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Unanswered—Motive In Malcolm X Murder

 By James W. Sullivan
 Of the Herald Tribune Staff

The prosecution's case against three young men accused of the murder of Malcolm X ground to a close last week offering answers to all the questions except the big one: Who engineered the assassination of Black Nationalism's ablest leader? Since that afternoon 384 days ago, when Malcolm's riddled body was wheeled out of the Audubon Ballroom and he was pronounced dead at Columbia-Presbyterian Medical Center, the assumption has been that the killing was engineered by the Black Muslims.

There certainly had been bad blood between Malcolm and the Black Muslims. Elijah Muhammad suspended Malcolm, his most effective minister, in 1963 for remarks made after President Kennedy's assassination, and later expelled him. Malcolm resented that, and members of his political and religious organizations were in violent clashes with the Muslims at various times.

After the killing, various of Malcolm's followers talked of task forces heading for Chicago to take revenge on the elderly Elijah, but no attempt was ever made on his life.

The Muslims publicly denied any connection with the murder, but few officials gave them any support and the general public has considered them guilty of it.

However, at no time during the six weeks that Assistant District Attorney Vincent J. Dermody has presented his evidence in the court of Supreme Court Justice Charles Marcus has he given any evidence of a motive for the murder.

MUSLIMS

Several witnesses identified as Muslims the three defendants, Norman 3X Butler, 28, Thomas 11X Johnson, 29, and Thomas Hasan or Talmadge Hayer, 22, but none claimed to know or even implied that their religious leaders might have sent them to kill Malcolm.

The only link between Malcolm's death and the Muslims was a tenuous one, from George 28X Whitney, former member of the Fruit of Loom, the elite Muslim security corps, and later bodyguard to Malcolm. Whitney said Malcolm had continuously expressed fears that he would be killed, "saying that the power structure and the Black Muslims were both interested in his death."

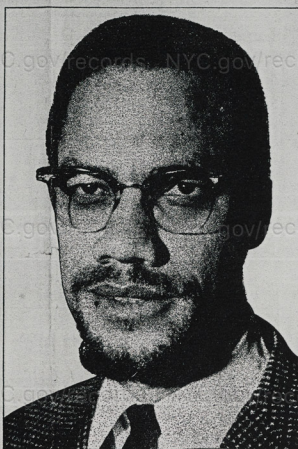
Attorneys demanded to know whether he said "white power structure" or "black power structure," but Whitney replied that he "just said power structure."

In Harlem, where rumors grow faster than grass does in more arable locations, the theory that the Black Muslims ordered Malcolm's execution is widely, but not unanimously, held. If you are an ultra-liberal, you can support there for a theory that Malcolm was killed on orders

of the United States government. If you are a conservative, some residents will agree with your theory that the killers were agents of the "Peking Rich."

Both the latter theories have their roots in Malcolm's international activities in the period before his death. He had made a pilgrimage to Mecca and a speaking tour in Europe and Africa and was friendly with representatives of Arab nations assigned to the United Nations.

The ultra-liberals saw in his death the Central Intelligence Agency's reaction to his plans for a united Arab and African people which would include Americans of African descent. The conservatives maintained that he had been supported by the Chinese-Cuban branch of the Communist party and that he was killed because he was moving away from the subversive racist line which he had been paid to preach.



Peter H. Edelman

This week, the jury of nine men and three women in Justice Marks' court probably will hear another theory—that Malcolm died as the result of a conspiracy by his bodyguards.

When a celebrity is killed at an appearance before several hundred persons, the person charged with the crime can expect a parade of eye-witnesses to accuse him. Butler, Johnson and Hayer have been such a parade.

Except for official witnesses, nearly every one who has come to the stand has testified to some part of what happened in the ballroom that day.

Hayer and Butler have been identified as the men who created a disturbance in the audience. Johnson has been identified as the man who ran to the stage during the disturbance and fired a saved-off shotgun into Malcolm. Hayer and Butler have been re-identified as the men who ran to the stage and pumped pistol shots into the fallen Malcolm.

Under such circumstances, defense attorneys have cross-examined intensely, hoping to shake the eye-witnesses and, occasionally, having some success. Some of the questions have been close, such as that asked by Butler's attorney, William Chance, of Cary 2X Thomas, one of Malcolm's bodyguards.

"Have you at any time denied in anybody that you killed Jesus Christ?"

Because Mr. Dermody rejected and Justice Marks sustained him, the audience was never treated to an answer.

GUARD

However, the trend of the questioning by Mr. Chance and Peter L. P. Sabatino, attorney for Hayer, has indicated they will attempt to prove that Malcolm was the victim of a conspiracy by his own guards.

As witnesses have admitted that they were part of the security guard at the meeting and, in some cases, were armed, the defense attorneys have hammered questions at them about their failure to protect Malcolm. Thomas, who said he was carrying a pistol, received question after question on cross-examination about why he failed to shoot. His only answer was that he was confused and the affair happened too quickly.

But Thomas, like the other bodyguards, reacted with emphatic "No!" when the defense attorneys asked him if he had conspired in the assassination. That question was only one of hundreds thrown at him which caused him to lean forward in the witness chair, grasp the microphone and bring his mouth up close to it before he answered.

The defense opened this week. Apparently, there will be few witnesses, but Mr. Sabatino has said Hayer will take the stand. Mr. Chance has said Butler will take the stand and Attorney Joseph Pinckney has said Johnson will take the stand.

IT'S HAPPENING

The news others dare not print



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MARCH, 1966

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Don't Flub-A-Dub

Pretty Cheryl Cunningham has decided to become a dropout at London's law school — she's chosen the alternate profession of modeling but still is interested in a

Scrub!

REVEAL MALCOLM X's REAL KILLERS

By YUSEF
SHALLAH-DIN

The cloak of mystery and silence has fallen over the murder of Malcolm X nee El-Hajj Malik El-Shabazz and the case as been marked solved insofar as the New York Police Department is concerned. The scapegoats that are in custody have had to linger there so long that a novice lawyer could free them just on the fact that they were denied a speedy trial. Now it can be revealed that although Malcolm X was killed by Black Muslims, it was not by order of Elijah Muhammad.

The Black Muslims involved were brothers who had not adhered to the great teaching of the Honorable Elijah Muhammad, but had fallen by the wayside and at the time of Malcolm's death were being held in contempt for their sinful actions. Talmadge Hayer, Norman 3X Butler and Thomas 15X Johnson were actually acting under orders from a white group directly connected with a parent organization called "The White Aryan Society," and financed from the personal bank accounts of all active members of fringe groups directly connected to the society.

These men planned and paid for Malcolm's murder, using Butler, Johnson and Hayer as pawns and dupes in their deadly game. Their efforts were threefold, first to keep Malcolm from revealing an international plan for the uplifting of the so-called Negro

in America with vast help from his darker brothers overseas, secondly, they wanted to rid themselves of the threat of a strong black leader behind who many other black men might rally, and finally they wanted to sow the seeds of distrust among the Muslims and racist groups.

The Honorable Elijah Muhammad, who Malcolm accused of sexual excesses with a harem of young female secretaries and hypocritical religious teachings, told the world after Malcolm's brutal but untimely death:

"We didn't want to kill Malcolm and we didn't try to kill him. They know I didn't try to harm Malcolm. They know I loved him."

Using the term "they" much the same way the "devil" he was talking

about use the term "you people" to refer to us, the Messenger let the world know that his was not the way of violence except in self defense.

Malcolm X was a man with a mission and he came back from Africa and Asia with the ways and means of unifying his people. He was stopped because of white fear. Although black hands administered the execution, it was white money that paid for the bloody deed.

The major part of the plot has been considered successful thus far and plans are being made to even spring the killers legally. Failing to do this they plan to put all the weight on one man. The unfortunate part is that none of them can die in the electric chair since the timely abolishment of capital punishment in New York State.



I'M LOOKING FOR A MAN - My kind of man, one who reads "IT'S HAPPENING." I know he won't be a bore, but a suave, debonair type that likes his women wild and his reading material out of the ordinary. SIC'EM TIGER!

HEY SPORTSWRITERS!

YOU'RE FULL OF IT CASSIUS IS GREAT

We are trying to figure out what you guys want? Muhammad Ali (nee Cassius Clay) has proved beyond a shadow of a doubt that he can slug, box and beat any and everything the world has to offer. He has fought far more regularly than your so-called "idols" of by-gone days. On top of that he lets you choose the opponents. Yet the heavyweight champion of the world is treated like dirt by you downers who call yourselves sportswriters. If you've got the guts to read on, "It's Happening" will tell you about yourselves.

First, everyone of you claims that Clay is a flash in the pan and you would have people believe that he is inexperienced. To set the records straight, Clay had had over 160 fights before he even turned pro.

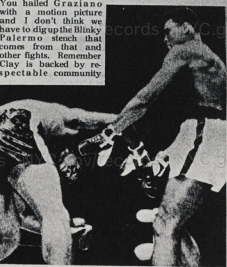
You are always clamoring that Clay has destroyed boxing. Aren't you blaming the wrong man. Your brute Liston quit on him afraid of the type of thing Clay gave Floyd Patterson. You hailed Graziano with a motion picture and I don't think we have to dig up the Blinky Palermo stretch which comes from that and other fights. Remember Clay is backed by respectable community

leaders and businessmen.

Clay's lip was cute and good box office until he told the world that he was a Black Muslim, now he's a villain. Yet a man with extreme views like Barry Goldwater can even run for President.

If I wanted my son to have idols they like Clay would not smoke, drink or carouse with women. Clay lives clean and reverent and is devoted to Islam his religion. He could be a hypocrite like most. But Clay defends his religion according to his teaching. So you are not just ridiculing a man you are persecuting a religion.

The saddest news, gentlemen is that unless your computers can put together a heavyweight with the combined attributes of skill, speed, youth, bull-dog tenacity, power and all the little other things that make for champions then it is best you accept the inevitable - Clay is here to stay and for a long time.



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2 HELD NOT GUILTY IN MALCOLM X CASE

Man Serving Life Term for Murder
of the Black Leader Describes
4 Others as Accomplices

By CHARLES KAISER

Thomas Hagan, one of three men serving life sentences for the murder of Malcolm X in 1963, has signed an affidavit in which he denies the two others are guilty and names four other men from New Jersey who he alleges were his real accomplices.

The affidavit is part of court papers submitted yesterday to Acting Justice Harold J. Rothwax by William M. Kunstler, counsel for Norman 3X Butler and Thomas 15X Johnson, who are seeking a new trial on the charge that they killed Malcolm X. Together with Mr. Hagan, they were convicted in March 1966 after a 14-week trial.

Their convictions were unanimously affirmed by the Appellate Division of State Supreme Court and the State Court of Appeals.

Mr. Kunstler told the court he had received information that two of the men accused by Mr. Hagan of being his real accomplices might be ready to come forward and admit they participated in Malcolm X's murder.

Other Two Believed Dead

In an interview afterward, Mr. Kunstler said he believed the other two men named in Mr. Hagan's affidavit are dead.

Justice Rothwax is expected to rule in September on Mr. Kunstler's motion requesting that the convictions of Mr. Johnson and Mr. Butler be set aside, or alternatively, that an evidentiary hearing be held to assess the new evidence he has submitted.

Mr. Hagan testified at his original trial that neither Mr. Johnson nor Mr. Butler were his real accomplices, but he refused to identify the men who he contended actually aided him the crime. Mr. Hagan has now given the names of the four men because he says he is concerned that two innocent men have been imprisoned for 13 years for crimes he claims they did not commit.

Besides Mr. Hagan's affidavit, Mr. Kunstler has submitted copies of Federal Bureau of Investigation files that repeatedly quote informants who say they recognized one of the gunmen in the Audubon Ballroom on Feb. 21, 1963, as a member of a Muslim mosque in Newark. Both Mr. Johnson and Mr. Butler were members of a New York mosque.

Benjamin Goodman, who introduced Malcolm X to the crowd moments before he was shot, also submitted a new affidavit. In it, he says, "at no time did I see the faces of Butler or Johnson whom I knew well and would have been sure to notice."

Karpov Is Rising In Defense of

BAGUIO, the Philippines, July (Reuters) — The world chess champion, Anatoly Karpov, still struggles to prove his superiority over Viktor Korchnoi after four drawn games decided today he must take a new tack at the match — from a raised chair.

He asked organizers to raise tomorrow's fifth game, when the longer will hold the initiative of the first move with the white pieces.

The diminutive Russian chess player used a cushion in Tuesday's fourth game, but decided it was not enough. He also complained the chair tilted backwards too easily.

So today engineers drove 150 feet from Manila and adjusted a match chair originally built for Korchnoi during the match. Korchnoi rejected the chair without even seeing it, so he preferred his own green leather

Chess Duel

Continued From Page B1

than a superior, but incompatible lylst.

The Korchnoi team is far more concerned about Tal's presence here they do not believe that he will exclusively as the correspondent: the Moscow chess weekly, his own reason for being here.

Pressed about this, Tal said: "Anatoly should ask me whether move is better than another, I can keep silent."

Heads Are Head to Head

No matter how well the Karpov performs, it will be difficult for the match the job Furman did before death last March. Furman guide pov to the world junior champion Stockholm in 1969, then he him to achieve a total opening toire in harmony with his delicate tional style of play. No one quickly take his place, although pov's openings will carry the strength their collaboration for years to come.

As for the heads of delegate real power of the Soviet Chess Federation, has already exchanged with his more-or-less count Petra Leeuwerik, a Dutch woman is Korchnoi's representative companion.

Colonel Baturinsky, whom K. has branded a former K.G.B. partner (the colonel vigorously de-

Koch Appoints a Group To Ease City's Ter

MALCOLM X: AN AFTERMATH STORY?

By Peter Goldman

It was the way he knew it would be, the way they had planned it, bumping around the back streets of Paterson, N.J., in a car. Talmadge X Hayer and his brothers-in-arms had started early for the Audubon Ballroom in uptown Manhattan, parked on a cross-town street pointed toward the George Washington Bridge, and drifted upstairs by ones and twos through the gathering crowd into the drafty old second-story dance palace. Hayer found his place down front and sat in the pallid winter sunlight, half-hearing the dude on stage doing the warm-up speech. Wishing to himself that this wasn't happening. Knowing that it was Allah's will. Feeling the .45-caliber automatic nestled cool against his belly. Waiting for Malcolm X.

The warm-up wound down; the dude was saying something about "a man who would give his life for you," and then Malcolm was striding across the empty stage toward his plywood lectern with that long gait and that oddly formal Ivy-cut suit off the rack at Alexander's. "As-salaam aleikum," he was saying: Peace be unto you. "Wa-aleikum salaam," the crowd said back: And unto you be peace. And suddenly they were all in motion, the way they had planned, the way it had to be. The brother in back yelling, "What you doin' in my pockets, man? Get your hand out of my pocket!" A smoke bomb sputtering on the floor. The rastrum guards moving off their posts, toward the noise, leaving Malcolm open. The brother down front moving into the opening, sliding up under with a sawed-off shotgun, blowing Malcolm backward off his feet to the scarred-up dance-hall stage.

He may have been gone when he hit the floor, but it didn't matter; it was Hayer's turn now, boiling forward out of the chaos with another brother beside him, pistols jumping in their hands, squeezing shot after shot into Malcolm's dying body.

□

It has been 14 years since the assassination of that incendiary of the black spirit called Malcolm X, wasted by black men before 200 to 400 of his own followers at a rally on Feb. 21, 1965. It has been 13 years since the courts of New York condemned three Black Muslims to life in prison for his murder and Peter Goldman is a senior editor at Newsweek. This article is adapted from a new edition of his book "The Death and Life of Malcolm X," to be published in the fall.

so formally closed the books on the case. But now an effort is in cumbersome motion to persuade Congress to take a belated second look at that verdict. The motion rests on the sworn word of Talmadge Hayer, the single confessed assassin, that he murdered Malcolm in concert with four other Muslims — and that the two men imprisoned with him these 13 years are innocent.

That the agents of Malcolm's death were Black Muslims acting for Muslim reasons is no longer seriously disputed even by the peaceable heirs to the Muslim leadership. Malcolm himself had been their star evangelist for 12 years in the service of the late Elijah Muhammad and his fiercely antiwhite Nation of Islam; he had broken with them less than a year before his death, and, after his own transforming pilgrimage to Mecca, had denounced Muhammad as a racist, an adulterer and a religious charlatan. His heresies were answered with threats and, at intervals, attempts on his life. The New York police got wind two weeks in advance that the last, successful attempt was imminent — and when it happened, they looked automatically to the Muslim Nation for suspects.

Hayer, as it happened, had almost literally fallen into their hands — had been shot and wounded by one of Malcolm's bodyguards and had come spilling out of the ballroom entrance into the contending grasp of the crowd and the first policemen at the scene. Everybody else melted away in the pandemonium. But the swarm of detectives assigned to the case homed quickly in on two more credible suspects, Norman 3X Butler, then 26, and Thomas 15X Johnson, then 30, both members of the Nation's Harlem mosque and lieutenants in the private Muslim army called the Fruit of Islam. The three men were tried and convicted early in 1966, though Hayer attempted even then to exonerate Butler and Johnson; an appellate court held later that the proof against them all was "abundant."

But lately, Hayer has sworn to quite another story — and has named other Muslims as his accomplices. He lied at the trial, he says, to shelter Muhammad and the Muslims from blame in Malcolm's murder; he testified then that he was not a Muslim at all but a hired gun for a conspiracy he would not otherwise identify. Now, with Muhammad gone and no visible reason left for lying, he has admitted that he was in fact a Muslim and that his confederates were Muslim brethren from New Jersey — four men he has identified by name, address, occupation and detailed physical description. He was himself a

In 1965, three men were convicted of assassinating the black leader. Now the only one who confessed has named four others who he swears were his true accomplices. Ought the case to be reopened?



"PEACE be unto you," said Malcolm X to his One of Malcolm's bodyguards wounded

CONFESSED MURDERER

Talmadge X Hayer (left) has always maintained that Thomas 15X Johnson and Norman 3X Butler (right) - Black Muslims convicted with him and imprisoned for 13 years - were not guilty in the killing of Malcolm X. His new allegations raise provocative questions. Hayer may be lying - or he may be telling the truth.



black audience just before he was shot to death and carried out of the Audubon Ballroom (above). Hayer on the scene; later police homed in on Johnson and Butler. Inset: Malcolm X, the evangelist.



Wallace Muhammad, son of Elijah (in blowup), has begun to restore the image of Malcolm X.

kid foot soldier of 22 in Allah's army — "a part of a machine," he says in sad retrospect — and he never even thought to ask the others where their orders came from. "I was fighting what was wrong, man," he says. "I just felt I was doing what was right."

It was only after Muhammad's death and his own painful interior debate that Hayer decided at last to break his silence. His problem has been getting anyone to listen. He is, for one thing, a confessed and convicted assassin who has lied under oath in the past and could, for some undiscernible motive, be lying again. There is no direct corroborating evidence to support him and no way to produce any, short of a voluntary confession by one or more of his alleged confederates — a temptation they have thus far found resistant. Recently, moreover, the case for the innocence of Butler and Johnson has passed into the hands of the radical lawyer William Kunstler, a man well-known for his advocacy of the position that the police are chronically wrong, politically corrupt and sometimes conspiratorially involved in the very crimes they are supposed to be solving.

Because of these circumstances, the case has attracted only the most perfunctory official notice. The murder of Malcolm X was one of those soul-wrenching traumas of our bloodied 1960's, an act that stilled his fiery witness for black consciousness and has stimulated conspiracy theories ever since. But Kunstler tried and failed last year to reopen the case and settle accounts in court; the District Attorney's office resisted and a judge refused a new trial, on the ground that the testi-

mony of one assassin naming others as his confederates and detailing his crime for the first time does not constitute new evidence worth the attention of the law. Kunstler was thus reduced this spring to petitioning the House of Representatives through its Black Caucus to investigate Malcolm's murder — to wit, that is, as a court of last resort for history and for two condemned and forgotten black men. The Black Caucus has the petition under consideration.

It is part of Kunstler's brief, and his view of the world, that the Federal Bureau of Investigation and the New York City police played at least supporting roles in the assassination. The F.B.I. in fact did subject Malcolm and Muhammad to withering surveillance as enemies of the state, and its Chicago office boasted four years after Malcolm's death that it had "developed" the blood feud between him and the Nation of Islam. The New York police, moreover, were demonstrably calm about the threat to Malcolm's life. They offered him protection in the full and not unhappy certainty that he would refuse it, for reasons of pride and politics, and when one of Malcolm's men asked them to pull their uniformed troops from the door at his last rally, they agreeably obliged.

But Kunstler has thus far found no smoking gun, and he conspicuously omitted any reference to police involvement in his petition to Congress for a hearing. His star witness is still Talmadge Hayer, who insists that the murder was plotted on the move by five run-of-the-mosque Muslims — men who believed that they were doing Allah's

work and were at least indirectly encouraged in this belief by Allah's temporal authority. Whether they had Elijah Muhammad's own approval is a mystery that may never be settled. His son and heir, Wallace D. Muhammad, says he doubts it, still even if he blames his father's court in Chicago for having created the climate — "the fiery, the volatile climate" — in which offhand threats could become self-fulfilling prophecy and Malcolm's murder a holy obligation. "The talk of retaliating, or stopping hypocrites who were trying to tear down our Nation of Islam — I think they just got drunk on that and said, 'Well, let's stamp out all of them who disagree with us.'"

Malcolm was, in the end, the chief hypocrite by Elijah Muhammad's own designation. They had loved each other once, but, as Wallace Muhammad tells it now, their bond was pulled thin and finally broken by courtiers jealous of Malcolm's superstar status in exhorting the white devils in their own news media. The men he left in the shade poisoned the old man's mind against Malcolm; their relationship was already dying the day Malcolm crowded over John Kennedy's assassination as a case of the chickens coming home to roost, and so handed Malcolm's enemies a reason for silencing him. By then, Wallace Muhammad says, Malcolm was already fighting for his life. "Because his position was his life. Preaching what he believed in — that was his life."

The fight him to his death out of desperation that sealed his final exile from the Nation, and, most probably, his doom. He had discovered that Muhammad, beginning in the middle 1960's, turned his fact of noble young secretaries into a kind of harem and had sired nine illegitimate children with six of them. When he subsequently quit the Nation and made a public issue of Muhammad's private life, he was cashing in his life insurance, and he knew it. In June 1964, he told a rally of his own followers about the old man's amatory adventures — and predicted that the Nation would kill to keep it quiet.

Malcolm's scandalmongering was the ultimate, unforgivable blasphemy against the man then revered by his believers as the Last Messenger of Allah. Whether or not Muhammad himself demanded Malcolm's blood as his revenge may never be established. His little Nation rather preferred signal and suggestion to direct orders anyway, when the nastier jobs were being handed out, and the signals and suggestions radiating from Chicago in the wake of Malcolm's apostasy were heavy with the scent of doom. Malcolm was stealing believers from Muhammad; he was rattling on about the Messenger's little children; he was resisting the Nation's attempts to evict him from the home it had bought him in Queens.

Threat hung in the air. Ministers in the mosques rallied against Malcolm as a hypocrite and a demon; the brothers of the Fruit of Islam hawked their Muslim papers announcing ex cathedra that he deserved to die. And when the Harlem temple seemed to mistake Chicago's meaning, Norman Butler says, an assembly of Muslim security men from across America was con-

vened in New York to hear the word about Malcolm from a member of Muhammad's own inner council. "He says, 'That house is ours, and the nigger don't want to give it up. Well, all you have to do is go out there and clap on the walls until the walls come tumbling down, and then we'll use our tongue out to put it in an envelope and send it to me, and I'll stamp it AP-PROVED and give it to the Messenger.' That's what he said, and that's at that time, was death. Back then, that was an order."

Talmadge X Hayer was the perfect soldier, barely 22 and still burning with a new convert's zeal for the faith. In June 1964, two Muslim brothers named Ben and Leon hailed him to their car in the streets of Paterson and as he has sworn in court papers — began his recruitment as an assassin. They started characteristically, by indirection, sounding him out as they rode around on what he felt about Malcolm and his slanders against Elijah Muhammad. He remembers thinking that, as a soldier in the Fruit of Islam, he was being put to a test. An image from the Muslim paper burned in his mind — a cartoon of Malcolm's severed head bounding down a roadway, stippling his blasphemies against the Messenger of God. "And I just felt that this is something I have to stand up for," he says now. "Maybe I was manipulated, maybe I was pawns — I don't know, I didn't see it that way at the time. I just believed, man, and I was the type of person that if I had to stand up for what I believe, I would do it. I would do it."

So he submitted willingly to his movable catechism, he says, and allowed himself to be drawn into the cabal against Malcolm: two more brothers, identified by Hayer in his sworn affidavits as Willie X and Wilbur, soon followed. They operated, in his account, on the common understanding that "the word was out" that Malcolm's sacrilege must be silenced. It appears never to have occurred to Hayer to wonder whose word it was.

As Hayer tells it, their intrigue, begun in the spring of 1965, dragged deep into the winter of 1965. They held meeting after meeting, sometimes in their homes, sometimes riding in their cars. They could not, as working men, squander their dues-paying daylight time trying to stalk Malcolm around Harlem; they considered killing him at home instead, but, on a reconnaissance run, found it under heavy armed guard and turned back. So they came in the end to their kamikaze strategy of assassinating Malcolm where they knew they could find him — at stage 4 of the Audubon Ballroom in full view of his followers — and under the watch of his own armed bodyguards.

The rest was tactics, execution and nerve — or blind faith. Hayer limped the guns — bought them with his own money, he says, from a street connection. The group scouted the Audubon for a place — one, at the side of Malcolm's rallies, to ascertain that no one was frisking visitors at the door; again, at a dance on Feb. 20, 1965, to check out exit routes. That night, as Hayer tells it, they drove home to Bedford and decided that they were ready; the next

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morning, they reassembled at Ben's house and divided up the assignments.

They drove to Manhattan in Wilbur's Cadillac, and, as they had anticipated, slipped easily through Malcolm's slack security with their guns hidden under their winter topcoats. Hayer took a seat in the front row, the 45 in his waistband. Beside him, he says, sat Leon with a Luger; behind them, Willie, packing the 12-gauge shotgun, and Ben, primed to make noise and run interference; halfway back, Wilbur, with the smoke bomb and the rehearsed diversionary yowl that someone was picking his pocket; and up front, at last, Malcolm X cuing in his own death. "As-salaam alaikum."

□

Telling it to a visitor, nearly a decade and a half later, Hayer even now seems visibly in pain; his eyes search the visiting-room ceiling, his voice sinks to a thick whisper, his narrative breaks into tumbling shards of sentences. "Somebody sitting in the middle. Pretend somebody pickpocketing him. Threw the bomb and was going to change. Willie fired the shotgun. We fired our guns and ran. I got shot in the left leg and I was just trying to make a

Malcolm lay on the stage, his life oozing away through 21 wounds. His assassins evanesced like smoke in the air.

commotion, man — I fired off a couple of shots, but for the most part I was just trying to get out. Just happened, man, hopping with one leg, and there was one person, he was running in front of me, I think it was Leon — he came out ahead of me. And I slid down the banister. Fell on the ground. And don't ask me how or why — there was an officer there, and it was fortunate, because my life was spared."

Malcolm's was not, he lay on stage, his life oozing away through his 21 wounds, while his assassins — all but Hayer — evanesced like smoke in the air. The police were manifestly not among the mourners. But in the days immediately following Malcolm's

(Continued on Page 62)

MALCOLM X

Continued from Page 12

death, his followers burned Muhammad's New York mosque, Harlem hummed with voices prophesying war — and the police were stuck with a

single suspect who would not even admit that he was a Muslim. What followed was a rush to judgment conducted under intense heat, with minimal help, in a chaotic situation; the investigators believed, rightly or wrongly, in the case they made.

In Hayer's stonewall silence, they were in fact drawn almost irresistibly to Norman Butler and Thomas Johnson. Both were known strongmen

from the Harlem mosque; both were near enough matches for some, if not all, the early eyewitness descriptions of the killers; both were out on bail in the suggestively similar shooting, six weeks earlier, of another Muslim defector, named Benjamin Brown, outside his secessionist storefront mosque in the Bronx.

But the real heart of the state's case was the testimony of seven witnesses

out of a crowd of 200 or more — one against Johnson, three against Butler, three against both men. Some of this testimony was shaky, and all of it bumped against what remains the single most puzzling anomaly in the prosecution's version of events: how two Muslims as well known to Malcolm's bodyguards as Butler and Johnson could have slipped past them into the rally without being noticed, questioned and placed under watch. The defense did not draw this question sharply, however, and the witnesses had a kind of relentless power for the jury.

Butler and Johnson were caught, moreover, in a kind of guilt by association with Talmadge Hayer's save-the-Nation perjuries. He had at first sworn his own innocence, until he found himself drowning in ballistic and fingerprint evidence; only then did he tell his own co-defendants, in the bullpen behind the courtroom, that he had been involved and was prepared to swear they weren't. What he could not then bear to do, out of loyalty to his friends and his faith, was to say who had killed Malcolm. "I had to try to exonerate the brothers," he says. "But I didn't name any names. At the time, I just couldn't."

He saw himself for years as a prisoner of war fallen into enemy hands.

So Hayer took the stand and made up his story that neither he nor his confederates were Muslims — that they were instead the paid agents of somebody else's plot. It was, he says now, trying to protect the Messenger of God with his lies. He seemed instead to be attempting nothing more than what the prosecution derided as "an act of criminal charity" — trying to take the fall for two guilty co-defendants. The jury did not believe him; all three men were convicted and dispatched to prison for life with their secret.

The secret was that Muslims had after all murdered Malcolm, and the three men kept it for more than a decade. They started prison life at Sing Sing, then were shipped far upstate to Dannemora and locked away in "The Box" — solitary confinement — for a year and a half on the then prevailing presumption that Muslims were trouble. For a time, Hayer remembers, they were kept seven or eight cells apart on an otherwise empty tier so that they couldn't even talk to one another at less than a shout; only later were they permitted adjoining cells where they could trade bits of food and conversation and meditations on Black Islam.

The system separated them after that, and has kept them mostly apart for 13 years; Butler is at Sing Sing, Hayer at Naparack, Johnson back at Dannemora. Doing time has aged them, thinning their hair and weathering their faces. It has ravaged their home lives (Continued on Page 64)

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as well. Butler's wife left him; so did Hayer's; neither of the men had the heart to resist. Johnson's marriage was drawn so taut that he came to dread phone calls home and urged his wife to divorce him while she could still make something of her life. To his sad wonderment, she has hung on.

But all three men have used their time and whatever opportunities have been offered them for "rehabilitation." All three have been model prisoners. All three have taken college courses and are close to receiving bachelor's degrees. All three have kept the Muslim faith and, following Wallace Muhammad's lead, have embraced orthodox Islam; they have taken Muslim names* and become Muslim imams, or ministers, inside the walls. Two of them played cameo roles as peacemakers at Attica, Butler as minister before the mutiny there in 1971, Hayer as leader of the Muslims who stood watch over the hostage prison guards and kept the rioters from them.

What none of the three dared

*Hayer is now Mujaheed Abdul Halim, Butler is Muhammad Abdul-Aziz, and Johnson is Khattai Ismail.

say until lately was that the Nation of Islam — the claustrophobic little world they had all come from — was implicated in the crime for which they are in prison. But only Hayer has felt the need to breach a silence in which the Nation and the state came to share a common interest. He had revered Elijah Muhammad next only to God; in the solitude of his cell, he saw himself for years as a prisoner of war fallen into enemy hands and obliged to stand silent in the Messenger's defense. To speak out became possible for him only after the accession of Wallace Muhammad and the revelation that the Messenger had after all been only a man subject to the temptations of the flesh.

Hayer began talking in the autumn of 1977 to Nuriddin Faiz, a Muslim prison chaplain. Faiz in turn found his way to Kunstler, who filed a motion to vacate the judgments against Butler and Johnson on the ground that Hayer's confessions, hand-scrawled under oath on ruled tablet paper, constituted new evidence. Two of the men Hayer had named, Kunstler said, were still active Muslims in New Jersey. A

third was doing time in state prison there for another, unrelated felony; when a Muslim imam approached this man, Kunstler told the court, he first denied having been involved — and then stated that he was not going to jeopardize himself for anyone.

The problem was that the defense had no means except moral suasion to get any of Hayer's alleged accomplices to come forward, and the District Attorney's office was uninclined after so many years even to try. The state argued, and Judge Harold Rothwax ultimately held, that Hayer's story was uncorroborated, and at that was only a "somewhat more specific" rerun of his testimony at the trial. Rothwax accordingly refused to reopen the case, or to order the District Attorney to investigate Hayer's allegations any further. "No criminal case is ever proved beyond all doubt," Judge Rothwax wrote. Kunstler was left with no place to go but Congress, in the long-odds hope that it will interest itself in whether the right or wrong Muslims are in prison in what appears at bottom to have been a religious murder.

One of Wallace Muhammad's first cleansing acts as inheritor of the Muslim leadership was to dissolve the Fruit of Islam, once the "moral right arm" of the mosques. "It became nothing but just a hooligan outfit, a hoodlum outfit," he says with asperity. Men were beaten bloody for sins far less heinous than Malcolm's, as Muhammad discovered to his horror on taking over, at least 10 were killed "for no other reason than that they didn't want the F.O.I. completely dominating their lives."

Muhammad has buried much of that past — has cleansed the temples of the buck hustlers and the strong-arm men who surrounded his father and has brought the faithful back to orthodox Islam. And he began the restoration of Malcolm X to a place of honor among Muslims. They had been friends in the Nation and had been thrown out together, Wallace on the allegation that it was he who told Malcolm of the Messenger's peccadilloes; they con-

tinued to see each other in exile, until Malcolm was murdered and Muhammad fils returned like the prodigal to his father. There was some risk for Wallace in rehabilitating Malcolm, and in reducing his own father from "Messenger" to mortal. But he did both. In February 1978, near the 11th anniversary of the assassination, he renamed the Harlem mosque after Malcolm.

It is an extraordinary irony that the Muslim mosque should be Harlem's most imposing monument to Malcolm X; it was the place to which the police automatically turned in search of his killers and in which they found two suitably hot-eyed suspects named Butler and Johnson. They were locked away then, and the public has forgotten them now, despite the word of the one unarguably guilty man that they are innocent. The reasonable doubts that now cloud the verdict against them may never be settled or even addressed by Congress or the courts. Talmadge Hayer may have waited too long to speak — so long that the agencies of our justice resist even contemplating the likelihood that he is at last telling the truth. ■

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