

# Newsweek

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## Top of the Week

The Assassins: Who Did It—And Why? PAGE 28

In courtrooms a continent apart, the nation tried imperfectly last week to settle accounts on the assassinations of Martin Luther King and Robert Kennedy. Sirhan Sirhan's trial for killing Kennedy turned into an exhaustive anatomy of a murderer—but James Earl Ray's abrupt guilty plea left the King case shrouded in mystery, possibly forever. With reporting from correspondents **Andrew Jaffe** in Memphis and **Robert Shogan** in Washington, Senior Editor **Peter Goldman** wrote the Ray story, while **Martin Kasindorf** reported the Sirhan trial for General Editor **Paul D. Zimmerman's** look at Kennedy's assassin. (Cover photos by **Fred Ward**—Black Star [King], **Lawrence Fried** [Kennedy], **AP** [Sirhan] and **UPI** [Ray])

Biafra: The War Goes On PAGE 50

Only a few months ago, one of the ugliest wars in African history appeared to be nearly over. Ringed by the Nigerian Army and ravaged by starvation, the rebel state of Biafra was all but dead. Yet Biafra still survives. Its battle has drawn worldwide sympathy and a stream of concerned visitors, including Sen. **Charles Goodell** of New York. To probe the reasons for Biafra's comeback, **Newsweek's Marvin Kupfer** and **David Robison** crisscrossed the country and interviewed its leader, Lt. Col. **Odumegwu Ojukwu**. **John Barnes**, meanwhile, reported on the operations of the relief agencies that have helped Biafra survive. From theirs and other correspondents' files, Associate Editor **Russell Watson** wrote the stories of the stalemated war and of the pro-Biafran "lobby" in the U.S., which he investigated in New York.



Kupfer (left) with Goodell

Fire on Ice PAGE 64

**Bobby Orr**, the swift and powerful young star of the Boston Bruins, is one of those rare athletes who can change the fortunes of an entire team. At age 20 he is a fast skater, bruising checker, uncanny stick handler and seems bound this season to break the scoring record for defensemen. Indeed, in just three years, Orr has helped the Bruins to become the most exciting team in the booming sport of hockey. Aided by files from correspondent **Jon Lowell**, Sports editor **Pete Axthelm** traveled with the Bruins and wrote Orr's story—which is accompanied by two color pages of hockey's violent action.



Orr and Axthelm

Calling the Turn in Wall Street PAGE 74

Wall Street columnist **Clem Morgello** gazed into his crystal ball early last year and predicted the level at which the Dow Jones industrial average (then 855.47) would close on Jan. 31, 1969. Morgello's magic figure: 945.15. The actual result: 946.05. Morgello thus won Eastman Dillon, Union Securities' annual contest among financial writers. Seer Morgello's forecast for next January's Dow: 1026, vs. last week's close of 904.28.

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The end of the road: James Earl Ray goes to prison—and Sirhan Sirhan squirms in the hands of his captors.

## The Assassins: Who Did It—And Why?

They came pinwheeling into history out of some dim, Dostoevskian underground, one of them a stir-smart fugitive con with no known ambition higher than making the FBI's "Ten Most Wanted" list, the other a damaged little Jordanian immigrant burning to avenge the six-day Arab-Israeli war all by himself. Nobody knew their names—until, in the space of two awful months last spring, fate placed Martin Luther King in the cross hairs of James Earl Ray's hunting rifle and walked Robert F. Kennedy within an inch of the muzzle of Sirhan Sirhan's pistol. In a split second apiece, Ray and Sirhan inflicted deep traumata on the U.S., each wounding the nation in ways that have not been fully reckoned yet. And now, in courtrooms a continent's breadth apart, the nation tried last week to settle accounts by the only means that were available to it: the due process of the law.

The law is, of course, an imperfect instrument for laying ghosts to rest; and few nations confronted by high tragedy are quite so willing as America to trust the catharsis to lawyers. One consequence of this last week was Ray's abrupt plea of guilty to King's murder in Memphis in exchange for a 99-year sentence—an utterly routine deal that left achingly open, perhaps forever, the central question of whether or not Ray was someone else's hired gun. Sirhan's marathon trial in Los Angeles was, by sharp contrast, a painstaking inquiry into every

last fantasy and every least tic of an assassin whose guilt is not even in question. And yet, in the public consciousness, it still seemed almost as unsatisfactory an ending to Bobby Kennedy's biography as the aborted Ray trial was to Martin Luther King's.

Kennedy, in fact, held center stage only fleetingly during the seventh and eighth weeks of the Sirhan trial, when the state presented its eyewitnesses to the shooting and introduced the least painful of the autopsy photos of his body. The commanding presence instead was Sirhan, and the sole object—since everybody knew he killed Kennedy—was to find out why.

**Anatomy:** The prosecution's Sirhan was a man of brooding malice who willed Kennedy's death on paper and then executed it in a hotel pantry. The defense, in turn, displayed Sirhan himself in all his boiling fury; then, last week, it began making a psychiatric case that Sirhan is (as the first of five defense psychologists and psychiatrists testified) a manic "Jekyll-Hyde" incapable of premeditating anything. His defenders, with no chance for an acquittal, hoped by their anatomy of a murderer to persuade the jury to spare his life. The state's interest in taking it seemed perceptibly to diminish as the trial wore on, yet there was an unspoken need to run the ritual to its end. The specter that haunted Sirhan's trial, and Ray's, was the slaying of Lee Harvey Oswald in Dallas—a single anar-

chic stroke that kept the John F. Kennedy murder case from coming to trial and so left the field open forever to the conspiracy theorists. Early on, the state, the defense and even Sirhan himself were near agreement on dealing for a guilty plea just as Ray did. But Judge Herbert V. Walker stopped it. Said the judge: "We don't want another Dallas."

Memphis authorities had no such compunctions—and the resulting deal in which Ray pleaded guilty and was delivered in chains to prison in twenty hours meant that the solution to the King murder mystery may well have been locked away with him. His prosecutors, his lawyer, his authorized biographer and the U.S. Government all believed that he was a lone assassin, not the agent of a conspiracy. Yet Ray himself interrupted his ritual mini-hearing to disagree with them all—and to suggest, obliquely but plainly, that he was indeed part of a King murder plot. But who were the plotters? Ray didn't say; in the format dictated by Tennessee law, he wasn't even asked. There were elements of pulp-fed fantasy in his story as it leaked out, second-hand and piecemeal, in the aftermath—a tale in which a supposed co-conspirator named "Raoul" conveniently winds up pulling the trigger. Fanciful? Perhaps—but there was enough in Ray's apparently well-banked pursuit of King and in his flight from justice to raise doubts even among reasonable men.

For nervous moments afterward, the

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## Ray: 99 Years—and a Victory

nation wondered whether the rush to justice in Memphis might not set off a reprise of the rioting that followed King's murder. The rocks never flew; the cynicism of the ghetto, not its smoldering anger, prevailed this time. But the reaction was nonetheless bitter. "There was a whole lot of conspiracy in the sentence," growled a turned-off young Black Panther in Watts.

**Pawns:** And Ralph David Abernathy—who was notified of the deal in advance and did not object—was by no means satisfied with the developing no-conspiracy orthodoxy. Who were the conspirators? "I think it's the United States of America," said Abernathy. "There is a movement in this country to preserve racism financed by a substantial amount of money... People like James Earl Ray are preyed upon. They are merely pawns."

It is easy to overrate a trial—and particularly a trial that never happens—as a means to the truth, the whole truth and nothing but the truth. There was no guarantee whatever that a full-dress Ray trial would have settled the conspiracy question. Quite to the contrary, the likelihood was that Ray would not have taken the stand at all—or that, if he did, he would have spun some uncheckable tale about his entanglement with the so-far untraceable "Raoul." Yet the hunger for an ending to the story would not be easily stilled. A trial, however imperfect, might have helped satisfy the impulse to make some sense of the absurd, to impose order on the anarchy of events. Exhaustive to the point of exhaustion, the trial of Sirhan Bishara Sirhan was at least a serious effort to discover why he killed Robert Kennedy. But the deal by which James Earl Ray pleaded guilty, whatever its merits, left painfully unsettled the mystery of who really murdered Martin Luther King.

He slouched to his place in the sealed-off courtroom, his eyes downcast, his brilliantined hair turning spiky, his face pasty white after nine months in sunless jail cells. He listened impassively to the judge and the lawyers rehearsing the terms of the deal by which he took 99 years in prison—and beat the electric chair—in a trade for his plea of guilty to murder. But then, suddenly, he was on his feet, to challenge the official theory that he was a lone gun and not the unwitting hireling of a conspiracy. And in that moment, James Earl Ray, drifter, penny-ante stick-up man and four-time loser, had his victory: the nation could neither forget him—nor finally close the file on the assassination of Martin Luther King Jr.

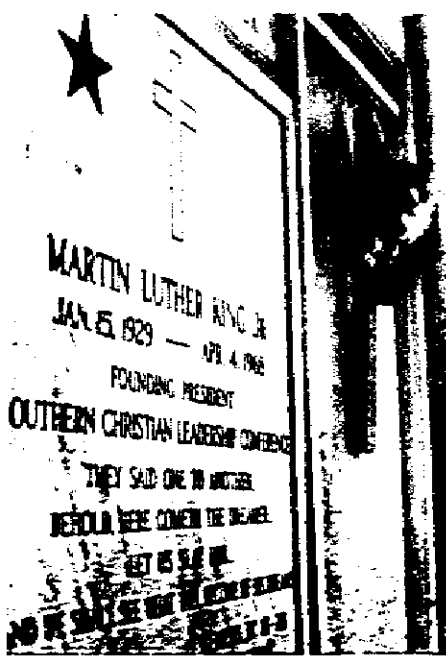
Copping a plea is normal enough in U.S. courtrooms—a time- and money-saving convenience that permits authorities to settle far more cases than they bring to trial. But the case of Tennessee vs. James Earl Ray seemed to cry out for something more than routine treatment. However honorable the intentions—and however just the result—the deal had the surface appearance of unseemly haste, and it set off a chorus of protest. A group of black congressmen demanded a full-scale commission inquiry into the assassination. The New York Times called the deal "shocking." King's widow, Coretta, did not object to it when the prosecution sounded her in advance, but she said afterward that she still believes there was a conspiracy. So did King's official successor, Ralph Abernathy. And so, for his own reasons, did Mississippi's segregationist Sen. James O. Eastland, who talked of mounting an Internal Security subcommittee investigation of his own.

**100 to 1:** The voices arrayed against the conspiracy theory were imposing. No one close to the case—not the FBI or Memphis Attorney General Phil M. Canale or defense lawyer Percy Foreman or authorized Ray biographer William Bradford Huie—had come up with any evidence that anyone else was involved. "I insist on skepticism as a virtue in life," says Ramsey Clark, U.S. Attorney General (and thus at least nominally master of the FBI) when King was slain and Ray captured. "But I would have to say that all the evidence and circumstances indicate very strongly that Ray acted alone. I'd say the odds are better than 100 to 1." Yet there were anomalies enough in the case to set even nonconspiratorialist minds running—and above all there was Ray's own insistence that he wasn't alone. Ray, of course, had more than just a psychic vested interest in confusion. "He thinks," said Foreman, "that if he says it was a conspiracy he's not guilty." But the deal to beat the chair precluded even the slim possibility that a trial might have settled the matter.

The ultimate irony was that the set-

dement was initiated not by the authorities but by the defense. Foreman, a large, gaudy Texan, came in late when Ray fired his first lawyer, Arthur Hanes, a Birmingham segregationist under whose management of the case the conspiracy theory first flowered. Foreman, whose main ideology is winning, quickly concluded that Ray had nothing to back up his conspiracy story—and that the state had a solid case against his man. A man of Foreman's considerable craft might have damaged some of it—the shaky eye-witness evidence placing Ray at the scene, for example, or the ballistic tests establishing that Ray's .30-06 Remington Gamemaster was the murder weapon, or the strands of his hair that linked him to the getaway white Mustang. But no lawyer could argue away the fingerprints that Ray left on the rifle and in the rickety, paintless boarding house from which the fatal shot was fired. "Those fingerprints," groaned Foreman. "They were everywhere."

**Deal:** So, in mid-December, Foreman visited Ray in his air-cooled, TV-monitored cell in Memphis's Shelby County Jail and asked if he was interested in a deal. Ray, who has spent a third of his 41 years behind bars, has always imagined himself a better lawyer than his lawyers ("It took me several months," said Foreman, "before I convinced him I was working in his best interest"), and he was suspicious at first. But Foreman told him that Memphis juries had been hard on first-degree murder defendants—that they had recommended stiff penalties even for men with previously spotless records and for accomplices as well as killers themselves. Ray apparently began to be impressed. For insurance, Foreman journeyed to St. Louis and enlisted mem-



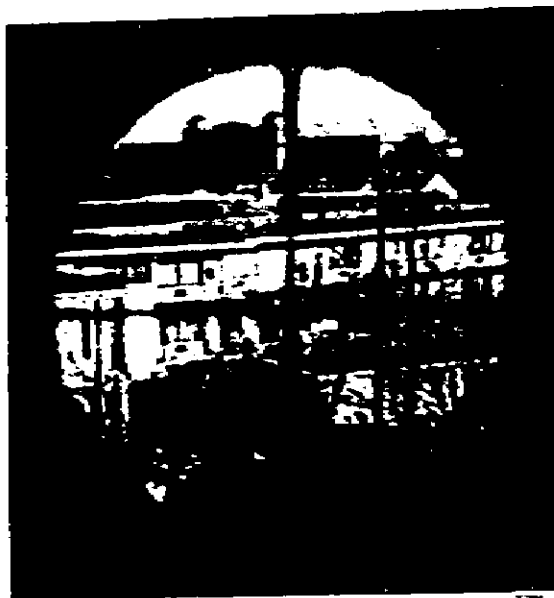
Room 306: Last words for King  
March 24, 1969



Cell 4: Last stop for Ray



Huie: Hunting for 'Raoul'



The assassin's view of King's motel



Foreman: Dealing for a life

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In mid-February, Ray seemed ready to agree, and Foreman tried out the question on Judge W. Preston Battle. Battle, by one inside account, raised no objections but told him to see prosecutor Canale first. What would Canale swap for a guilty plea? "Ninety-nine years—certainly nothing less than that," said Canale. "But I have to check it first." He tried out the idea on Mrs. King (through a lawyer) and got her okay, though she reserved judgment on the conspiracy questions. Other civil-rights leaders contacted in advance by Canale, among them Abernathy, said much the same. The Justice Department raised no quarrel. Ray himself seemed gloomily uninterested in haggling about the time he would serve—partly because, after numerous botches and one brazen success, he fancies himself something of an escape artist. "I don't care how many years I get," he told Foreman, and so the deal finally was closed.

**Golden Raoul?** Or was it? The sticky part was Ray's stubborn conspiracy story—a tale in which a shadowy benefactor named "Raoul," a blond Latin (or, later, French-Canadian) mystery man, engaged him first as a drug runner and then, to Ray's great surprise, as part of a plot against King. The tale stretched a bit thin when Ray announced that he and Raoul had switched places at the very last moment—that he had taken the wheel of the getaway car while Raoul fired the shot that felled King on the balcony of Memphis's Lorraine Motel. "No one ever came up with Raoul except Ray," says Canale's assistant, Robert Dayer, a conclusion shared by Foreman.

The reason for Canale's insistence, Ray would be eligible for parole after just twelve and a half years if a life sentence but he would have to serve at least 30 out of 99 years even with good time—a compromise he has never been known to bicker about.

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It looked for moments as if it might. Early on, with the script playing out smoothly, Judge Battle began Ray's part of the catechism. At the judge's order, Ray stood, his black-and-gray checked sports jacket hanging rumbled on his drooping shoulders. Did he understand his rights? "Yes, sir," said Ray, his voice a reedy whine. The deal—"Is this what you want to do?" Ray sounded suddenly uncertain. "Yes," he began. "I have been—that's—yes." Battle peered sharply down over his half-moon glasses. "Is that what you want to do?" he repeated, and Ray agreed. "That's right."

Yet still, even as he spoke his appointed lines, Ray could not resist injecting a tiny edge of ambivalence. Had there been any promises besides the 99-year sentence? "No—none as I know of." Or any pressure from anybody? "No, no undue pressure." And the key question of all: "Are you pleading guilty . . . because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree . . . ?"

"Yes," piped Jimmy Ray. "Legally guilty. Uh-huh."

This was hardly the most forthright confession on record, but it was adequate to the occasion, and Battle seated a pro forma jury of ten white and two black men. What really offended Ray—and nearly derailed the hearing—was the way both sides pook-pooched his conspiracy story. "There have naturally been rumors going all around that James Earl Ray is a dupe, a fall guy, a member of a

conspiracy," Canale told the jurors. His men had pondered 5,000 pages of investigative reports, traveled thousands of miles, sorted 300 exhibits—and "we have no proof other than Dr. Martin Luther King Jr. was killed by James Earl Ray." Next came Foreman, leaning confidentially over the rail and adding, "It took me more than a month to convince myself that the Attorney General [Clark] and J. Edgar Hoover were correct when they said there was no conspiracy . . ."

Stewing, Ray stewed through the rest of Foreman's presentation, then abruptly got up. "Your Honor," he said, shifting his weight from foot to foot. "I would like to say something, too, if I may."

"All right," said Battle warily. "I don't want to change anything that I have said," Ray offered. "I don't want to add anything onto it either. The only thing I have to say is I don't exactly accept the theories of Mr. Clark . . ."

"Who is Mr. Clark?" defender Foreman interjected.

"Ramsey Clark," said Ray. "And Mr. Hoover."

"Mr. who?" rumbled Foreman. "Mr. J. Edgar Hoover . . . I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark. I mean on the conspiracy thing. I don't want to add something onto it which I haven't agreed to in the past."

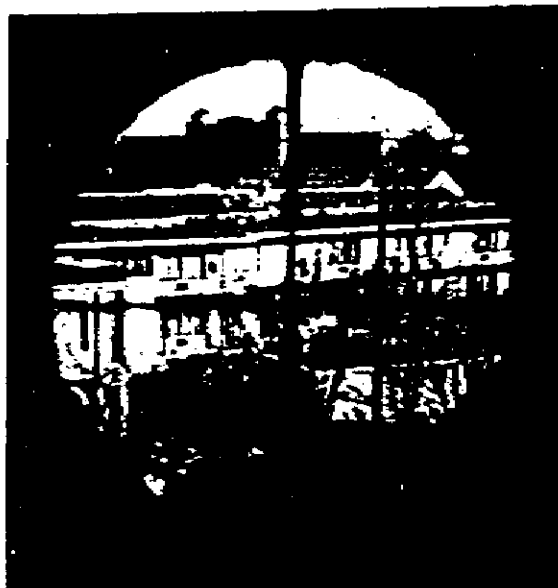
"I think what he is saying is that he doesn't think that Ramsey Clark's right or J. Edgar Hoover is right," Foreman told the judge, and then, turning to Ray, he added: "You are not required to agree or withdraw or anything else." But still Battle felt constrained to put the central question to him once again: "Are you pleading guilty because he killed King in such circumstances that he could be legally guilty of first-degree murder?"

"Yes, sir, make me guilty on that," said Ray, and the flurry was over.

And so, for all intents and purposes, was the case of Tennessee vs. James Earl Ray. The state put on a token set of witnesses to establish for the record the



Huie: Hunting for 'Raoul'



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NATIONAL AFFAIRS

King had indeed been killed and that Ray was involved, and Assistant Attorney General James Beasley read a twenty-page summary of the imposing mass of evidence that, loner or no, Ray was the triggerman. It was left to Battle to pronounce sentence and to offer a word to the skeptics: "If this defendant was a member of a conspiracy . . . no member of such conspiracy can ever live in security or lie down to pleasant dreams . . . My 35 years in these criminal courts have convinced me that in the great majority of cases, Hamlet was right when he said, 'For murder though it have no tongue will speak with most miraculous organ'."

**Chains:** But Ray's moment to speak had come and gone. Just before 1 a.m. next morning, two cameramen waiting in the 24-degree chill outside the jail for Ray's transfer saw two men in deputies' hard hats and uniforms walk to a car. "Don't get cold out there," one yelled with a wave. The "deputy" turned out to be Ray, his destination a sheriff's substation across town. Before dawn, he was led, draped in chains, to a highway patrol car—one in a bristling motorcade of eight—and whisked 200 miles to Nashville at 80 miles an hour. And there, James Earl Ray became prisoner No. 65477, bunked by himself—for safety's sake—in a 6-by-9 maximum-security cell he will leave only for twice-weekly walks and thrice-weekly showers. (The prison population of 1,940 includes 826 blacks, among them Ray's nearest neighbor—a black-power advocate convicted of murder.) No sooner was he inside than word came back that he regretted his plea. "I wish the hell I hadn't [pleaded guilty] now," The Nashville Tennessean quoted him as having groused en route to prison, "because, with what they had on me, I believe the worst I'd have gotten would have been life."

The fact was that "they" had enough to put Ray in the electric chair; the doubts that attended the deal centered not on

his guilt but on the intimations of conspiracy around the case. Ray, a prison-hip hard guy, simply didn't fit America's imaginings of the lone assassin aboil with some mad, private vision—a Lee Harvey Oswald, say, or a Sirhan Sirhan. Ray, by contrast, seemed to have no motive at all, lunatic or otherwise—unless it was money. And there were moments before and after the assassination when he appeared to have plenty of that, usually in crisp, new 20s; by one estimate he spent \$15,000 in less than a year. His flight via Canada (where he picked up a faked passport) to Lisbon and London (where he tried desperately to join up as a mercenary in Africa) had the look of a well-laid plot. Even the incredible olio of clues he left at the scene seemed hard to square with the chill efficiency of the act of murder itself—unless, of course, Ray had been set up as the fall guy for a conspiracy.

**'One More Job':** And then came the shadowy "Raoul," threading in and out of a Look magazine series written by author Huie last fall out of his own researches and some notes Ray sent him from jail. Huie's Raoul found Ray in a Montreal waterfront bar, got him to run some narcotics into the U.S., paid him \$8,250 in various-sized installments and finally promised him \$12,000 and travel papers anywhere for "one more job." The job, though Ray claimed he didn't know it till much later, turned out to be the murder of Martin Luther King. Huie concluded at the time that there was indeed a conspiracy, that its object was to set off racial war in the U.S. and that King was "secondary . . . The primary target was the U.S.A."

The Look account ended there. But Huie says that Ray claims to have switched places with Raoul just before King appeared on the motel balcony—Raoul taking over the sniper's nest in the boarding-house bathroom while Ray waited at the wheel of the Mustang with the motor running. Ray, in this ver-

sion, heard a shot—whereupon Raoul dashed out, jumped in the back seat of the car, lay on the floor and pulled a sheet over himself. Raoul, according to Ray, jumped out at a traffic light eight blocks away—and they never crossed paths again.

But Raoul never turned up, and today Huie himself—though he still believes that there is some such person—doubts whether he was involved in the King case. Nor is he so persuaded as he once was that there was any conspiracy at all. "Ray," he said last week, "is just smart enough to put everybody on . . . He does not want the case to die out. He wants the dramatic action to continue."

**Duped?** And continue it did. Blacks particularly seemed incredulous that King's death could have been the random act of a lone gunman. His widow confessed "a sense of emotional relief [at being] spared a trial which would compel us to relive the fearful tragic events of his death." But, she added, only when the others responsible are caught "can the conscience of the nation rest"—and neither she nor other black leaders seemed to doubt that others were involved. "It's just too cruel," said one sympathetic government hand, "for them to think that one single psychotic person could smash something that they cherished so much." Yet segregationist whites who did not cherish King at all seemed equally intent on finding a conspiracy of the left. Ray's cashiered lawyer, Hanes, termed his ex-client a "dupe" in a plot entangled "not only with national politics but with international politics." And Jim Eastland hinted that his inquiry would look for accomplices inside the Lorraine—and presumably within King's entourage.

Amid rising criticism of Ray's abrupt cop-out, authorities in Memphis and Washington found themselves suddenly on the defensive, insisting that there were no real mysteries at all. Ray's ready cash? Investigators said he had



Abernathy charged conspiracy—but Battle (center, photo right) and Canale (right) thought murder would out

