On Today's Editorial Page
Meddling In The Bus System
Editorial
The Primary: Amendment No. 2
Editorial

ST. LOUIS POST-DISPATCH

FINAL
★ Latest Stock Prices Pages 2E and 3E

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RESCUE AT FACTORY: Firemen using an acetylene torch worked for more than an hour Wednesday to free Robert Herbert's left arm from a machine at Wunderlich Fiber Box Co., 821 Clinton Street. Herbert, 23, of 2840 McNair Avenue, was in serious condition at City Hospital. (Post-Dispatch Photo by Reynold Ferguson)

Byers Knew Of Payoff, FBI Was Informed

WASHINGTON — The Federal Bureau of Investigation received information in 1973 that Russell G. Byers, a former auto parts dealer and police character from Rock Hill, knew who "made the payoff of James Earl Ray" after the assassination of the Rev. Dr. Martin Luther King Jr.

Byers' accusation, reported by an informant, is contained in an internal St. Louis FBI office memorandum made available Wednesday to the Post-Dispatch under the Freedom of Information Act.

The memorandum, which went unnoticed for four years in the wrong file in St. Louis, does not give the name of the man identified by Byers. But it describes the man as "a short, stocky man who walked with a limp."

This description, several sources have told the Post-Dispatch, fits John R. Kauffmann, a one-time stockbroker of Imperial, Mo. Byers has reportedly told investigators for the House Assassinations Committee that Kauffmann and John H. Sutherland, both now dead, asked Byers to arrange King's murder.

However, one source said that at least one other man fitting the description could not be ruled out as the person described in the memorandum. The second man was described by St. Louis police sources as an avowed segregationist and an acquaintance of Sutherland's.

Byers refused to comment on the FBI memo when reached at his Rock Hill home Wednesday night. He said the House committee had asked him not to make public statements.

Byers was keenly interested, however, in the new disclosures. He carefully analyzed the copy of the FBI memo released Wednesday. And, while humming a tune, he read through a New York Times story about the memo.

Byers' allegations are currently under scrutiny by the House Committee on Assassinations. A committee source told the Post-Dispatch Wednesday night that the committee was still trying to assess the significance of Byers' story.

All names but that of Byers were deleted from the FBI memorandum by the Freedom of Information Privacy Acts Branch. But the memorandum discussed a meeting among Byers and two men in which Byers said he "had been offered either $10,000 or $20,000 to kill King."

Sources have told the Post-Dispatch that Byers told House investigators that Kauffmann and Sutherland, a patent lawyer, also from Imperial, asked him to arrange King's murder.

The memorandum, dated March 19, 1974, was written by a St. Louis agent of the FBI on the basis of information supplied by an informant.

"In the fall of 1973," the memorandum reads, "Beyers(the name is consistently misspelled in the memo) talked freely about himself and his business, and they later went to (short deletion by FBI) where Beyers told a story about visiting a lawyer in St. Louis County, now deceased, not further identified, who had offered to give him a contract to kill Martin Luther King. He said that also present was a short, stock man, who walked with a limp."

The memorandum then continues with this sentence, enclosed in parentheses:

"Later, with regard to the latter individual, Beyers commented that this man was actually the individual who made the payoff of James Earl Ray after the killing.)

Several sources have told the Post-Dispatch that Kauffmann was short, overweight and walked with a marked limp after being injured in an automobile accident several years prior to the events described by Byers.

The other man fitting that description, however, is known to have testified before the subcommittee in April. Roy A. Walther III, an attorney for Byers, refused to say whether the other man was implicated in Byers' testimony. Walther said he had never heard of the other man until the time of Byers' testimony before the House committee.

St. Louis Police Department sources said the man was an avowed segregationist, and had appeared in St. Louis frequently to speak at segregationist rallies during the late 1960s. He was also known to have been acquainted with Sutherland.

The man is further known to be closely associated with Ray, who pleaded guilty of King's murder in 1969 and is serving a 99-year prison sentence in Petros, Tenn. Since pleading guilty, however, Ray has denied full responsibility for the shooting and has sought a new trial.

Kauffmann, a one-time stockbroker who was convicted in the late 1960s of selling 500,000 amphetamine pills to a Federal agent, died in 1973. His wife, Beulah G. Kauffmann, testified for about three hours last week before the House Select Committee.

The committee did not ask her about the allegation that a "short, stocky man, who walked with a limp," had paid off Ray, the Post-Dispatch was told by a source familiar with her interrogation. Mrs. Kauffmann refused to discuss the matter, hanging up on a reporter Wednesday night.

The memorandum's account of Byers' story jibes in all but one detail — the amount of money involved — with an account Byers gave at about the same time to a reputable St. Louisan.

In about 1974, the St. Louisan told the Post-Dispatch, Byers told him that a stockbroker who had lost his license was involved in offering Byers $50,000 for King's murder. The stockbroker apparently was Kauffmann.

The $50,000 figure differs from the $10,000 to $20,000 figure cited in the FBI

See BYERS, Page 8

McMillian Called U.S. Judgeship Choice

By GERALD M. BOYD
A Washington Correspondent of the Post-Dispatch

WASHINGTON—President Jimmy Carter today will nominate Missouri Appellate Judge Theodore McMillian to fill a vacancy on the 8th U.S. Circuit Court of Appeals in St. Louis, sources have told the Post-Dispatch.

McMillian, if confirmed by the Senate, will fill a vacancy created when William H. Webster resigned from the appeals court in February to become director of the FBI. McMillian has been a judge on the Missouri Court of Appeals at St. Louis since 1972.

McMillian, 39, will be the first black to serve on the 8th Circuit Court of Appeals. He is Missouri's first black appellate judge and before that he was the first black Missouri circuit judge, appointed in 1966.

McMillian was one of five finalists selected by an 11-member commission. He became the front runner for the nomination when he was endorsed in June by Sen. Thomas F. Eagleton, D., Mo., over the four other finalists.

The endorsement was considered tantamount to McMillian's appointment, because Eagleton is Missouri's only Democratic senator. Carter, also a Democrat, had also expressed an interested in increasing the number of black federal judges.

Judge McMillian told the Post-Dispatch in a telephone interview today, "I'm elated by the president's appointment and very thankful for the help given to me by our senior senator, Thomas F. Eagleton, and all the help given me by my friends of the bench and bar.

"I am looking forward to meeting the rest of the members of court. Hopefully, I'll be able to continue the same impartiality and hard work and to concern myself with issues and not personalities. I want to be able to help the unfortunates, impoverished and disenchanted — those that need equal justice under the law.

"I am convinced that the only way that we can remove rioting from the streets and disrespect for the law is to assure everyone that justice can and will be found in the courts."

He has described his judicial philosophy as being liberal and concerned with individual rights.

Several St. Louis lawyers have said that McMillian has been a model judge while on the Appellate Court. They have characterized him as impartial, intelligent, hard-working, courteous, and dignified without being stuffy or arrogant.

The other finalists for the judgeship were Missouri Appellate Court Judge Robert G. Dowd, William L. Hungate, a former Democratic congressman from

See JUDGE, Page 8

U.S. Indictment Names Hotel Controlled By St. Louisans

Special to the Post-Dispatch

DETROIT — St. Louis lawyer Morris A. Shenker and two Detroit underworld figures discussed submitting a fraudulent bank loan application in an attempt to get financing for the sagging Aladdin Hotel and Casino in Las Vegas, Nev., the government has alleged.

The allegations were made Wednesday in a 22-count federal grand jury indictment returned here against two Detroit men, two casino employees and the Aladdin Hotel Corp., the principal officers of which are St. Louisans. The indictment alleged that organized crime figures here had gained hidden ownership in the hotel and casino.

The indictment was but part of the hidden ownership conspiracy was that the Aladdin officers "would allow" the two Detroit underworld figures to "exercise influence and control over gaming operations." Among the officers and principal owners of the Aladdin are Peter J. Webbe, St. Louis deputy license collector, and Richard L. Daly, a former St. Louis lawyer. Neither Shenker, Daly nor Webbe

See HOTEL, Page 4

thursday

local

CONVENTION REVENUE: In its first year of operation, the Cervantes Convention Center failed to increase city tax revenues as its proponents said it would. Page 1B

sports

BIRDS RUFFLED AGAIN: The Chicago Cubs extended their mastery over the Cardinals Wednesday by winning 3-2. The victory pushed the Cubs' winning streak this season to 11 in games with the punchless Redbirds. Page 1D

features

SONGS BY THE TALE: Harry Chapin's narrative song-writing style has a lot to do with the entertainer's success. For more, see CALENDAR, Page 2C

RENTA YENTA, ST. LOUIS: It started out West — two women who cater to the unusual in parties and pranks. Now the service is available here. Page 2F

FORLORN PORN: The fans are beginning to abandon pornographic movies, at least the low-budget smartistic kinds. Page 3F

Partly Cloudy

Official forecast for St. Louis and vicinity: Clear to partly cloudy tonight and tomorrow, with northerly winds and cooler temperatures; lows tonight in the mid to upper 50s; high Friday of about 86. Fair and cool Saturday through Monday, lows near 48, highs near 80; chance of showers Sunday.

Other Weather Information on Page 2A

inside

56 Pages

Business	1-6E
Calendar	1-20C
Classified Advertising	7-14D-4B
Editorials	2B
Everyday	1-10F
Metro Report	14A
News Analysis	2B
Obituaries	7D
People	7A
Region	13A
Reviews	4F
St. Louis	1B
Sports	1-7D
TV-Radio	8F
Weeders and Seeders	5F

2 Arab Terrorists Kill PLO Agent In Paris

PARIS (AP) — Two Arab terrorists assassinated the Palestine Liberation Organization representative in his Paris office today and wounded two other persons before releasing hostages and surrendering to French police, officials said.

The PLO representative, Izzeddine Qalaq, was shot 16 times, police said. He had been in Paris as the PLO representative since 1972 and was known as a supporter of PLO chief Yasser Arafat in his struggle against Iraqi- backed extremists who reject any idea of negotiations with Israel.

An anonymous telephone caller told the French news agency Agence France-Presse that the attack was mounted by the Rejection Front of Stateless Palestinian Arabs, a previously unheard-of group.

The caller claimed responsibility for Monday's attack on the Iraqi Embassy as well as the operations at the PLO offices, which are in the same elegant building as the Arab League on Boulevard Hausseman in Paris' central 8th municipal ward.

"We don't want a land of exile any more, but the promised land of Mohammed," said the caller, who identified himself as the front's commander.

"We are going to strike all over France. This is only the beginning. We will put France into flames, and its pro-Jewish, pro-American regime."

Police armed with carbines and wearing flak jackets took up positions around the building and Arabic-speaking men had appeared at windows periodically shouting from floor to floor and down to the street.

"Come on," one shouted in French, apparently an office employee urging police to close in.

A secretary at the PLO office said by telephone that when the attack began, "There was a bomb, and then shooting on the third floor.

"We were on the fourth floor. Police were trying to seal off the third floor."

The attackers were believed retaliating for the raid Monday on the Iraqi Embassy in Paris.

In Lebanon, meanwhile, Palestinian guerrillas fired machine guns at Iraqi Ambassador Kassem Samawi's automobile in the fourth attack on Iraqi diplomats on foreign soil in less than a week. The envoy escaped unharmed, the official Iraqi news agency reported today.

The attack occurred Wednesday near the Sabra Palestinian refugee camp in

See TERRORISTS, Page 8

Raging Floods In Texas Gain Renewed Strength

BANDERA, Texas (AP) — Raging floodwaters that have killed at least eight persons in the central Texas hill country gathered new strength today after 14 more inches of rain fell overnight.

The waters of the Upper Guadalupe River reached new crests today, even as authorities were still trying to find dozens of persons missing from Wednesday's flooding.

The National Weather Service in San Antonio warned residents of the Guadalupe flood plains to evacuate a 26-mile area. About 200 persons were forced to leave Kerrville and nearby Ingram Wednesday night.

The torrential rains spawned by tropical storm Amelia caused rivers to surge from their banks into riverfront communities and campsites early Wednesday.

Private homes and exclusive dude ranches were ravaged, and the LBJ ranch was turned into a swamp.

Heavy rains that hit the area Tuesday and Wednesday turned several normally placid rivers into death traps. In a 48-hour period ending Wednesday night, Kerrville had received 22 inches of rain.

The flooding devastated much of Bandera, Comfort and Medina.

Kerrville resembled a war zone as National Guard troops, Army and state police helicopters and scores of police deputized stunned refugees at evacuation centers.

Telephone communications were severely hampered in the stricken areas and it was difficult to account for residents and visitors. Many officials feared the death total would rise.

PHOTOGRAPH on Page 12A

National Guardsmen forded a stream late Wednesday night to rescue 156 girls from the isolated Herman-Scott camp. The girls were taken to a high school in Comfort where they were reunited with their families.

Early today the Texas Department of Public Safety reported the Guadalupe River rose 10 feet in one hour, covering a highway bridge on Highway 281, about 40 miles north of San Antonio.

Gov. Dolph Briscoe asked that all three counties be declared disaster areas and be made eligible for emergency assistance funds and programs.

Entrances to the LBJ Ranch near Stonewall were blocked by floodwaters of the Pedernales River. Rising waters failed to reach the house, but came within feet of the stone fence circling the family cemetery where President Lyndon B. Johnson is buried.

Claribel Loveiace, 80, built her sturdy rock house in 1934, a respectful 700 yards from the Medina River. On Wednesday, eight feet of Medina floodwaters invaded the house and left her gasping for breath for two hours. But she survived.

"My mouth was against the ceiling and my hair was in the water," said the frightened Mrs. Loveiace, who was plucked from the water by rescuers in an Army helicopter. "I only had six inches of air to breathe."

COVER-UP: Al Wheatley, a painter for the city, brushes sealer on a Convention Center wall to cover up spray paint applied by a vandal Monday night. The entire half-block long wall will be repainted. (Post-Dispatch Photo by Scott Dine)

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