earl Ray's lawyer said Wednesday that virtually no money has been raised for Ray's hoped-for liver transplant.

William Pepper, the London-based attorney for Dr. Martin Luther King Jr.'s confessed assassin, held a press conference in Pittsburgh to discuss his client's ailing liver, but failed to get a doctor's announcement that Ray has been accepted into the University of Pittsburgh Medical Center's transplant program.

The Atlanta Journal-Constitution reported Tuesday that Dr. John Fung, chief of transplantation surgery at UPMC, would announce Ray's acceptance into the program.

Fung "was not at the press conference. It was never his intention to be there," said Lisa Rossi, UPMC spokesman.

Instead, the medical center issued a statement saying that while it considers Ray medically qualified, he must raise a \$278,000 deposit before he can be accepted and placed on an organ waiting list.

Ray, 69, claims he was framed for Dr. Martin Luther King Jr.'s 1968 assassination in Memphis. Serving a 99-year sentence, Ray has cirrhosis of the liver and has been given just months to live.

Pepper noted the time pressure on efforts to gain Ray a transplant and said Rev. James Lawson, who was with King when he was killed, is leading a fund-raising campaign. King's family supports the operation but has not contributed money, Pepper said.

Though Ray has applied for a medical furlough, he faces other hurdles. A judge ruled in June that Ray could not leave the state for medical treatment, and transplant centers in Tennessee have declined to evaluate Ray.

To get a transplant, Ray also must demonstrate he can receive proper post-transplant care once he's returned to prison, Rossi said.

Such intensive care would

have to be paid by Ray, not the state, said Pam Hobbins, Tennessee Department of Correction spokesman.

(Indicate page, name of newspaper, city and state.)

Date: November 27, 1997
Edition: The Commercial Appeal

Title: Ray's Lawyer Says Funds Lacking for Transplant

Character:

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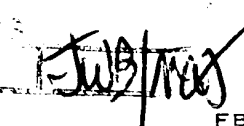
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FBI MEMPHIS



FBI/DOJ

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King scrutiny a myth, say agents here in '68

Army intelligence was worried about riots, they recall

By Marc Perrusquia
The Commercial Appeal

Army intelligence agents monitored Dr. Martin Luther King Jr.'s public appearances here before his murder but had no foreknowledge of the assassination, say retired agents who were here.

The agents, speaking publicly for the first time, said conspiracy theorists have misinterpreted and twisted the purpose of their confidential 1968 Memphis mission. That mission had less to do with King and more with watching for outbreaks of violence during the city's volatile sanitation strike, they said.

Newly declassified reports show at least four agents with the Atlanta-based 111th Military Intelligence Group were in Memphis on April 4, 1968,

when King was shot by a sniper while standing on the balcony of the Lorraine Motel.

The 111th sent as many as 10 plainclothes agents to Memphis after a March 28, 1968, riot erupted during a march King led in support of the strike, according to reports obtained under the Freedom of Information Act.

Some of the 111th's visits here in March and April 1968 coincided with King's arrivals and departures, the documents show. Called morning reports, the papers detail the whereabouts of military personnel.

James Earl Ray pleaded guilty to King's murder in 1969, but recanted days later and has spent the past 29 years seeking a new trial. His efforts, and those of his lawyer William Pepper, have given new life to conspiracy theories about the assassination.

Speculation has swirled for years about the possible presence of Army intelligence agents and Special Forces troops in Memphis when King died. King's family this year

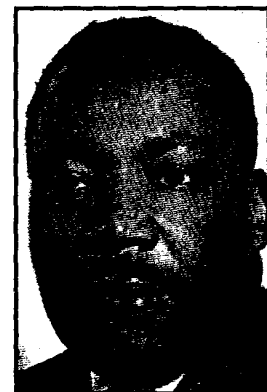
endorsed claims that the Army had stalked the civil rights leader and played a role in his murder.

But five former 111th agents told The Commercial Appeal their mission here was to monitor civil unrest so Washington could determine whether to send troops to quell rioting.

"We were never given any mission to keep King under surveillance. Never," said retired Col. Edward McBride, 79, who oversaw the 111th's Memphis mission from Fort McPherson in Atlanta.

Contrary to conspiracy claims, the agents said they did not watch King's hotel, bug his room or follow him around. Nor did they see any Special Forces troops, the armed guerrilla warfare soldiers popularly known as Green Berets.

The agents said they simply monitored public gatherings,



Dr. Martin Luther King Jr.

MEDIA REP.

44-1987-783 FBI/DOJ

using civilians and sources in the Memphis Police Department and FBI to report when King and others attended rallies.

While it's possible agents crossed paths with King in Memphis, the Army had no interest in trailing him here, said Jimmie Locke, who led the 111th's mission and was in Memphis when King was shot.

"We (took note) when he was in Memphis in his public moves. We knew he was speaking at (Mason Temple the evening of April 3), we knew he was going to march in the parade..." Locke, 67, said in an interview at home in San Antonio, Texas.

"We weren't particularly concerned except that he might be the catalyst for an event of some kind."

The agents' statements are consistent with historical accounts documenting the Army's controversial surveillance of American citizens during the 1960s. Senate hearings in 1971 explored abuses in an Army surveillance program established under President Lyndon B. Johnson after riots in Los Angeles in 1965 and Newark, N.J., and Detroit in 1967.

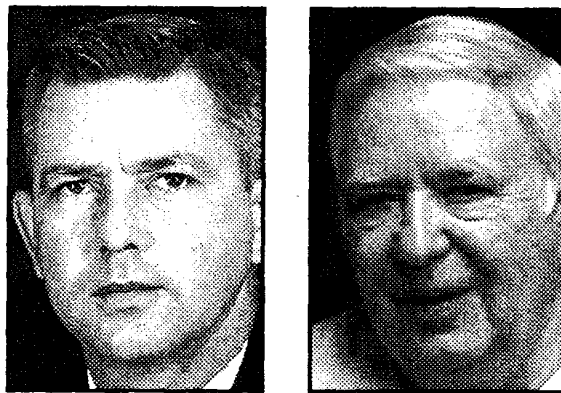
The program, designed to provide the Pentagon with "early warning" of civil disturbances that might require federal troops to subdue, involved sending Army observers to anti-war demonstrations, civil rights rallies and other political gatherings deemed ripe for violence.

At times, Senate investigators charged, the Army exceeded its authority, crossing into improper political surveillance that included filming demonstrators in Chicago and keeping dossiers on civilians.

When caught in such direct surveillance, the Army often denied it, saying it got information from sources such as the FBI, which had jurisdiction for most domestic intelligence and kept intense watch on King.

Secrecy surrounding the operations can make it difficult to get to the truth, said Joan M. Jensen, a retired New Mexico State University professor who has written two books on Army spying on American citizens.

"What happens with secrecy is you can't tell, you can't prove it one way or another," Jensen said. "People can claim things or they can disclaim things, and it's very difficult for journalists or historians to sort it out."



Army intelligence officer Jimmie Locke in 1966 (left); Locke today.

"We weren't particularly concerned except that he (King) might be the catalyst for an event of some kind."

— Jimmie Locke

Complicating matters, the 111th and other Army intelligence units destroyed many records in the wake of revelations about Army spying.

In interviews, however, military historians, former high-ranking Pentagon civilians and top Army intelligence brass all agreed: While Army agents sometimes observed King during public rallies, there is no evidence the Army watched him day-to-day.

"It's fantasy," said Ralph Stein, an analyst with the Army's Counter-Intelligence Analysis Bureau in 1968 and one of the whistleblowers on the domestic intelligence program.

A few 111th reports survived among Memphis police files. They show Army agents expressed an interest in local black militant group the Invaders and helped police check a tip about ammunition and rifles purchased in the hours before King's murder.

But the retired agents dispute surveillance claims in a 1993 story in The Commercial Appeal. Citing unnamed sources, reporter Stephen G. Tompkins said the 111th "shadowed" King in Memphis, using "a sedan crammed with electronic equipment" to monitor radio traffic.

Tompkins also wrote that "eight Green Beret soldiers" were in Memphis on "an unknown mission" the day King died.

Locke and other former agents said the 111th had no vehicle crammed with electronic equipment. As for any Green Berets in Memphis, Locke said as the 111th's Tennessee commander, he would have been apprised of such a mission.

William Pepper, James Earl Ray's defense attorney, used

Tompkins's account and his own un-
n a m e d
sources to
claim in a
1995 book
that Army
agents bug-
ged King's
Memphis
hotel rooms
and took pic-
tures the mo-
ment King
was shot —
claims 111th
agents called
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that the secretive 902nd Military Intelligence Group, which investigated espionage cases and reported directly to the Pentagon, was in Memphis when King was here. Reports for that outfit show no Memphis visits at that time.

Pepper said he is not surprised by the former 111th agents' comments, saying they may not have known about more covert elements of the Memphis mission. He said he stands by his contention that a Special Forces sniper team, coordinated by the 902nd intelli-

gence group, had King and aide Andrew Young in their rifle sights the moment King was shot.

"The truth will come out," Pepper said, referring to new information he said he can't disclose. "I don't quite know how or when or where or what form (but) I think it will happen."

Tompkins, who now works in Georgia, also stands by his account, saying the declassified reports support his story.

Regarding the sedan full of electronics gear, Tompkins said: "That's true. We had plenty of sources.

"I don't see how you can say they were not spying on King if they were in town that day," he said. "The Army denied for years — for years — they were even in Memphis that day."

Eyes and ears

Although it kept a low profile, the 111th ran a three-man Memphis field office for years from the downtown federal building's eighth floor. One of scores of Army intelligence offices dotting the country in 1968, it enabled agents to check the backgrounds of Army personnel seeking security clearances.

The office took on new duties in February 1968 when, amid growing furor over the Vietnam War, the Army amended its civil disturbance plan. Citing fear of a "true insurgency" should foreign "subversive forces develop successful control of the situation," the plan mandated intelligence reports on subversive groups and monitoring of strikes and civil and labor protests.

When Memphis's sanitation strike attracted King's attention in March 1968, it also attracted the Army's.

Gary Gentle, a 111th major stationed in Nashville in 1968, spent eight days here. Gentle first arrived March 17, the day before King's first visit.

On March 18, King addressed a crowd of 13,000 at Mason Temple. He called for a citywide work stoppage by black residents and vowed to return March 22 to lead a massive march.

"It would seem to me that someone with their finger on the pulse of the (situation) would have said this is a potentially explosive situation," Gentle, 61, said in his suburban Atlanta home.

King and Gentle both left Memphis on the 18th. Gentle came back March 21 under orders to stay two days, but he left the same day, morning reports show. A spring snowstorm that dumped 16 inches on Memphis had delayed King's march a week.

On March 28, as King led the snow-delayed march downtown, a riot erupted. More than 60 were injured when police descended on marchers after youths at the rear smashed storefronts along Beale and Main. Amid looting and chaos, police shot at least four, killing a 15-year-old boy.

Locke was in Knoxville, helping officials statewide learn to deal with riots, when he heard of the trouble on the other side of the state.

Locke, who was then a major, remembers telling the conferees: "Gentlemen, it's an exercise no longer. It started."

Locke and four other 111th agents were sent to Memphis on the 28th, morning reports show. Five more arrived the following day. Some, like Lt. William A. Perry, would stay through April 11, a week after King died.

"There was a concern that the black movement was led by Communists" or possibly Communist-influenced, said Perry, 54, explaining his understanding of the mission.

While the Memphis mission was classified, Perry said he didn't see any memos indicating it was a sensitive special operation. Morning reports were stamped "confidential," lowest of three classifications.

Overall, Locke recalled the 111th's work as less than glamorous, not like Vietnam where he received the Army Commendation Medal for intelligence work that included running a brothel as cover to receive a Viet Cong informant's updates.

When Locke took command of the 111th's Region 1 in Nashville in late 1966, he received constant paperwork from agents checking personnel backgrounds from offices throughout Tennessee, Fort Campbell, Ky., and north Mississippi.

"The work was largely routine, never James Bondish," said Locke, who retired in 1974 as a lieutenant colonel.

After the March 28 riot, Locke set up an emergency operation center in the 111th's Memphis office.

Working around the clock in 12-hour shifts, agents fielded calls from others assigned to the Memphis Police Department, the FBI, the Fire Department and the National Guard, which sent 3,800 troops to Memphis under Gov. Buford Ellington's orders.

The agents gathered information on shootings and other activities that might require federal troop deployment.

"All we were doing was simply putting ourselves in the center of places where information would be brought in," said Gentle.

Spy network

By March 30, Memphis had quieted. Mayor Henry Loeb formally rejected President Johnson's offer to help quell the disturbance.

But the Army had already made the decision not to send federal troops, Locke said.

"They got the thing well under control, and so much so that other cities were sending in observers from all over," Locke said. "I cannot praise those National Guard troops enough. They really did a beautiful job."

While Memphis simmered, the FBI and other police agencies kept a wary eye on King and other activists. The Army swapped information with those agencies.

For example, an April 13, 1968, report passed to Memphis police shows the 112th Military Intelligence Group at Fort Sam Houston, Texas, warned the 111th about four men, including one from Mem-

phis, who had purchased large quantities of ammunition in Oklahoma on April 3 and two rifles on April 4.

The information the 111th received from the FBI frequently came from a network of informants, some of whom the bureau shared with the Memphis Police Department. The police intelligence bureau, created in 1967 with FBI help to spy on subversive activity, monitored the sanitation strike and kept watch from a firehouse across the street from the Lorraine.

Undercover Memphis cop Marrell McCollough's reports were routinely passed to the FBI. Reports show McCollough attended an April 3 meeting King held with members of the Invaders.

Youths linked to the militant group were blamed for disrupting the March 28 march, and King hoped to assure they were peaceful the next time. But authorities suspected other motives.

"He (King) had attracted some fringe elements that we considered very violent," said ex-FBI agent Howell

Lowe, discussing government concerns about King's pending march on Washington.

Army agents tried to learn if any militants or instigators were behind the rioting, Locke said, running license-tag checks and interviewing youths arrested for firing rifles around National Guard troops. But the Army never found any organized groups behind any of it.

Agents, dressed in civilian business suits and driving unmarked cars, sometimes explored the streets, usually accompanied by police officers or Guardsmen, Locke said.

Though each agent was issued a snub-nosed .38-caliber revolver, Locke forbade his men to carry them.

"I wanted no incidents where federal troops had shot somebody," he said.



Army officer Gary Gentle in 1968 (left) and today.

"It would seem to me that someone with their finger on the pulse of the (situation) would have said this is a potentially explosive situation."

— Gary Gentle

'King's been shot'

The 111th began to pull out of Memphis on April 1, when two agents were sent home. Four others left April 2 and 3, morning reports show.

Still here April 4 were Locke, Perry and two enlisted men, Specialist E5 Tommy M. Harris and Specialist E7 James R. Green.

King returned to Memphis on April 3, determined to lead a peaceful march before heading to Washington on April 22.

At 6:01 p.m. April 4, a sniper shot him as he leaned over the railing of a second-story balcony at the Lorraine.

"We were closing everything down in the Memphis office,"

Locke recalled. "And then I got a phone call just as I was about to turn the lights out and walk out the door. It was from the FBI. And they said, 'King has just been shot.'"

Locke got on the phone, trying to get his men back.

"It was absolute chaos, mass confusion," Locke said. "The police were running in all directions, with all sorts of wild car chases."

Perry, who said he remained busy in the federal building for the next 24 to 36 hours, recalled receiving a call from the

Pentagon. "I was told to just stand by, and any information we got we would forward it to Washington," he said.

As darkness fell, rock-throwing, shooting, looting and arson broke out. Police and Fire Director Frank Holloman and Sheriff Bill Morris pleaded for calm. Mayor Henry Loeb spent the night with guards in his City Hall office.

Four 111th agents reported back to Memphis that night. The following day, two more agents returned.

Perry and Gentle received calls from Washington during the Memphis riots, although most of their communication went through the normal chain of command at Fort McPherson in Atlanta.

"My boss told me a lot of my reports were going straight on up to the President," Locke said.

King's assassination sparked riots throughout the country, yet in Memphis there was relative calm, something Locke attributed to hands-on practice the week before.

Still, the 111th remained in numbers in Memphis. Agents observed an April 8 memorial march in which King's widow, Coretta, led several thousand marchers to City Hall. It was peaceful.

On April 10, seven 111th agents went home. The following day, the remaining three left, reports show.

EXTRA! ON THE WEB

Former Army agents aren't the only ones who dispute conspiracy theorist William Pepper's account of Dr. Martin Luther King's assassination. Read more on The Commercial Appeal's World Wide Web site:
<http://www.gomemphis.com>

THE 111th MIG IN MEMPHIS

Recently declassified military reports detail for the first time Army surveillance activities in Memphis during the city's 1968 sanitation workers strike. Morning reports — documents that account for the whereabouts of Army personnel — show 10 intelligence agents were sent to Memphis as rioting broke out March 28. The undercover soldiers' primary mission involved determining if federal troops were needed. Secondly, the Military Intelligence Group (MIG) agents gathered information from other sources about the unrest, including the public activities of Dr. Martin Luther King Jr.



■ King speaks to 13,000 at Mason Temple, urging city-wide work stoppage in support of sanitation workers. He vows to make Memphis the start of his Poor People's march on Washington (scheduled for April) and pledges to return

in four days to lead a march on City Hall.

■ Gentle returns to Nashville, cutting short his planned stay in Memphis.



■ As authorities clamp down on public activity, the 111th sends five more men to Memphis on five-day assignment: Maj. Keith A. Lambert, First Lt. William A. Perry, First Lt. John L. Scoggins, Master Sgt. Charles M. Bigger and Specialist Tommy M. Harris.

■ President Lyndon B. Johnson offers to send federal troops, but Locke assures his superiors the situation is

under control. Nevertheless, congressional leaders express anxiety over the planned Poor People's march; Sen. Robert C. Byrd (D-W. Va.) says the government needs to ensure King doesn't "create another Memphis."

■ King says he'll return to Memphis in a week to lead a peaceful march.

■ Rev. James Lawson announces King will speak at a rally for striking sanitation workers on March 18.

■ Gentle returns to Memphis, but he and Sollenberger leave as a snow storm hits.

■ The storm dumps 16 inches of snow on the city, forces cancellation of King's march.

■ Four-man advance team from King's Southern Christian Leadership Conference arrives from Atlanta to plan the march.

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■ Maj. Gary S. Gentle, deputy commander of the 111th Military Intelligence Group's Nashville office, is sent to Memphis on four-day temporary duty.

■ Maj. Jimmie M. Locke, the 111th's regional commander, arrives in Memphis with orders to stay at least two days, but returns to Nashville the same day. Capt. Rod Sollenberger, stationed at 111th headquarters at Ft. McPherson in Atlanta, is ordered to Memphis for four days.



■ King leads rescheduled march on City Hall. At 11:20 a.m., a riot breaks out. Some 60 people are injured, four of them shot by police. One teenager dies.

■ By late afternoon, the 111th MIG responds. Locke, who had been at a civil disturbance seminar in Knoxville, returns. Four enlisted men arrive between 4 and 9 p.m., assigned to Memphis for five days: Specialist First Class Philip L. Benson, Specialist

First Class James R. Green, Sgt. Robert Schroeder and Specialist Paul H. Heller.

■ By nightfall, 3,800 National Guardsmen arrive to patrol the streets as sporadic sniping and arson continues despite a curfew.

1968



■ King's widow, Coretta, leads 19,000 supporters in a memorial march closely watched by the 111th.

■ The 111th reduces its Memphis operation, sending Bigger, Schroeder and Benson home.

■ King returns, makes his famous "Mountaintop" speech at Mason Temple. Locke says he was aware of King's speech, but says his agents did not have King under direct surveillance. Locke continues to reduce his Memphis staff; Lambert, Scoggins and Heller go home.

■ Most of the 111th pulls out: Locke, Lambert, Scoggins, Heller, Schroeder, Bigger and Harris.

APRIL

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■ Scoggins and Heller return as arson and sniping continue and Memphis is placed under 24-hour curfew.

■ Gentle, Green and Perry head home.

■ Locke was just shutting off the lights in the 111th's Memphis office when the FBI called with news King had been shot. The 111th recalls men to Memphis: Gentle, Lambert, Bigger and Schroeder in the first wave.

Sources: 111th Military Intelligence Group morning reports, interviews, *The Commercial Appeal*

Staff graphic

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Grand jury panel hears allegations King was killed by conspirators

By Marc Perrusquia
The Commercial Appeal

A lawyer presented evidence to a three-member panel of the Shelby County Grand Jury on Wednesday, alleging a conspiracy in the assassination of Dr. Martin Luther King Jr.

Attorney Jack McNeil said he is seeking indictments of former Memphis cafe owner Loyd Jowers and a New York man. McNeil is pressing his case under a Tennessee law that allows private citizens to present evidence of criminal acts.

"They (the panel) appeared to be genuinely interested," said McNeil, 64, former attorney for confessed King assassin James Earl Ray. "It was a very good meeting. We covered a lot of ground."

McNeil and Memphis private investigators John Billings and Kenneth Herman met for about three

hours Wednesday morning with grand jury foreman Herbert W. Robinson Jr. and two other grand jurors.

Evidence presented included several affidavits and a videotape of a 1993 network news interview in which Jowers claimed he received money to arrange King's 1968 murder in Memphis.

Ray, 69, pleaded guilty in 1969, but, serving a 99-year sentence, has been seeking a trial ever since.

In 1968, Jowers, now 71, owned a cafe directly below the second-story rooming house where prosecutors say Ray fired a rifle through an open bathroom window, striking King as he stood across the street on the balcony of the Lorraine Motel.

Jowers was long considered a minor witness who said he heard a loud bang coming from a back room in his restaurant. Four years ago, he told the ABC news show

Please see KING, Page B4

12/11/97, B1-B4

Commercial Appeal
Grand jury panel hears allegations King was killed by conspirators

44-1967-784

MEDIA SEARCH JES

From Page B1

King

Prime Time Live that he was paid \$100,000 by a now deceased produce dealer with reputed mob ties to hire a hitman to kill King.

Ray's chief attorney, William Pepper, later filed an unsuccessful lawsuit in Shelby County Circuit Court against Jowers and a New York man, alleging they are responsible for Ray's false imprisonment. Pepper claims the 63-year-old New York man is the mysterious Raoul whom Ray claims set him up as a fall guy.

The New York man, who's name is shielded under a court-ordered seal, said in an interview this year with The Commercial Appeal that he never knew Ray and had nothing to do with King's murder. A task force of four local law enforcement officers examining conspiracy claims at the request of Dist. Atty. Gen. Bill Gibbons visited New York last month to explore the Raoul allegations.

Jowers's attorney, Lewis Garrison, said King's family has told him they're "very much against an indictment" because they want immunity for Jowers so he'll tell all he knows.

Jowers, who now claims several Memphis police officers were behind King's murder, met in October with King's son, Dexter, in Nashville.

"There's no way in the world they'll get him convicted if they get him indicted," Garrison said. Jowers recently suffered two mild strokes and may not have long to live, Garrison said.

Grand jury foreman Robinson said the three-member panel will make a recommendation, possibly next week, on whether the full grand jury should investigate.

Call reporter Marc Perrusquia at 529-2545 or E-mail perrusquia@gomemphis.com

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Jurors visit house near Lorraine

By Marc Perrusquia
The Commercial Appeal

Three members of the Shelby County Grand Jury on Friday toured the old rooming house where prosecutors say confessed assassin James Earl Ray fired the shot that killed Dr. Martin Luther King Jr. in 1968.

Memphis lawyer Jack McNeil took the jurors to a brushy area behind the South Main rooming house where he contends a sniper other than Ray hid with a rifle and shot King.

In trying to prove a conspiracy, McNeil is seeking indictments of a New York man and

former Memphian Loyd Jowers, who in 1968 ran a cafe directly below the second-story rooming house.

McNeil, 64, and private investigators John Billings, 49, and Kenneth Herman, 60, Friday took grand jury foreman Herbert W. Robinson Jr. and two other jurors through a portion of the old rooming house at 418 S. Main that now is an apartment. They inspected the bathroom where Ray is said to have fired the rifle and went downstairs into what was Jim's Grill, the cafe operated by Jowers, Billings said.

Out back, in a brushy area overlooking the Lorraine, McNeil pointed and was overheard telling jurors he "under-

stands" this was the spot where a gunman in hiding shot King.

McNeil is proceeding under a Tennessee law that allows private citizens to present evidence of criminal acts.

Meanwhile, a four-person law enforcement task force is investigating conspiracy claims at the request of Dist. Atty. Gen. Bill Gibbons.

Ray, 69, pleaded guilty in 1969 but has been seeking a trial ever since. Serving a 99-year sentence, Ray admits buying the .30-06 hunting rifle that killed King but claims he didn't shoot him and was set up.

To reach reporter Marc Perrusquia call 529-2545 or E-mail perrusquia@gomemphis.com

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12/19/97; B1

Commercial Appeal

King murder inquiry
unnecessary, says grand jury
panel

Character:

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Submitting Office:

44-1967-
C-786

King murder inquiry unneeded, says grand jury panel

By Marc Perrusquia
The Commercial Appeal

A grand jury panel Thursday rejected lawyer Jack McNeil's request for a re-examination of Dr. Martin Luther King Jr.'s 1968 assassination in Memphis. McNeil contends there was a conspiracy to kill King.

In a letter to McNeil, foreman Herbert W. Robinson Jr. said the three-person panel of the

Shelby County Grand Jury has determined "... there was not sufficient, credible information presented in this matter to warrant an investigation by the Grand Jury."

McNeil and private investigators John Billings and Kenneth Herman presented evidence last week that included a videotape of a 1993 network news interview in which former Memphian Loyd Jowers claimed he was involved in a plot to kill the civil rights leader.

McNeil, who briefly served this year as an attorney for confessed assassin James Earl Ray,

was proceeding under a state law allowing private citizens to present criminal information to a grand jury.

Robinson and two other grand jurors made the decision after hearing Wednesday from prosecutor John Campbell. A prosecution task force, however, continues to investigate conspiracy claims regarding King's death.

Call reporter Marc Perrusquia at 529-2545 or
send E-mail to: perrusquia@gomemphis.com