

***Klandestine: How a Klan Lawyer and a Checkbook Journalist Helped James Earl Ray
Cover Up His Crime* by Pate McMichael**

Reviewed by Martin Hay

Klandestine is a bizarre and fundamentally dishonest book. It presents a theory about the assassination of Martin Luther King and subsequent events that is not remotely supported by fact and so, as he has to do, author Pate McMichael shamelessly cherry-picks, misrepresents, and even falsifies the record about verifiable information in order to make it appear otherwise. *Klandestine* is the work of a man with an agenda who makes not even a pretence of objectivity and cares nothing about truth. Even the subtitle of the book is bizarre and dishonest. It implies that James Earl Ray murdered Dr. King and that his lawyer, Arthur Hanes, alongside journalist, William Bradford Huie, helped him to cover it up. Such a suggestion might make sense if Ray had managed to avoid conviction despite there being conclusive evidence of his guilt. But in reality, the reverse is true. The evidence said to show that Ray shot Dr. King crumbles on inspection, yet he was declared guilty and spent the rest of his life in prison. That being the case, how can anyone in Ray's camp be accused of a cover up?

In opposition to reality, McMichael assures his readers that Ray's guilt has been “established...beyond reasonable doubt” [1] and claims that state-friendly authors like Gerold Frank, Hampton Sides, and Gerald Posner “have established a bedrock narrative linking Ray to King's murder through convincing evidence and primary source material.” [2] Unsurprisingly, McMichael makes no attempt to amplify or validate these assertions. He avoids extended discussion of the crime scene evidence and, when he does allude to it, misrepresents a key fact and intentionally omits that which tends to exculpate Ray. Anyone familiar with the case will know that this is the usual modus operandi of those who support the “official” story; such authors never dwell on the hard evidence because they know full well it does not support their position.

McMichael's brief account of the assassination is neither surprising nor factual. He writes that, once Ray arrived in downtown Memphis, he “picked” room 5-B at Bessie Brewer's rooming house “which had a clear view of the Lorraine” where Dr. King was staying. Ray left the room for just long enough to buy a pair of binoculars then, McMichael says, “spent the next hour glassing [Dr. King's] Room 306...King walked outside at 5:50 pm and Ray identified him with the binoculars, then went into the community bathroom holding the rifle. While standing in the tub, Ray balanced the rifle on the windowsill. At 6:01 pm King stepped back outside and Ray opened fire...Ray fled immediately, jamming everything he owned...into the green bundle. He charged down a staircase, opened the door outside Canipe Amusement Company, and inexplicably dropped the entire bundle—which included the murder weapon and a radio from the Missouri State Penitentiary—onto the sidewalk. Fleeing the city in the Mustang, Ray made it out of town before an all-points bulletin could be issued.” [3]

McMichael's narrative, stated as matter-of-factly as it is, is entirely speculative, has little to no supporting evidence, and begins with an intentionally misleading assertion. Whilst room 5-B may well have held “a clear view of the Lorraine” as he states, Memphis police officers discovered on the night of the assassination that that view did not include room 306 and the spot where Dr. King was shot unless the viewer was willing to “lean partially out the window”. [4] The notion that Ray or anyone else would have thought they could surreptitiously surveil Dr. King by leaning out of a window with a pair of binoculars is absurd. That is why most state apologists suggest that Ray spent the afternoon watching room 306 from the shared bathroom of the rooming house, where it was possible to view Dr. King's room while remaining concealed. Yet that contention does not hold water either because cab driver James McCraw was inside the rooming house only a few minutes before the shot was fired and saw at that time that the bathroom door was wide open and there was

no one inside. [5]

The fact is that there is no evidence that Ray spent any length of time inside the rooming house or that he was ever inside the bathroom. McMichael attempts to trick his readers into believing otherwise by writing that FBI latent fingerprint examiner, George Bonebrake, “proved that Ray's fingerprints were all over the boarding house windowsill”. [6] This is an outrageous falsification of the record. On the evening of Dr. King's murder, the Memphis police lifted 10 prints from the rooming house and these were all passed on to the FBI two days later. Of those 10 lifts, Bonebrake found that only two were good enough for identification purposes. One of those, a fingerprint lifted from a dresser in room 5-B, was matched to a Memphis police officer. The other print, removed from the fireplace, has never been identified. [7] Ray's prints were not found anywhere inside Bessie Brewer's rundown old flophouse, let alone “all over the windowsill” from which, in reality, no prints of value were recovered.

Not only is there no proof that Ray was ever in the bathroom, there is no evidence that the shot was actually fired from there. No eyewitness saw Ray—or anyone else—enter or exit the bathroom and no one saw a man, a rifle, a muzzle flash or gunsmoke in the window. Nonetheless, McMichael has Ray standing in the tub and leaning the rifle on the windowsill when he supposedly pulled the trigger. What he does not disclose, because it contradicts his theory, is that the wooden windowsill was removed after the assassination and examined by the FBI who found no gunpowder or gunpowder residues anywhere on the board. Additionally, there was not a trace of wood, paint, or anything else from the windowsill found on the barrel of the rifle that was dumped outside Canipe's store amongst a bundle of Ray's belongings. [8]

Perhaps more importantly, despite the manner in which McMichael so confidently and repeatedly refers to that rifle as “the murder weapon”, no such thing has ever been established. The FBI did not and could not state that the bullet removed from Dr. King was fired from that rifle to the exclusion of all others. Bureau firearms expert Robert Frazier reported that “The Q64 bullet has been distorted due to mutilation and insufficient marks for identification remain on this bullet. Therefore, it was not possible to determine whether or not Q64 was fired from the Q2 rifle.” [9] Upon viewing the bullet, a number of ballistics experts—including world-renowned Professor of Criminalistics, Herbert L. MacDonell—disagreed with Frazier's assessment and expressed a belief that the bullet contained sufficient detail for identification purposes. A few years later, when the House Select Committee on Assassinations “reinvestigated” the matter, its firearms panel reported that it was not the bullet that was the problem after all, it was the rifle which “inconsistently engraves individual identifying characteristics on successively fired bullets.” [10]

Whichever, if either, of these explanations is correct, the state of Tennessee has long worked to prevent independent testing of the rifle. In 1976 when CBS requested permission to do so for its television special, *American Assassins*, it was flatly denied. In the mid 1990s when Ray's lawyer was able to organize a new round of tests, the Judge presiding over the case was removed by the Tennessee Court of Criminal Appeals amid claims that he had lost his objectivity. As a result, the tests were left incomplete. After Ray's death in 1998, his brother Jerry twice attempted to sue the state for repossession of the weapon so that he could have it “cleaned and retested” and “try to clear my brother's name”. [11] Unsurprisingly, the Tennessee courts denied him both times and the gun was instead donated to the National Civil Rights Museum in Memphis where it now sits uselessly on display.

Finally, the dropping of the bundle, that which McMichael finds “inexplicable”, is only inexplicable because he is trying to make it fit a false narrative. It obviously makes no sense to suggest that Ray would choose to present police with the very evidence necessary to convict him, and no credible explanation for why he would have done so has ever been offered. On the other hand, if one accepts

Ray's claim that he was set up by the real killers, then the abandoning of a bundle of evidence that would send authorities chasing after him is fully explained. [12]

II

In McMichael's own words, *Klandestine* paints Ray as “a wannabe Southerner, a die-hard segregationist, and a George Wallace fanatic who left behind a compelling trail of evidence, as well as a telling escape plan.” [13] Ray himself, perhaps not surprisingly, always denied being a Wallace supporter or having any interest in racial matters. While it is understandable that researchers might not wish to place too much faith in Ray's denials, authors of McMichael's ilk have never been able to offer anything other than misrepresentations, half-truths and innuendo to dispute them.

In 1967, whilst Ray was on the run from prison, George Wallace was running for President as the American Independent Party candidate, promising to do all that he could to end federal efforts at desegregation. McMichael characterizes Ray as a Wallace “volunteer” and suggests that when he arrived in Los Angeles in November, 1967, Ray had “politics on the brain.” [14] To get a phone installed in his hotel room, McMichael says, Ray “claimed to be a canvasser for the Wallace campaign”. And, he says, “phone records show” that Ray called Wallace's campaign headquarters in L.A. “on three separate occasions.” [15]

Here McMichael is feeding his readers two unsubstantiated myths. The first one, that Ray claimed to be associated with the Wallace campaign to get a phone installed, is sourced to Gerald Posner's book, *Killing the Dream*. Posner himself does not provide a citation for the claim but he probably got it from George McMillan's *The Making of an Assassin*. McMillan does not and cannot offer a source because there is none to offer; the tale being a product of his own imagination. The second adulteration of the record is McMichael's own. Phone records most certainly do not show that Ray called Wallace's campaign office “on three separate” occasions. What they do show is that he placed a single call to the office on December 1, 1967, shortly after his arrival in L.A. [16] This call, Ray told the HSCA, was made because he, as an escaped convict, was looking to establish “some type of cover—some type of front for me to stay in Los Angeles...I had all Alabama identification. If I was stopped by the police, well, I would just say I was associated with this Wallace group out here in some manner...” He changed his mind about using the campaign as a cover, Ray said, upon learning that the office might not be there for very long. [17]

Whether or not Ray was being completely truthful about his reason for making it, that one telephone call was his only verified contact with anyone from the Wallace campaign. The FBI interviewed Roderic Duff, who was “very active” in support of the Wallace campaign and was “frequently at the Wallace headquarters...” He told the Bureau that “he never saw anyone resembling Ray at these offices nor heard the name of Eric Starvo Galt [Ray's alias] mentioned there.” [18] Wallace's campaign coordinator, Robert Walters, confirmed that no one at the office knew Ray and none of his known aliases appeared anywhere in their files. [19]

Nonetheless, McMichael claims that before leaving California, Ray got himself into trouble “trying to spread the Wallace religion to barflies.” [20] He goes on to give his version of a story—first popularized by FBI collaborator Gerold Frank—in which Ray got involved in an angry exchange with a white woman in a Los Angeles bar called the Rabbit's Foot Club. According to Frank, the scene ended with Ray dragging her towards the door yelling, “I'll drop you off in Watts and we'll see how you like it there.” McMichael quotes bartender Bo Del Monte as referring to the alleged incident as a “heated discussion” and claims that Del Monte did not think it coincidental that, shortly afterwards, a black customer was hit in the head with a rock in a nearby parking lot. Clearly, McMichael wants readers to believe that Del Monte suspected Ray was involved in the attack. But once again, the author is being extremely disingenuous.

What he chooses not to disclose is that in 1978, when the HSCA tracked down Del Monte and asked him if he could verify the story, he denied any such “heated discussion” had taken place. He told investigators that he remembered Ray frequenting the bar over a two month period. During that time he kept to himself, never spoke about George Wallace, gave no indication that he was racist, and never caused a disturbance. As for the rock-throwing incident, Del Monte never suggested that Ray was in any way involved and, in fact, had always been led to believe that a “little guy” who worked at the bar was the one who was responsible. [21]

Nearly 50 years of research has failed to turn up proof that Ray was a hardcore Wallace follower or campaign “volunteer”, and no credible evidence has emerged showing that he was a die-hard racist. Yet McMichael says “Ray’s racial motive became more apparent” during the HSCA’s investigation through the testimony of former Scotland Yard detective, Alexander Eist. Eist told the committee that he had been the only person to befriend Ray while in British custody and that he gained his trust enough for the usually tight-lipped Ray to admit to him that he “panicked and threw the gun away.” He also said that Ray frequently referred to blacks as “niggers” and told Eist “that he tried to get into Africa at some stage—he said to kill more of them.” [22]

It is an unfortunate fact that famous events tend to attract all sorts of liars looking to insert themselves into the story for attention or monetary gain. Alexander Eist was one of those people. When Eist first began shopping his story in 1978, he told the FBI that Ray had confessed to carrying out the assassination and had “bragged that he was proud of the fact he alone was able to kill King.” [23] By the time he appeared before the HSCA, however, Eist had changed his tune, saying that Ray “never really told me that he pulled the trigger...” [24] From the beginning the FBI knew better than to trust Eist because he admitted he was about to make a “financial move” concerning what he supposedly knew. Consequently the Bureau contacted New Scotland Yard who advised that Eist, having been suspended and charged with corruption, was considered “controversial and disaffected.” Further, NSY did “not consider that he could have info of value” as he was not part of Ray’s interrogations, was never alone with him, and “anything of interest would have been forwarded in reports furnished at the time.” [25] Statements were taken from the other police officers who had guarded Ray during his short stay in Canon Row Police Station and not one of them corroborated Eist’s story. On the contrary, Detective Constable William Baxter, who had partnered with Eist, advised that “Having heard details of these alleged comments by Ray to Eist I have no recollection whatsoever to any of these matters being mentioned by Ray to Eist in my presence at any time.” [26]

For any author to use Alexander Eist’s fallacious stories as proof of Ray’s supposed racism is a clear mark of desperation. And sadly for McMichael, Eist’s obvious lies are the strongest “evidence” he can muster. At one point he stoops to claiming that an FBI report “confirmed” that “Ray had scribbled... 'Martin Luther Coon' on the back of a portable television set that he had sold to Rita Stein before leaving California.” [27] Yet he cites no such “FBI report” and instead references George McMillan. Once again, McMillan makes no attempt to provide a source for what is most likely his own fabrication. As far as this reviewer is aware, there is no such FBI report and there was no such racial slur scrawled on the back of the television set that Ray actually traded—not “sold”—to Rita’s sister, Marie.

There is ample reason to reject suggestions that Ray was a rabid racist and segregationist. Ground-breaking author and investigator Harold Weisberg noted that, during the time he spent with Ray, he “showed no signs of special feelings against Negroes.” Weisberg spoke with two wardens of Brushy Mountain Penitentiary and both told him they had seen “no manifestation of any racism on Ray’s part” and noted that “not a single one of the black prisoners believed that Ray was guilty and not a single one of them manifested any dislike or hatred of Ray.” [28] Ray himself told Dr. McCarthy

DeMere, who was his physician at Shelby County Jail after the assassination, that he liked blacks, “had been in prison with them before and he had no prejudice whatsoever.” According to DeMere, Ray was “extremely aggravated” by claims of his supposed racial bias by the press. He told DeMere that “some of his friends in Missouri State Penitentiary were Black and that he resented the media's gross distortion of his racial attitude.” [29]

Shortly after his escape from prison, Ray had worked for several weeks at the Indian Trails Restaurant in Winnetka, Illinois, and got along perfectly well with his co-workers, many of whom were minorities. According to Gerold Frank, Ray's supervisor there “was a black man, a difficult, even arrogant black man, known to be hard to get along with.” And yet “Ray had been able to work so well under him, so unresentfully, that he had had his pay increased twice in the first two weeks.” [30] The Rabbit's Foot Club that Ray had frequented in Los Angeles had a strong black clientele and so too did the Sultan Room, another L.A. bar he visited regularly. HSCA Chief Counsel Robert Blakey noted that “Associates of Ray in Los Angeles who were questioned by the committee say he showed no racial animosity while there. Indeed, there is some evidence that he may well have had a liason with a black woman while he was in Los Angeles.” [31] Quite obviously, this all stands in stark contrast to McMichael's assertion that Ray arrived in L.A. with “politics on the brain”, determined to proselytize for George Wallace's segregationist campaign.

With regard to what McMichael refers to as Ray's “telling escape plan”, he notes that on December 28, 1967, Ray wrote a letter to the American South African Council to inquire about emigrating to the segregated nation of Rhodesia. From this he concludes that Ray had “helped Wallace conquer California, and now he wanted to help the ancestors of British and Dutch colonists stave off a native insurgency.” [32] This is just one of several instances in *Klandestine* in which the author projects his own silly imaginings onto Ray; as if he is somehow privy to thoughts that Ray never shared. In reality, Ray's desire to get to Africa had nothing to do with fighting any “native insurgency” and everything to do with avoiding being captured and returned to prison. As the HSCA reported, its investigation at the Missouri State Penitentiary revealed that “considerable discussion about 'safe' countries occurred within the inmate population, and that Rhodesia was often mentioned in this regard. There is sound reason to believe, therefore, that Ray's inquiries regarding Rhodesia...stemmed from a desire to reach a safe haven, and not because of an interest in the country's politics.” [33]

III

Although *Klandestine* fails to accurately account for Ray or the lack of evidence against him, it should be noted that that is not the main purpose of the book. Rather, it exists to push the author's wholly unsubstantiated theory that Ray's account of being set-up by a man he knew only as “Raoul” was, at least in part, fabricated or instigated by his lawyer, Arthur Hanes. Needless to say, McMichael fails to substantiate this idea with anything beyond speculation and simply ignores the fact that Ray's claim of having been manipulated by someone is actually the best possible explanation for his movements and finances during his year on the run.

The genesis of McMichael's theory is a statement made to the FBI on March 26, 1969, by Memphis attorney, Russell X. Thompson. Thompson had first contacted the Bureau almost a year earlier to tell them he had been visited by a blond Latin calling himself “Tony Benavitas” who claimed to have some knowledge of the assassination. Benavitas told Thompson an elaborate story about a roommate of his named “Pete” who, he said, was a “professional hired gunman” and had been the real killer of Dr. King. Suspecting his visitor was probably just a “nut”, Thompson nevertheless did what he thought was the sensible thing and reported the encounter to the FBI. [34]

After Ray's guilty plea, Thompson got himself in hot water with J. Edgar Hoover when he leaked a

story to the press concerning his turning over of a “confidential file” on Ray to Jack Greenberg of the NAACP. A *Memphis Press Scimitar* article quoted Thompson as stating that he had investigated the assassination after being consulted by Arthur Hanes and that he believed he had information previously unknown to the FBI. As McMichael writes, “Hoover was angered by the stunt” and “...after several 'miscommunications,' Thompson called the FBI on March 26 to apologize and explain. He denied the way the story had been framed in the papers and claimed he'd been misquoted.” [35] To placate the Bureau, and take some heat off himself, Thompson then suggested that since he had mentioned his “blond Latin” story to Hanes, it was possible that Hanes had relayed the story to Ray and “on that basis Ray had come up with the Raoul character. Thompson further said, of course, there was a possibility that Hanes himself might have manufactured the character Raoul, based on the data he had furnished about the blond Latin.” [36]

Without any substantiation, McMichael takes Thompson's unfounded speculation and makes it the lynchpin of his theory that Hanes and Huie helped Ray “cover up his crime.” Central to this theory is the fact that Huie's first *Look* magazine article, ostensibly based on what Ray told him in writing, described Raoul as a “blond Latin.” However, the problem for McMichael is that despite his erroneous statements to the contrary, Ray himself never described Raoul that way. He was always consistent in describing Raoul as being mid-30s, about 5'8" and 140 pounds with dark red hair “that might have been the result of a dye job.” [37] As McMichael himself details in what is probably the only valuable information in his book, Huie had a long history of fabricating historical details for his stories, and there is no doubt he did the same thing in the King case. It is unknown whether he made up the “blond Latin” description himself or if he perhaps got it from Thompson's story. He claimed he got it from Ray yet it does not appear in any of Ray's writings to him. And he did in fact admit that, after his first article appeared, Ray corrected his description of Raoul, saying he was red headed, not blond. [38]

The first time Ray spoke of Raoul was during his initial post-extradition meeting with Hanes on July 20, 1968. Hanes's son, Arthur Hanes Jr., who assisted his father in preparing a defense, was present for that meeting. The three men laid on the floor of Ray's cell with the shower running so that they could talk freely without their words being picked up by the microphones hanging from the ceiling, or being overheard by the two guards who watched Ray's every move 24 hours a day. During that rather unorthodox conference, Ray detailed for the first time his actions from the day of his prison escape on April 23, 1967, to the time of his arrest in London on June 8, 1968. Hanes Jr., now a retired Judge, told this reviewer that he remembered their first conversations with Ray “as if they were yesterday.” [39]

Ray told the Hanes team that a few months after his prison break, he had made his way to Montreal, Canada, where he hoped to obtain the travel documents he needed to permanently flee the United States. On the docks, in a place called the Neptune Bar, he claimed to have met an individual named Raoul who, over the course of several meetings, promised to provide the documents Ray needed if he agreed to carry some contraband back across the border. Feeling it was his best option at that point in time, Ray said he took up the offer whilst continuing to think of other ways to obtain the papers himself. He spent the next several months smuggling for Raoul, following his instructions, and in return received large sums of money including \$1,900 to buy a white Ford Mustang.

In December, he met Raoul in New Orleans and was informed that they were getting into the gunrunning business. A few months later, Ray was given \$700 to purchase a rifle that would be shown to prospective customers. But Ray, who knew nothing about rifles, picked up the wrong one and Raoul sent him back to exchange it for the Remington 30.06. On April 3, he met Raoul at the New Rebel Motel in Memphis, at which point Raoul took the rifle and told Ray he was to rent a room the following day at 422½ South Main Street—Bessie Brewer's rooming house—where they were to meet with some dealers. Ray did as he was instructed and, in so doing, put himself in the

perfect position to take the blame for the assassination.

I asked Hanes Jr. what he thought of suggestions that his father had fed Thompson's "blond Latin" story to Ray during that first meeting in the Shelby County Jail. Hanes Jr. labelled the idea as "preposterous" and, although he offered to give me any information I needed, said he had no intention of responding to McMichael whom he described as "an agenda driven fool who makes things up." [40] Whilst I'm sure that McMichael would have no problem dismissing Hanes's remarks, the fact remains that Hanes was actually there when Ray told his story and McMichael was not. And at the end of the day there is not one scintilla of evidence contradicting Hanes's word that no such discussion took place.

Because he has no proof of his theory, McMichael elects to paint a highly negative portrait of Hanes Sr. in the hopes that that will be enough to convince his readers Hanes conspired with Ray to create a false narrative. The author waffles on for many pages, detailing Hanes's very public segregationist activities and the famous cases in which he defended members of the Ku Klux Klan in court as if he is somehow revealing something new. He desperately wants his readers to believe that Hanes was himself a Klansman and so repeatedly refers to him as "Kloncel" for the United Klans of America. Yet he admits that not only did Hanes himself deny he had ever been a member of the Klan, the FBI could find "no information indicating that Hanes is or was a member of the Ku Klux Klan or is an official legal representative of the Klan." [41]

Of course McMichael is never one to let a lack of evidence get in the way of his allegations. At one point he goes so far as to imply that there may have been some type of connection between Hanes and John Sutherland, a St. Louis racist who was alleged to have offered a bounty on the life of Dr. King. At another, he repeats an old allegation that the Klan paid \$10,000 to Ray's defense as "a payoff to Hanes." [42] Needless to say, he can substantiate none of it.

The truth is that no matter how much McMichael wishes it were otherwise, Hanes was not involved in any type of conspiracy and did not create or help Ray to create "Raoul." As noted previously, Ray's actions following his prison escape are best explained by his own account of being manipulated by someone. It is crystal clear that his number one priority was to avoid being captured and sent back to jail, and that he felt that getting to a foreign country from which he could not be extradited was his best bet. So it makes no sense to suggest that, having made it as far as the Montreal docks, Ray suddenly choose to head back into the U.S. on his own initiative. Nor does it make any sense to suggest that a man on the run, with no history of violence, who hadn't picked up a rifle since he was in the army 20 years previously—at which time he was a poor shot—would jeopardize the freedom he had managed to hold onto for a year by assassinating a famous man and setting every investigative authority in the world after himself.

Without a Raoul character, Ray's finances are also difficult if not impossible to explain. With no official source of income, how did Ray manage to pay for the Mustang, the hotel rooms, the dancing lessons, the photographic equipment, the rifle and the numerous other things he purchased over the course of that year? McMichael offers no explanation beyond dredging up the "long-standing rumor that [Ray] and his brothers robbed the Bank of Alton in the summer of 1967." [43] Of course he does not disclose the fact that neither the Alton police nor the Justice Department ever considered the Ray brothers as suspects in the robbery. Nor does he explain why, shortly after the robbery, Ray purchased a clapped-out \$100 Chrysler in East St. Louis that broke down before he made it outside the city limits. Ray's share of the loot would have been almost \$10,000 in cash. As Harold Weisberg noted, for a man on the run with that much money in his pocket to depend on a dilapidated automobile for his travel, safety and security would be entirely irrational. [44]

Although he has nothing but disdain for Hanes, McMichael has not a single unkind word to say about the man who replaced him as Ray's attorney, Percy Foreman. Before Foreman arrived on the scene, Hanes had been fully prepared for Ray to plead not guilty and knew he could easily counter the state's worthless case. But tensions arose between he and Ray over the publishing contracts they had entered into and an agreement that everything Ray told his lawyer would be turned over to Huie. Ray had entered into the contract because he needed some way to pay for his defense but he never trusted Huie. He wanted to hire an investigator of his own to check out some leads in Louisiana but "didn't want anyone connected with William Bratford [sic] Huie doing this since I knew then that Mr. Huie was a conveyor, an admitted conveyor, of information to the FBI—hence the prosecuting attorney." [45]

The biggest source of friction was Ray's insistence that he take the stand in his own defense. Ray said he wanted to do so because he had "testimony to give which I didn't want the prosecution to know of until as late as possible" but Hanes was opposed to the idea. [46] Things came to a head when Ray's brother Jerry informed him that Huie had flown him out to Hartselle, Alabama, and offered him \$13,000 if he could get Ray to agree not to take the stand. Huie didn't want Ray to testify because his story would then become public domain and Huie would lose his exclusive rights. As Jerry later remembered, "I countered that possibly the Haneses might not go for that. Immediately, Huie's ego overtook him, and he puffed up like a spoiled kid. 'I'm the one controlling the money here!' he stormed. 'You let me worry about the Haneses; they'll do whatever I tell them to do!'" [47] Needless to say, hearing this amplified Ray's worries that Huie was the one really in control of the case.

Jerry suggested that he hire Foreman, who was a famous Texan attorney with an extremely impressive record, but Ray felt that if he could not get a Tennessee-based lawyer he would be best off sticking with Hanes. In a move he would come to deeply regret, Jerry went ahead and contacted Foreman on his own. Then on November 9, 1968, just a few days before the trial was set to begin, Foreman turned up at Ray's jail cell with copies of the contracts with Hanes and Huie in hand. "...the only thing Hanes and Huie were interested in was money," Foreman told Ray, and if he stuck with Hanes he would be "barbecued." [48] Foreman said that he could break the contracts, boasted that he had lost only one client in 1,500 capital cases to the electric chair, and convinced Ray to dump Hanes.

Once hired, he set up residence at the landmark Peabody Hotel in downtown Memphis where, according to Jerry Ray, he did little more than sit around drinking Scotch and bragging about his accomplishments. "...they don't have any solid evidence on your brother," he told Jerry, "only the word of a known drunk and fingerprints on a weapon that they can't ballistically match to the death slug...This is the easiest murder case I've ever defended; my grandfather could beat it; I don't even have to prepare." [49] But then in February, 1969, after securing his \$165,000 fee with a new set of publishing contracts and possession of Ray's white Mustang, Foreman suddenly and dramatically changed his tune. He turned up at Ray's cell with a letter for him to sign, saying he needed evidence that he had advised Ray to let him negotiate a guilty plea on his behalf. Ray signed the letter but said he had no intention of entering a guilty plea.

In direct contrast to his earlier remarks, Foreman now said that he saw a 100% chance of a guilty verdict and 99% chance of Ray receiving the death penalty. He tried his best to scare Ray by stating that the media had already convicted him, citing articles in *Life* magazine, *Reader's Digest* and the local papers. He further stated that the prosecution had promised its star witness \$50,000 for his testimony; that the Chamber of Commerce was pressuring the trial Judge for a guilty plea; that the Judge himself was concerned about the effect a trial would have on the city; and that the court clerk would manipulate the juror pool so Ray would be up against a panel of angry blacks intent on

revenge. Still Ray stuck to his guns.

Foreman then travelled to St. Louis to try and scare Ray's family into helping him change Ray's mind. As Jerry recalled, Foreman was “crying and putting on a show...He told us that if Jimmy demanded a trial and took the witness stand, he would surely fry in the hot seat. Foreman also said that authorities were looking into the criminal history of our family. He claimed they knew our dad was a parole violator from way back and could put him back in prison...” And, he added, Jerry was being fingered as a co-conspirator. [50] Foreman went back to Memphis and tried the same “terror tactics” on Ray, knowing full well that Ray was more concerned about his family's freedom and well being than his own. Finally, according to Ray, Foreman “got the message over to me that if I forced him to go to trial he would destroy—deliberately—the case in the court room.” [51]

Ray wanted to change lawyers but Judge Battle had ruled on January 17 that he would grant no further continuances and, if Foreman left the case for any reason, Ray would have to go to trial with Public Defender Hugh Stanton, whom Ray did not trust and had already refused entrance to his jail cell. Foreman told Ray that he could get the case-reopened and offered to give \$500 to Jerry so that he could hire a new lawyer after the plea hearing. Unbelievably, he even put this in writing in a March 9, 1969, letter that stipulated the \$500 advance was “contingent upon the plea of guilty and sentence going through on March 10, 1969, without any unseemly conduct on your part in court.” By this time Ray had spent eight months in a specially constructed cell with steel plates over the windows and blinding lights on him 24-hours-a-day. He had not been allowed outside to get fresh air, had cameras and microphones picking up his every move, and his ever-present guards even accompanied him to the toilet. Feeling trapped by Foreman and mentally worn down by the conditions of his incarceration, Ray relented, agreed to plead guilty, and accepted a 99-year sentence.

The fact that Ray pleaded guilty is probably the biggest reason why so much about the murder of Dr. King remains unknown. Had Ray been afforded a real trial where the prosecution's claims would have been countered, where the evidence would have been tested, and the witnesses would have been subjected to cross examination, it is probable that we would have a much clearer and more definitive understanding of the assassination today. But by pressuring Ray to plead guilty Foreman robbed us of that opportunity and, in so doing, the Texan lawyer created much of the confusion and uncertainty that continues to exist.

So what does McMichael have to say about all of this? Basically nothing. He makes only passing reference to Ray's cell conditions, mentions none of Foreman's pressure tactics, his threats about Ray's family, or any of the other reasons he gave Ray to plead guilty. Instead he paints a picture of a lawyer who worked “all-night” while “paying daily visits” to his client but was overwhelmed by the “devastating evidence” against him and “could not convince himself that a public trial would spare Ray's life.” [52] He further suggests that the whole reason Ray had hired Foreman in the first place is that he “wanted to avoid the electric chair” and that he needed Foreman to save his life. [53] All of which is absolute nonsense.

To begin with, Ray was in no real danger of facing the electric chair. As Judge Battle noted at Ray's guilty plea hearing, “There has been no execution of any prisoners from Shelby County in this state since I took the bench in 1959. All the trends in this country are in the direction of doing away with capital punishment altogether.” [54] Even if a death sentence had been a real possibility, there is absolutely no reason why Ray would have needed to hire Percy Foreman to avoid it. In fact he had already been offered, through the Haneses, a life sentence—less than 13 years at the time—in exchange for a guilty plea but had turned it down. [55] He did not need to hire Foreman to save his life and he did not do so. He hired Foreman to win what the attorney assured Ray was the “easiest case” he'd ever defended.

The image McMichael conjures of Foreman dedicating his time to Ray and diligently investigating the case has no basis in fact. When Foreman appeared before the HSCA he claimed to have spent up to 75 hours talking with Ray in his jail cell during the four months he represented him. But when the committee reviewed Ray's prison logs it discovered that Foreman had actually spent only 18 hours with him after becoming his lawyer and 6 of those came *after* the February 18 guilty plea letter. This meant that he had spent only 12 hours with Ray during the actual investigative phase of the case which, as the HSCA noted, was “an inordinately small amount of time...for a case of such magnitude.” [56] Foreman also claimed to have engaged 8 law students from Memphis State University as investigators. Yet he could not provide the name of a single one of them, could not say when he hired them, how much they were paid, or how many hours they spent investigating. The HSCA managed to track down one of these students, a man named Thomas Emerson Smith, who “told the committee that neither he nor any of the other students who were chosen to work with Foreman ever conducted a single interview. In fact, according to Smith, the group was never asked by Foreman to carry out any type of investigation whatsoever.” [57]

Foreman said he had personally interviewed numerous witnesses but could supply no details and “refused to give the numbers or identities of all the witnesses that he claimed to have interviewed” to the committee. The HSCA noted that it knew of “Numerous witnesses” who “were never contacted by Foreman or any of his representatives.” [58] He never even attempted to speak to the state's star witness, Charles Stephens. Nor did he try to obtain the FBI ballistics report that would have been crucial to any defense. What's more, he took virtually nothing from the files of Arthur Hanes, claiming Hanes had refused to share what he had. Yet both the Haneses flatly disputed him. “We showed him what we had, advised him he was welcome to everything he could see...” said Hanes Sr. “We tried to outline the case for him, tell him what we knew. He didn't seem to be too interested. We offered him everything we had. He took nothing with him.” Hanes Jr. said much the same: “He wasn't interested in the case. He wanted to drink some scotch, eat some dinner, and talk about his famous cases. He also told us about how he made speeches all over the country.” [59] It is crystal clear that Foreman never conducted any real investigation because he never really intended to try the case. That is why he was never able to produce any files of his alleged investigation, instead claiming they had been lost.

Foreman even lied to the HSCA about how he entered the case, saying that Ray had personally sent a letter to his Houston office requesting that he do so. Of course he could never produce any such letter when asked to do so because it did not exist. As noted previously, it was actually Ray's brother Jerry who asked Foreman to get involved and Foreman himself had said so to a reporter for the *Memphis Press Scimitar* reporter in November 1968. He said the same thing again the following year in a legal deposition. [60] Typical of liars, Foreman could never keep his stories straight. At one point he actually told the committee with a straight face that he never recommended Ray should plead guilty. When confronted with the letter he himself wrote and asked Ray to sign on February 13, 1969, which stated “...I have advised you to permit me to try to negotiate the waiver of the death penalty in consideration of our entering a guilty plea for you” Foreman shrugged it off; suggesting it was somehow “not inconsistent with what I have heretofore said.” [61]

Despite all of this, McMichael has no problems with Foreman. The reason why is clear: unlike Hanes, who never stopped protesting Ray's innocence, Foreman said he always knew Ray was guilty. And in the world of state apologists like McMichael, no matter how dishonest and unscrupulous a man is, if he says Ray did it, then he's a good old boy.

cannot hide his contempt for those who dare to seek the truth about Dr. King's death. As well as criticizing the Hanses for continuing to maintain Ray's innocence long after being dismissed as his attorneys, he twice refers to the esteemable Mark Lane as a “notorious peddler.” Of course Lane was only “notorious” among those who did not like seeing their phoney narratives exposed for what they were. On top of being a remarkable defense attorney—once known in the New York District Attorney's office as the “scourge of D.A.'s” for his effectiveness in the courtroom—Lane was a lifetime activist and fighter of worthy causes. As well as opening an office in Spanish Harlem, holding free legal clinics, and getting innocent men off of death row, he worked to abolish capital punishment, opposed segregation, was arrested as a “Freedom Rider,” represented the American Indian Movement at the Wounded Knee Trial and helped establish the rights of women to bring actions for sexual harassment. Lane was a man of integrity who never cowed to authority and spent his life standing up for the little guy. But apparently none of that impresses McMichael who is much more comfortable with the type of lawyer who rips his client off, refuses to investigate his case, blackmails him into copping a plea, and then lies his ass off about it.

It probably goes without saying that he has nothing good to say about William Pepper who, as Ray's lawyer from 1988 until his death in 1998, worked harder than anybody else during that time to draw attention to the tragically unsolved murder of Dr. King. In that regard, one of Pepper's smarter moves was taking part in HBO's *Guilt or Innocence: The Trial of James Earl Ray*. The three-hour long, unscripted mock trial, filmed in the Shelby County Courthouse using a real Judge, a real jury, real witnesses, and following proper rules of evidence, was designed to be as close to an actual trial as any television show could hope to be. Of course the lawyers did not have subpoena power and no one faced the threat of perjury for giving false testimony. Nonetheless, the setting allowed for the evidence to be aired and tested in a way that the American public had never seen before. After seven hours of deliberations, the jury returned a verdict of “not guilty” for James Earl Ray.

McMichael, of course, finds nothing of value in the mock trial, dismissing it as a “Hollywood saga” and a “\$3 million media spectacle.” He claims that FBI agents, a Memphis police officer, and a ballistics expert named Donald Champagne “established Ray's guilt beyond a reasonable doubt” but that “the defense team led the jury astray by questioning the ballistics...” [62] What the author does not explain is how exactly getting Champagne to admit the truth—that the HSCA's firearms panel he served on had never been able to prove the death slug was fired from the throw-down rifle—qualifies as leading the jury astray. Obviously, it does not; it merely establishes a fact that McMichael does not like and does not want to admit to. Namely, that there is no evidence that Ray fired the shot.

Pepper presented evidence at the mock trial demonstrating that the shot may have actually been fired from the bushes below the bathroom window. “To add texture,” McMichael writes, “the defense deposed a Memphis police officer who claimed to have found a fresh footprint in the bushes on the night of April 4. Before it could be cast, the jury was told, workers for the Memphis Public Works department showed up the morning of April 5 and cut down the bushes, contaminating the crime scene.” Needless to say, for McMichael “such 'evidence' has no basis in fact.” [63] In the real world, however, this evidence has been firmly established.

Former Director of Public Works, Maynard Stiles, testified both at the mock trial and again under oath at the *King v. Jowers* civil trial in 1999 that he had sent a crew to clean-up the area that morning at the request of the Memphis police department. [64] His account was fully corroborated by the sworn testimony of *Memphis Press Scimitar* reporter Kaye Pittman-Black who said she had received a telephone call on the morning of April 5 informing her that the clean-up was taking place. She promptly made her way to the scene and saw for herself that “The trees which lined the embankment behind the rooming house...had been cut, and the area had been cleared and cleaned.” [65] As for the footprint, J.B. Hodges, the Memphis police officer who testified to finding it in the

alley next to the brush, was actually partially mistaken. As the April 4, 1968 Homicide Officers Report records, there were in fact “two footprints found in this alley, one having been made by the right foot, which was the easternmost print, and one by the left foot, which was further west.” The report goes on to state that an inspector from the Bureau of Identification “did make plaster casts of these prints.” [66] What became of these casts is unknown.

Pretending that Pepper did not present more than enough evidence during the mock trial to demolish the state's case, McMichael says that it was the testimony of Ray himself that “saved the day.” “Mostly,” he writes, “[Ray] stammered along by playing the part of a patsy and putting the blame on Raoul...Hours before the assassination, Raoul had kicked him out [of the rooming house] to conduct some confidential business; Ray said he spent the afternoon drinking beer in Jim's Grill, directly below the rooming house. He was sitting there at 6:01 pm when someone, possibly Raoul, fired the shot.” [67] By now, with so many of McMichael's misrepresentations already detailed, I'm sure readers will not be surprised to learn that the above is most certainly not what Ray said he was doing at the time Dr. King was shot.

Whereas the state and its defenders have always claimed that Ray left the scene two or three minutes after the assassination in a white Mustang parked just south of Canipe's Amusement store, Ray maintained that he parked his car in front of Jim's Grill and left shortly before the assassination—somewhere between 5:30 pm and 6:00 pm—to try to get his spare tire fixed. Ray's account is corroborated by the FBI statements of two witnesses which were buried for decades before Pepper stumbled across them and brought them to light. Ray Hendrix and William Reed told the Bureau that they had left Jim's Grill at approximately 5:30 pm and noticed a white Mustang parked directly outside. When Hendrix realised he had forgotten his jacket, he went back into the grill to retrieve it whilst Reed stood staring at the car. When Hendrix reappeared the two walked a couple of blocks north on South Main Street until they reached the corner of Main and Vance, at which point what appeared to be the very same Mustang, driven by a lone, dark-haired man, rounded the corner in front of them. [68]

By all appearances, Hendrix and Reed witnessed Ray leaving the scene before the assassination just as he said he did. Which means that they provide him with something of an alibi. Their statements were actually read into the record at the mock trial by Pepper's co-counsel, April Ferguson, yet McMichael makes no mention of them. So desperate is he to avoid anything and everything that exculpates Ray that the author elects to change Ray's own testimony instead. Rather than admitting that Ray said he left the scene before the shooting, and that two witnesses may well have seen him, McMichael invents a different story in which Ray says he was sitting in Jim's Grill drinking beer when the shot was fired.

VI

At this point it would seem fairly redundant for me to say that *Klandestine* is a terrible book which I cannot recommend. It is, in fact, one of the most morally bankrupt and factually inept books I have ever had the misfortune of reading. The author demonstrates time and time again that he has no concern for the truth about the death of Martin Luther King. He misrepresents key evidence, claiming that Ray's fingerprints were “all over the boarding house windowsill” when, in fact, his prints were not found anywhere in the building. He presents as established fact pure speculation that the abandoned rifle was the actual murder weapon, whilst condemning those who refuse to do the same. He presents a skewed and hackneyed portrait of the accused assassin, repeating long discredited stories and utilizing obvious liars in the process. And he tries to whitewash the behaviour of Percy Foreman; one of the people most directly responsible for the continuing confusion and uncertainty about the assassination of America's greatest civil rights leader.

Perhaps the most infuriating aspect of *Klandestine* is author Pate McMichael's blatant hypocrisy. He decries those who formulate theories related to the assassination or suggest that a conspiracy took the life of Dr. King. Yet the centerpiece of his book is a conspiracy theory of his own selection in which Ray, Hanes and Huie invented the character of "Raoul" to cover up Ray's crime. That he has nothing beyond unsubstantiated speculation to support his thesis bothers him not one jot. Like the proverbial man in a glass house throwing stones, he still has the gall to wag the finger of condemnation at the likes of Mark Lane, Jim Garrison, and William Pepper for their own perceived sins.

Like George McMillan, Gerald Posner and Hampton Sides before him, McMichael presents a make-believe account of a tragic historical event. It is an insult to the memory of Dr. King that such authors refuse to account for his death in an accurate and truthful manner. It is not a case of their being genuinely mistaken in their beliefs. These are intelligent and educated men who have to know better, and the construction of a false fact—like Ray's prints being all over the windowsill, his calling George Wallace's campaign office three times, or his saying he was in Jim's Grill at the time of the murder—does not occur by accident. Such authors deal in intentional falsehoods for their own selfish reasons. In Posner's case, writing government-friendly books on the assassinations of John F. Kennedy and Martin Luther King gained him widespread acclaim by the mainstream media, got him on numerous talk shows and documentaries as a so-called "expert", and led to a high profile career in journalism. Perhaps McMichael hoped to follow in his footsteps. Whatever his motivation for writing his book, I believe Arthur Hanes Jr. summed it up best: *Klandestine* is the work of an "agenda driven fool who makes things up."

References

1. Pate McMichael, *Klandestine: How a Klan Lawyer and a Checkbook Journalist Helped James Earl Ray Cover Up His Crime*, p. 262.
2. Ibid. p. xii.
3. Ibid. pgs. 161-162.
4. *Homicide Officers Report of Shooting Scene Lorraine Motel*, April 4, 1968, p. 4.
5. *The 13th Juror: The Official Transcript of the Martin Luther King Assassination Conspiracy Trial*, p. 298.
6. *Klandestine*, p. 214.
7. House Select Committee on Assassinations [HSCA] MLK appendix volume 13, p. 112.
8. FBI MURKIN Central Headquarters File, section 7, p. 72 and April 11, 1968, FBI Laboratory report.
9. FBI MURKIN Central Headquarters File, section 10, p. 172.
10. House Select Committee on Assassinations MLK appendix volume 13, p. 64.
11. Jerry Ray with Tamara Carter, *A Memoir of Injustice*, p. 129.
12. There is, in fact, reason to believe that the bundle was dropped in the doorway of Guy Warren Canipe's store before the shot was even fired. In his sworn testimony at the *King v. Jowers* civil trial in 1999, Arthur Hanes Jr. stated that Canipe had told him in 1968 that the bundle was dumped approximately 10 minutes before the assassination and he was prepared to testify to that effect. Hanes' recollection is partially corroborated by the statement Canipe gave to public defender Hugh Stanton on February 4, 1969, in which he said that the bundle had been "in front of his place of business about 10 minutes when a Deputy Sheriff came up to take charge of them." The Deputy Sheriff in question was Judson E. Ghormley, who said that he discovered the bundle and radioed it in to headquarters a maximum of "two or three minutes" after Dr. King was shot. Clearly, then, if there is any truth to Canipe's statement that the bundle was dropped 10 minutes before Ghormley arrived, it had to be sitting there before the shot was fired. In which case the Remington Gamemaster 30.06 rifle that Ray had purchased in Birmingham, Alabama, five days before the assassination is eliminated as the murder weapon.
13. *Klandestine*, p. xiii
14. Ibid. p. 154.
15. Ibid.
16. FBI Report of Special Agent Leroy Sheets; 4/18/68; Los Angeles, pgs. 111 – 113.
17. HSCA MLK appendix vol. 3, p. 206.
18. FBI MURKIN Central Headquarters File, section 41, p. 165.
19. Harold Weisberg, *Frame Up*, p. 360.
20. *Klandestine*, p. 157
21. HSCA MLK appendix vol. 4, p. 125 – 141.

22. *Klandestine*, p. 247.
23. <http://jfk.hood.edu/Collection/Weisberg%20Subject%20Index%20Files%20Original/E%20Disk/Eist%20Alexander%2010-6-86/Item%2002.pdf>
24. HSCA MLK appendix vol. 4, p. 25.
25. <http://jfk.hood.edu/Collection/Weisberg%20Subject%20Index%20Files%20Original/E%20Disk/Eist%20Alexander%2010-6-86/Item%2003.pdf>
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27. *Klandestine*, p. 155.
28. Weisberg, *Whoring with History: How the Gerald Posners Protect the King Assassins*, unpublished manuscript, chapter 18.
29. HSCA MLK appendix vol. 13, p. 251.
30. Gerold Frank, *An American Death*, p. 271.
31. HSCA MLK appendix, vol. 4, p. 147.
32. *Klandestine*, p. 155.
33. HSCA MLK appendix, vol. 13, p. 256.
34. see Frank, p. 160 – 167 for a detailed account.
35. *Klandestine*, p. 230.
36. *Ibid.*
37. James Earl Ray, *Who Killed Martin Luther King?*, p. 63.
38. see Huie's February 7, 1969, Grand Jury testimony, p. 2.
39. Private communication, August 16, 2016.
40. *Ibid.*
41. *Klandestine*, p. 11.
42. *Ibid.* p. 255.
43. *Ibid.* p. 247.
44. see HSCA MLK appendix vol. 8, p. 614 – 615 and Ray, p. 59 – 60.
45. Ray, affidavit of August 31, 1970, quoted in Frank, p. 465 – 466.
46. *Ibid.* p. 466.
47. Ray & Carter, p. 79.
48. Frank, p. 467.
49. Ray & Carter, p. 83.
50. *Ibid.*
51. Frank, p. 472.
52. *Klandestine*, p. 212 – 214.
53. *Ibid.* p.1 83.
54. Transcript of 3/10/69 guilty plea hearing, p. 103.
55. *The 13th Juror*, p. 208.
56. see HSCA MLK appendix vol. 5 p. 301 and HSCA report p. 320.
57. HSCA MLK appendix vol. 13, p. 228.
58. *Ibid.*
59. Mark Lane & Dick Gregory, *Murder in Memphis*, p. 200.
60. John Avery Emison, *The Martin Luther King Congressional Cover-Up*, p. 133 – 134.
61. HSCA MLK appendix vol. 5, p. 301 – 302.
62. *Klandestine*, p. 261 – 262 .
63. *Ibid.* p. 263.
64. see *The 13th Juror*, p. 143 – 145.
65. *Ibid.* p. 116.
66. *Homicide Officers Report of Shooting Scene Lorraine Motel*, April 4, 1968, p. 5.
67. *Klandestine*, p. 262 – 263.
68. see *The 13th Juror*, p. 351 – 352.