

The following appeared in the May-June 2000 issue of *Probe* magazine, (Vol.7,No.4) and is mirrored from <http://www.webcom.com/ctka/pr500-king.html> with permission of the author. We are grateful for Jim Douglass' "being there" and for his penetrating exploration and accounting of the 20th Century's true "trial of the century".

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See Also:

- *An Act of State - The Execution of Martin Luther King*, by William F. Pepper, Verso, January 2003
- Transcript: William F. Pepper: *An Act of State -The Execution of Martin Luther King*, talk at Modern Times Bookstore, San Francisco, 2/4/03
- Book Review: The Assassination of Martin Luther King Jr. Was An Act of State, by David T. Ratcliffe, 1/20/03
- William F. Pepper on the MLK Conspiracy Trial, 4/7/02
- Trial Information, including complete trial transcript, from The King Center:
 - From VOLUME IX: Testimony of Mr. William Schaap, attorney, military and intelligence specialization, co-publisher *Covert Action Quarterly*, 11/30/99
 - VOLUME XIV: Closing Statements and verdict, 12/8/99
 - Transcription of the King Family Press Conference on the MLK Assassination Trial Verdict, December 9, 1999, Atlanta, GA.

The Martin Luther King Conspiracy Exposed in Memphis

By Jim Douglass

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According to a Memphis jury's verdict on December 8,1999, in the wrongful death lawsuit of the King family versus Loyd Jowers "and other unknown co-conspirators," Dr. Martin Luther King Jr. was assassinated by a conspiracy that included agencies of his own government. Almost 32 years after King's murder at the Lorraine Motel in Memphis on April 4, 1968, a court extended the circle of responsibility for the assassination beyond the late scapegoat James Earl Ray to the United States government.

I can hardly believe the fact that, apart from the courtroom participants, only Memphis TV reporter Wendell Stacy and I attended from beginning to end this historic three-and-one-half week trial. Because of journalistic neglect scarcely anyone else in this land of ours even knows what went on in it. After critical testimony was given in the trial's second week before an almost empty gallery, Barbara Reis, U.S. correspondent for the Lisbon daily *Publico* who was there several days, turned to me and said, "Everything in the U.S. is the trial of the century. O.J. Simpson's trial was the trial of the century. Clinton's trial was the trial of the century. But this *is* the trial of the century, and who's here?"

What I experienced in that courtroom ranged from inspiration at the courage of the Kings, their lawyer-investigator William F. Pepper, and the witnesses, to amazement at the government's carefully interwoven plot to kill Dr. King. The seriousness with which U.S. intelligence agencies planned the murder of Martin Luther King Jr. speaks eloquently of the threat Kingian nonviolence represented to the powers that be in the spring of 1968.

In the complaint filed by the King family, "King versus Jowers and Other Unknown Co-Conspirators," the only named defendant, Loyd Jowers, was never their primary concern. As soon became evident in court, the real defendants were the anonymous co-conspirators who stood in the shadows behind Jowers, the former owner of a Memphis bar and grill. The

Kings and Pepper were in effect charging U.S. intelligence agencies -- particularly the FBI and Army intelligence -- with organizing, subcontracting, and covering up the assassination. Such a charge guarantees almost insuperable obstacles to its being argued in a court within the United States. Judicially it is an unwelcome beast.

Many qualifiers have been attached to the verdict in the King case. It came not in criminal court but in civil court, where the standards of evidence are much lower than in criminal court. (For example, the plaintiffs used unsworn testimony made on audiotapes and videotapes.) Furthermore, the King family as plaintiffs and Jowers as defendant agreed ahead of time on much of the evidence.

I can hardly believe the fact that, apart from the courtroom participants, only Memphis TV reporter Wendell Stacy and I attended from beginning to end this historic three-and-one-half week trial. Because of journalistic neglect scarcely anyone else in this land of ours even knows what went on in it. After critical testimony was given in the trial's second week before an almost empty gallery, Barbara Reis, U.S. correspondent for the Lisbon daily *Publico* who was there several days, turned to me and said, "Everything in the U.S. is the trial of the century. O.J. Simpson's trial was the trial of the century. Clinton's trial was the trial of the century. But this *is* the trial of the century, and who's here?"

But these observations are not entirely to the point. Because of the government's "sovereign immunity," it is not possible to put a U.S. intelligence agency in the dock of a U.S. criminal court. Such a step would require authorization by the federal government, which is not likely to indict itself. Thanks to the conjunction of a civil court, an independent judge with a sense of history, and a courageous family and lawyer, a spiritual breakthrough to an unspeakable truth occurred in Memphis. It allowed at least a few people (and hopefully many more through them) to see the forces behind King's martyrdom and to feel the responsibility we all share for it through our government. In the end, twelve jurors, six black and six white, said to everyone willing to hear: guilty as charged.

We can also thank the unlikely figure of Loyd Jowers for providing a way into that truth.

Loyd Jowers: When the frail, 73-year-old Jowers became ill after three days in court, Judge Swearingen excused him. Jowers did not testify and said through his attorney, Lewis Garrison, that he would plead the Fifth Amendment if subpoenaed. His discretion was too late. In 1993 against the advice of Garrison, Jowers had gone public. Prompted by William Pepper's progress as James Earl Ray's attorney in uncovering Jowers's role in the assassination, Jowers told his story to Sam Donaldson on *Prime Time Live*. He said he had been asked to help in the murder of King and was told there would be a decoy (Ray) in the

plot. He was also told that the police "wouldn't be there that night."

In that interview, the transcript of which was read to the jury in the Memphis courtroom, Jowers said the man who asked him to help in the murder was a Mafia-connected produce dealer named Frank Liberto. Liberto, now deceased, had a courier deliver \$100,000 for Jowers to hold at his restaurant, Jim's Grill, the back door of which opened onto the dense bushes across from the Lorraine Motel. Jowers said he was visited the day before the murder by a man named Raul, who brought a rifle in a box.

As Mike Vinson reported in the March-April *Probe*, other witnesses testified to their knowledge of Liberto's involvement in King's slaying. Store-owner John McFerren said he arrived around 5:15 pm, April 4, 1968, for a produce pick-up at Frank Liberto's warehouse in Memphis. (King would be shot at 6:01 pm.) When he approached the warehouse office, McFerren overheard Liberto on the phone inside saying, "Shoot the son-of-a-bitch on the balcony."

Café-owner Lavada Addison, a friend of Liberto's in the late 1970's, testified that Liberto had told her he "had Martin Luther King killed." Addison's son, Nathan Whitlock, said when he learned of this conversation he asked Liberto point-blank if he had killed King.

"[Liberto] said, 'I didn't kill the nigger but I had it done.' I said, 'What about that other son-of-a-bitch taking credit for it?' He says, 'Ahh, he wasn't nothing but a troublemaker from Missouri. He was a front man . . . a setup man.'"

The jury also heard a tape recording of a two-hour-long confession Jowers made at a fall 1998 meeting with Martin Luther King's son Dexter and former UN Ambassador Andrew Young. On the tape Jowers says that meetings to plan the assassination occurred at Jim's Grill. He said the planners included undercover Memphis Police Department officer Marrell McCollough (who now works for the Central Intelligence Agency, and who is referenced in the trial transcript as Merrell McCullough), MPD Lieutenant Earl Clark (who died in 1987), a third police officer, and two men Jowers did not know but thought were federal agents.

Young, who witnessed the assassination, can be heard on the tape identifying McCollough as the man kneeling beside King's body on the balcony in a famous photograph. According to witness Colby Vernon Smith, McCollough had infiltrated a Memphis community organizing group, the Invaders, which was working with the Southern Christian Leadership Conference. In his trial testimony Young said the MPD intelligence agent was "the guy who ran up [the balcony stairs] with us to see Martin."

Jowers says on the tape that right after the shot was fired he received a smoking rifle at the rear door of Jim's Grill from Clark. He broke the rifle down into two pieces and wrapped it in a tablecloth. Raul picked it up the next day. Jowers said he didn't actually see who fired the shot that killed King, but thought it was Clark, the MPD's best marksman.

Young testified that his impression from the 1998 meeting was that the aging, ailing Jowers "wanted to get right with God before he died, wanted to confess it and be free of it." Jowers denied, however, that he knew the plot's purpose was to kill King -- a claim that seemed implausible to Dexter King and Young. Jowers has continued to fear jail, and he had directed

Garrison to defend him on the grounds that he didn't know the target of the plot was King. But his interview with Donaldson suggests he was not naïve on this point.

Loyd Jowers's story opened the door to testimony that explored the systemic nature of the murder in seven other basic areas:

1. background to the assassination;
2. local conspiracy;
3. the crime scene;
4. the rifle;
5. Raul;
6. broader conspiracy;
7. cover-up.

1. Background to the assassination

James Lawson, King's friend and an organizer with SCLC, testified that King's stands on Vietnam and the Poor People's Campaign had created enemies in Washington. He said King's speech at New York's Riverside Church on April 4, 1967, which condemned the Vietnam War and identified the U.S. government as "the greatest purveyor of violence in the world today," provoked intense hostility in the White House and FBI.

Hatred and fear of King deepened, Lawson said, in response to his plan to hold the Poor People's Campaign in Washington, D.C. King wanted to shut down the nation's capital in the spring of 1968 through massive civil disobedience until the government agreed to abolish poverty. King saw the Memphis sanitation workers' strike as the beginning of a nonviolent revolution that would redistribute income.

"I have no doubt," Lawson said, "that the government viewed all this seriously enough to plan his assassination."

Coretta Scott King testified that her husband had to return to Memphis in early April 1968 because of a violent demonstration there for which he had been blamed. Moments after King arrived in Memphis to join the sanitation workers' march there on March 28, 1968, the scene turned violent -- subverted by government provocateurs, Lawson said. Thus King had to return to Memphis on April 3 and prepare for a truly nonviolent march, Mrs. King said, to prove SCLC could still carry out a nonviolent campaign in Washington.

2. Local conspiracy

On the night of April 3, 1968, Floyd E. Newsum, a black firefighter and civil rights activist, heard King's "I've Been to the Mountain Top" speech at the Mason Temple in Memphis. On his return home, Newsum returned a phone call from his lieutenant and was told he had been temporarily transferred, effective April 4, from Fire Station 2, located across the street from the Lorraine Motel, to Fire Station 31. Newsum testified that he was not needed at the new station. However, he was needed at his old station

because his departure left it "out of service unless somebody else was detailed to my company in my stead." After making many queries, Newsum was eventually told he had been transferred by request of the police department.

The only other black firefighter at Fire Station 2, Norvell E. Wallace, testified that he, too, received orders from his superior officer on the night of April 3 for a temporary transfer to a fire station far removed from the Lorraine Motel. He was later told vaguely that he had been threatened.

Wallace guessed it was because "I was putting out fires," he told the jury with a smile. Asked if he ever received a satisfactory explanation for his transfer Wallace answered, "No. Never did. Not to this day."

In the March-April *Probe*, Mike Vinson described the similar removal of Ed Redditt, a black Memphis Police Department detective, from his Fire Station 2 surveillance post two hours before King's murder.

To understand the Redditt incident, it is important to note that it was Redditt himself who initiated his watch on Dr. King from the firehouse across the street. Redditt testified that when King's party and the police accompanying them (including Detective Redditt) arrived from the airport at the Lorraine Motel on April 3, he "noticed something that was unusual." When Inspector Don Smith, who was in charge of security, told Redditt he could leave, Redditt "noticed there was nobody else there. In the past when we were assigned to Dr. King [when Redditt had been part of a black security team for King], we stayed with him. I saw nobody with him. So I went across the street and asked the Fire Department could we come in and observe from the rear, which we did." Given Redditt's concerns for King's safety, his particular watch on the Lorraine may not have fit into others' plans.

Redditt testified that late in the afternoon of April 4, MPD Intelligence Officer Eli Arkin came to Fire Station 2 to take him to Central Headquarters. There Police and Fire Director Frank Holloman (formerly an FBI agent for 25 years, seven of them as supervisor of J. Edgar Hoover's office) ordered Redditt home, against his wishes and accompanied by Arkin. The reason Holloman gave Redditt for his removal from the King watch Redditt had initiated the day before was that his life had been threatened.

In an interview after the trial, Redditt told me the story of how his 1978 testimony on this question before the House Select Committee on Assassinations was part of a heavily pressured cover-up. "It was a farce," he said, "a total farce."

Redditt had been subpoenaed by the HSCA to testify, as he came to realize, not so much on his strange removal from Fire Station 2 as the fact that he had spoken about it openly to writers and researchers. The HSCA focused narrowly on the discrepancy between Redditt's surveiling King (as he was doing) and acting as security (an impression Redditt had given writers interviewing him) in order to discredit the story of his removal. Redditt was first grilled by the committee for eight straight hours in a closed executive session. After a day of hostile questioning, Redditt finally said late in the afternoon, "I came here as a friend of the investigation, not as an enemy of the investigation. You don't want to deal with the truth." He told the committee angrily

that if the secret purpose behind the King conspiracy was, like the JFK conspiracy, "to protect the country, just tell the American people! They'll be happy! And quit fooling the folks and trying to pull the wool over their eyes."

When the closed hearing was over, Redditt received a warning call from a friend in the White House who said, "Man, your life isn't worth a wooden nickel."

Redditt said his public testimony the next day "was a set-up": "The bottom line on that one was that Senator Baker decided that I wouldn't go into this open hearing without an attorney. When the lawyer and I arrived at the hearing, we were ushered right back out across town to the executive director in charge of the investigation. [We] looked through a book, to look at the questions and answers."

"So in essence what they were saying was: 'This is what you're going to answer to, and this is how you're going to answer.' It was all made up -- all designed, questions and answers, what to say and what not to say. A total farce."

Former MPD Captain Jerry Williams followed Redditt to the witness stand. Williams had been responsible for forming a special security unit of black officers whenever King came to Memphis (the unit Redditt had served on earlier). Williams took pride in providing the best possible protection for Dr. King, which included, he said, advising him never to stay at the Lorraine "because we couldn't furnish proper security there." ("It was just an open view," he explained to me later, "Anybody could . . . There was no protection at all. To me that was a set-up from the very beginning.")

Hatred and fear of King deepened, Lawson said, in response to his plan to hold the Poor People's Campaign in Washington, D.C. King wanted to shut down the nation's capital in the spring of 1968 through massive civil disobedience until the government agreed to abolish poverty. King saw the Memphis sanitation workers' strike as the beginning of a nonviolent revolution that would redistribute income. "I have no doubt," Lawson said, "that the government viewed all this seriously enough to plan his assassination."

For King's April 3, 1968 arrival, however, Williams was for some reason not asked to form the special black bodyguard. He was told years later by his inspector (a man whom Jowers identified as a participant in the planning meetings at Jim's Grill) that the change occurred because somebody in King's entourage had asked specifically for no black security officers. Williams told the jury he was bothered by the omission "even to this day."

Leon Cohen, a retired New York City police officer, testified that in 1968 he had become friendly with the Lorraine Motel's owner and manager, Walter Bailey (now deceased). On the morning after King's murder, Cohen spoke with a visibly upset Bailey outside his office at the Lorraine. Bailey told Cohen about a strange request that had forced him to change King's room to the location where he was shot.

Bailey explained that the night before King's arrival he had received a call "from a member of Dr. King's group in Atlanta." The caller (whom Bailey said he knew but referred to only by the pronoun "he") wanted the motel owner to change King's room. Bailey said he was adamantly opposed to moving King, as instructed, from an inner court room behind the motel office (which had better security) to an outside balcony room exposed to public view.

"If they had listened to me," Bailey said, "this wouldn't have happened."

Philip Melanson, author of *the Martin Luther King Assassination* (1991), described his investigation into the April 4 pullback of four tactical police units that had been patrolling the immediate vicinity of the Lorraine Motel. Melanson asked MPD Inspector Sam Evans (now deceased), commander of the units, why they were pulled back the morning of April 4, in effect making an assassin's escape much easier. Evans said he gave the order at the request of a local pastor connected with King's party, Rev. Samuel Kyles. (Melanson wrote in his book that Kyles emphatically denied making any such request.) Melanson said the idea that MPD security would be determined at such a time by a local pastor's request made no sense whatsoever.

Olivia Catling lived a block away from the Lorraine on Mulberry Street. Catling had planned to walk down the street the evening of April 4 in the hope of catching a glimpse of King at the motel. She testified that when she heard the shot a little after six o'clock, she said, "Oh, my God, Dr. King is at that hotel!" She ran with her two children to the corner of Mulberry and Huling streets, just north of the Lorraine. She saw a man in a checkered shirt come running out of the alley beside a building across from the Lorraine. The man jumped into a green 1965 Chevrolet just as a police car drove up behind him. He gunned the Chevrolet around the corner and up Mulberry past Catling's house moving her to exclaim, "It's going to take us six months to pay for the rubber he's burning up!!" The police, she said, ignored the man and blocked off a street, leaving his car free to go the opposite way.

I visited Catling in her home, and she told me the man she had seen running was not James Earl Ray. "I will go into my grave saying that was not Ray, because the gentleman I saw was heavier than Ray."

"The police," she told me, "asked not one neighbor [around the Lorraine], 'What did you see?' Thirty-one years went by. Nobody came and asked one question. I often thought about that. I even had nightmares over that, because they never said anything. How did they let him get away?"

Catling also testified that from her vantage point on the corner of Mulberry and Huling she could see a fireman standing alone across from the motel when the police drove up. She heard him say to the police, "The shot came from that clump of bushes," indicating the heavily overgrown brushy area facing the Lorraine and adjacent to Fire Station 2.

3. The crime scene

Earl Caldwell was a *New York Times* reporter in his room at the Lorraine Motel the evening of April 4. In videotaped testimony, Caldwell said he heard what he thought was a bomb blast at 6:00 p.m. When he ran to the door and looked out, he saw a man crouched in the heavy part of the bushes across the street. The man was looking over at the Lorraine's balcony. Caldwell wrote an article about the figure in the bushes but was never questioned about what he had seen by any authorities.

In a 1993 affidavit from former SCLC official James Orange that was read into the record, Orange said that on April 4, "James Bevel and I were driven around by Marrell McCollough, a person who at that time we knew to be a member of the Invaders, a local community organizing group, and who we subsequently learned was an undercover agent for the Memphis Police Department and who now works for the Central Intelligence Agency . . . [After the shot, when Orange saw Dr. King's leg dangling over the balcony], I looked back and saw the smoke. It couldn't have been more than five to ten seconds. The smoke came out of the brush area on the opposite side of the street from the Lorraine Motel. I saw it rise up from the bushes over there. From that day to this time I have never had any doubt that the fatal shot, the bullet which ended Dr. King's life, was fired by a sniper concealed in the brush area behind the derelict buildings.

"I also remember then turning my attention back to the balcony and seeing Marrell McCollough up on the balcony kneeling over Dr. King, looking as though he was checking Dr. King for life signs.

"I also noticed, quite early the next morning around 8 or 9 o'clock, that all of the bushes and brush on the hill were cut down and cleaned up. It was as though the entire area of the bushes from behind the rooming house had been cleared . . .

"I will always remember the puff of white smoke and the cut brush and having never been given a satisfactory explanation.

"When I tried to tell the police at the scene as best I saw they told me to be quiet and to get out of the way.

"I was never interviewed or asked what I saw by any law enforcement authority in all of the time since 1968."

Also read into the record were depositions made by Solomon Jones to the FBI and to the Memphis police. Jones was King's chauffeur in Memphis. The FBI document, dated April 13, 1968, says that after King was shot, when Jones looked across

Mulberry Street into the brushy area, "he got a quick glimpse of a person with his back toward Mulberry Street. . . . This person was moving rather fast, and he recalls that he believed he was wearing some sort of light-colored jacket with some sort of a hood or parka." In his 11:30 p.m., April 4, 1968 police interview, Jones provides the same basic information concerning a person leaving the brushy area hurriedly.

Maynard Stiles, who in 1968 was a senior official in the Memphis Sanitation Department, confirmed in his testimony that the bushes near the rooming house were cut down. At about 7:00 a.m. on April 5, Stiles told the jury, he received a call from MPD Inspector Sam Evans "requesting assistance in clearing brush and debris from a vacant lot in the vicinity of the assassination." Stiles called another superintendent of sanitation, who assembled a crew. "They went to that site, and under the direction of the police department, whoever was in charge there, proceeded with the clean-up in a slow, methodical, meticulous manner." Stiles identified the site as an area overgrown with brush and bushes across from the Lorraine Motel.

Within hours of King's assassination, the crime scene that witnesses were identifying to the Memphis police as a cover for the shooter had been sanitized by orders of the police.

4. The rifle

Probe readers will again recall from Mike Vinson's article three key witnesses in the Memphis trial who offered evidence counter to James Earl Ray's rifle being the murder weapon:

- a. Judge Joe Brown;
 - b. Judge Arthur Hanes Jr.;
 - c. William Hamblin.
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- a. Judge Joe Brown, who had presided over two years of hearings on the rifle, testified that "67% of the bullets from my tests did not match the Ray rifle." He added that the unfired bullets found wrapped with it in a blanket were metallurgically different from the bullet taken from King's body, and therefore were from a different lot of ammunition. And because the rifle's scope had not been sited, Brown said, "this weapon literally could not have hit the broad side of a barn." Holding up the 30.06 Remington 760 Gamemaster rifle, Judge Brown told the jury, "It is my opinion that this is not the murder weapon."
 - b. Circuit Court Judge Arthur Hanes Jr. of Birmingham, Alabama, had been Ray's attorney in 1968. (On the eve of his trial, Ray replaced Hanes and his father, Arthur Hanes Sr., by Percy Foreman, a decision Ray told the Haneses one week later was the biggest mistake of his life.) Hanes testified that in the summer of 1968 he interviewed Guy Canipe, owner of the Canipe Amusement Company. Canipe was a witness to the dropping in his doorway of a bundle that held a trove of James Earl Ray memorabilia, including the rifle, unfired bullets, and a radio with Ray's prison identification number on it. This dropped bundle, heaven (or otherwise) sent for the State's case against Ray, can be accepted as credible

evidence through a willing suspension of disbelief. As Judge Hanes summarized the State's lone-assassin theory (with reference to an exhibit depicting the scene), "James Earl Ray had fired the shot from the bathroom on that second floor, come down that hallway into his room and carefully packed that box, tied it up, then had proceeded across the walkway the length of the building to the back where that stair from that door came up, had come down the stairs out the door, placed the Browning box containing the rifle and the radio there in the Canipe entryway." Then Ray presumably got in his car seconds before the police's arrival, driving from downtown Memphis to Atlanta unchallenged in his white Mustang.

Concerning his interview with the witness who was the cornerstone of this theory, Judge Hanes told the jury that Guy Canipe (now deceased) provided "terrific evidence": "He said that the package was dropped in his doorway by a man headed south down Main Street on foot, and that this happened *at about ten minutes before* the shot was fired [emphasis added]."

Hanes thought Canipe's witnessing the bundle-dropping ten minutes before the shot was very credible for another reason. It so happened (as confirmed by Philip Melanson's research) that at 6:00 p.m. one of the MPD tactical units that had been withdrawn earlier by Inspector Evans, TACT 10, had returned briefly to the area with its 16 officers for a rest break at Fire Station 2. Thus, as Hanes testified, with the firehouse brimming with police, some already watching King across the street, "when they saw Dr. King go down, the fire house erupted like a beehive . . . In addition to the time involved [in Ray's presumed odyssey from the bathroom to the car], it was circumstantially almost impossible to believe that somebody had been able to throw that [rifle] down and leave right in the face of that erupting fire station."

When I spoke with Judge Hanes after the trial about the startling evidence he had received from Canipe, he commented, "That's what I've been saying for 30 years."

- c. William Hamblin testified not about the rifle thrown down in the Canipe doorway but rather the smoking rifle Loyd Jowers said he received at his back door from Earl Clark right after the shooting. Hamblin recounted a story he was told many times by his friend James McCraw, who had died.

James McCraw is already well-known to researchers as the taxi driver who arrived at the rooming house to pick up Charlie Stephens shortly before 6:00 p.m. on April 4. In a deposition read earlier to the jury, McCraw said he found Stephens in his room lying on his bed too drunk to get up, so McCraw turned out the light and left without him -- minutes before Stephens, according to the State, identified Ray in profile passing down the hall from the bathroom. McCraw also said the bathroom door next to Stephen's room was standing wide open, and there was no one in the bathroom -- where again, according to the State, Ray was then balancing on the tub, about to squeeze the trigger.

William Hamblin told the jury that he and fellow cab-driver McCraw were close friends for about 25 years. Hamblin said he probably heard McCraw tell the same rifle story 50 times, but only when McCraw had been drinking and had his defenses down.

In that story, McCraw said that Loyd Jowers had given him the rifle right after the shooting. According to Hamblin, "Jowers told him to get the [rifle] and get it out of here now. [McCraw] said that he grabbed his beer and snatched it out. He had the rifle rolled up in an oil cloth, and he leapt out the door and did away with it." McCraw told Hamblin he threw the rifle off a bridge into the Mississippi River.

Hamblin said McCraw never revealed publicly what he knew of the rifle because, like Jowers, he was afraid of being indicted: "He really wanted to come out with it, but he was involved in it. And he couldn't really tell the truth."

William Pepper accepted Hamblin's testimony about McCraw's disposal of the rifle over Jowers's claim to Dexter King that he gave the rifle to Raul. Pepper said in his closing argument that the actual murder weapon had been lying "at the bottom of the Mississippi River for over thirty-one years."

Maynard Stiles, who in 1968 was a senior official in the Memphis Sanitation Department, confirmed in his testimony that the bushes near the rooming house were cut down. At about 7:00 a.m. on April 5, Stiles told the jury, he received a call from MPD Inspector Sam Evans "requesting assistance in clearing brush and debris from a vacant lot in the vicinity of the assassination. . . . They went to that site, and under the direction of the police department, whoever was in charge there, proceeded with the clean-up in a slow, methodical, meticulous manner." . . . Within hours of King's assassination, the crime scene that witnesses were identifying to the Memphis police as a cover for the shooter had been sanitized by orders of the police.

5. Raul

One of the most significant developments in the Memphis trial was the emergence of the mysterious Raul through the testimony of a series of witnesses.

In a 1995 deposition by James Earl Ray that was read to the jury, Ray told of meeting Raul in Montreal in the summer of 1967, three months after Ray had escaped from a Missouri prison. According to Ray, Raul guided Ray's movements, gave him money

for the Mustang car and the rifle, and used both to set him up in Memphis.

Andrew Young and Dexter King described their meeting with Jowers and Pepper at which Pepper had shown Jowers a spread of photographs, and Jowers picked out one as the person named Raul who brought him the rifle to hold at Jim's Grill. Pepper displayed the same spread of photos in court, and Young and King pointed out the photo Jowers had identified as Raul. (Private investigator John Billings said in separate testimony that this picture was a passport photograph from 1961, when Raul had immigrated from Portugal to the U.S.)

The additional witnesses who identified the photo as Raul's included: British merchant seaman Sidney Carthew, who in a videotaped deposition from England said he had met Raul (who offered to sell him guns) and a man he thinks was Ray (who wanted to be smuggled onto his ship) in Montreal in the summer of 1967; Glenda and Roy Grabow, who recognized Raul as a gunrunner they knew in Houston in the '60s and '70s and who told Glenda in a rage that he had killed Martin Luther King; Royce Wilburn, Glenda's brother, who also knew Raul in Houston; and British television producer Jack Saltman, who had obtained the passport photo and showed it to Ray in prison, who identified it as the photo of the person who had guided him.

Saltman and Pepper, working on independent investigations, located Raul in 1995. He was living quietly with his family in the northeastern U.S. It was there in 1997 that journalist Barbara Reis of the Lisbon *Publico*, working on a story about Raul, spoke with a member of his family. Reis testified that she had spoken in Portuguese to a woman in Raul's family who, after first denying any connection to Ray's Raul, said "they" had visited them. "Who?" Reis asked. "The government," said the woman. She said government agents had visited them three times over a three-year period. The government, she said, was watching over them and monitoring their phone calls. The woman took comfort and satisfaction in the fact that her family (so she believed) was being protected by the government.

In his closing argument Pepper said of Raul: "Now, as I understand it, the defense had invited Raul to appear here. He is outside this jurisdiction, so a subpoena would be futile. But he was asked to appear here. In earlier proceedings there were attempts to depose him, and he resisted them. So he has not attempted to come forward at all and tell his side of the story or to defend himself."

6. A broader conspiracy

Carthel Weeden, captain of Fire Station 2 in 1968, testified that he was on duty the morning of April 4 when two U.S. Army officers approached him. The officers said they wanted a lookout for the Lorraine Motel. Weeden said they carried briefcases and indicated they had cameras. Weeden showed the officers to the roof of the fire station. He left them at the edge of its northeast corner behind a parapet wall. From there the Army officers had a bird's-eye view of Dr. King's balcony doorway and could also look down on the brushy area adjacent to the fire station.

The testimony of writer Douglas Valentine filled in the background of the men Carthel Weeden had taken up to the roof of Fire Station 2. While Valentine was researching his book *The Phoenix Program* (1990), on the CIA's notorious counterintelligence program against Vietnamese villagers, he talked with veterans in military intelligence who had been re-deployed from the Vietnam War to the sixties antiwar movement. They told him that in 1968 the Army's 111th Military Intelligence Group kept Martin Luther King under 24-hour-a-day surveillance. Its agents were in Memphis April 4. As Valentine wrote in *The Phoenix Program*, they "reportedly watched and took photos while King's assassin moved into position, took aim, fired, and walked away."

Testimony which juror David Morphy later described as "awesome" was that of former CIA operative Jack Terrell, a whistle-blower in the Iran-Contra scandal. Terrell, who was dying of liver cancer in Florida, testified by videotape that his close friend J.D. Hill had confessed to him that he had been a member of an Army sniper team in Memphis assigned to shoot "an unknown target" on April 4. After training for a triangular shooting, the snipers were on their way into Memphis to take up positions in a watertower and two buildings when their mission was suddenly cancelled. Hill said he realized, when he learned of King's assassination the next day, that the team must have been part of a contingency plan to kill King if another shooter failed.

Terrell said J.D. Hill was shot to death. His wife was charged with shooting Hill (in response to his drinking), but she was not indicted. From the details of Hill's death, Terrell thought the story about Hill's wife shooting him was a cover, and that his friend had been assassinated. In an interview, Terrell said the CIA's heavy censorship of his book *Disposable Patriot* (1992) included changing the paragraph on J.D. Hill's death, so that it read as if Terrell thought Hill's wife was responsible.

7. Cover-up

Walter Fauntroy, Dr. King's colleague and a 20-year member of Congress, chaired the subcommittee of the 1976-78 House Select Committee on Assassinations that investigated King's assassination. Fauntroy testified in Memphis that in the course of the HSCA investigation "it was apparent that we were dealing with very sophisticated forces." He discovered electronic bugs on his phone and TV set. When Richard Sprague, HSCA's first chief investigator, said he would make available all CIA, FBI, and military intelligence records, he became a focus of controversy. Sprague was forced to resign. His successor made no demands on U.S. intelligence agencies. Such pressures contributed to the subcommittee's ending its investigation, as Fauntroy said, "without having thoroughly investigated all of the evidence that was apparent." Its formal conclusion was that Ray assassinated King, that he probably had help, and that the government was not involved.

When I interviewed Fauntroy in a van on his way back to the Memphis Airport, I asked about the implications of his statements in an April 4, 1997 *Atlanta Constitution* article. The article said Fauntroy now believed "Ray did not fire the shot that killed King and was part of a larger conspiracy that possibly involved federal law enforcement agencies, " and added: "Fauntroy said he kept silent about his suspicions because of fear for himself and his family."

Fauntroy told me that when he left Congress in 1991 he had the opportunity to read through his files on the King assassination, including raw materials that he'd never seen before. Among them was information from J. Edgar Hoover's logs. There he learned that in the three weeks before King's murder the FBI chief held a series of meetings with "persons involved with the CIA and military intelligence in the Phoenix operation in Southeast Asia." Why? Fauntroy also discovered there had been Green Berets and military intelligence agents in Memphis when King was killed. "What were they doing there?" he asked.

When Fauntroy had talked about his decision to write a book about what he'd "uncovered since the assassination committee closed down," he was promptly investigated and charged by the Justice Department with having violated his financial reports as a member of Congress. His lawyer told him that he could not understand why the Justice Department would bring up a charge on the technicality of one misdated check. Fauntroy said he interpreted the Justice Department's action to mean: "Look, we'll get you on something if you continue this way. . . . I just thought: I'll tell them I won't go and finish the book, because it's surely not worth it."

At the conclusion of his trial testimony, Fauntroy also spoke about his fear of an FBI attempt to kill James Earl Ray when he escaped from Tennessee's Brushy Mountain State Penitentiary in June 1977. Congressman Fauntroy had heard reports about an FBI SWAT team having been sent into the area around the prison to shoot Ray and prevent his testifying at the HSCA hearings. Fauntroy asked HSCA chair Louis Stokes to alert Tennessee Governor Ray Blanton to the danger to the HSCA's star witness and Blanton's most famous prisoner. When Stokes did, Blanton called off the FBI SWAT team, Ray was caught safely by local authorities, and in Fauntroy's words, "we all breathed a sigh of relief."

The Memphis jury also learned how a 1993-98 Tennessee State investigation into the King assassination was, if not a cover-up, then an inquiry noteworthy for its lack of witnesses. Lewis Garrison had subpoenaed the head of the investigation, Mark Glankler, in an effort to discover evidence helpful to Jowers's defense. William Pepper then cross-examined Glankler on the witnesses he had interviewed in his investigation:

Q. (BY MR. PEPPER) Mr. Glankler, did you interview Mr. Maynard Stiles, whose testifying --

A. I know the name, Counselor, but I don't think I took a statement from Maynard Stiles or interviewed him. I don't think I did.

Q. Did you ever interview Mr. Floyd Newsum?

A. Can you help me with what he does?

Q. Yes. He was a black fireman who was assigned to Station Number 2.

A. I don't recall the name, Counsel.

Q. All right. Ever interview Mr. Norvell Wallace?

A. I don't recall that name offhand either.

Q. Ever interview Captain Jerry Williams?

A. Fireman also?

Q. Jerry Williams was a policeman. He was a homicide detective.

A. No, sir, I don't -- I really don't recall that name.

Q. Fair enough. Did you ever interview Mr. Charles Hurley, a private citizen?

A. Does he have a wife named Peggy?

Q. Yes.

A. I think we did talk with a Peggy Hurley or attempted to.

Q. Did you interview a Mr. Leon Cohen?

A. I just don't recall without --

Q. Did you ever interview Mr. James McCraw?

A. I believe we did. He talks with a device?

Q. Yes, the voice box..

A. Yes, okay. I believe we did talk to him, yes, sir.

Q. How about Mrs. Olivia Catling, who has testified --

A. I'm sorry, the last name again.

Q. Catling, C A T L I N G.

A. No, sir, that name doesn't --

Q. Did you ever interview Ambassador Andrew Young?

A. No, sir.

Q. You didn't?

A. No, sir, not that I recall.

Q. Did you ever interview Judge Arthur Hanes?

A. No, sir.

So it goes -- downhill. The above is Glankler's high-water mark: He got two out of the first ten (if one counts Charles and Peggy Hurley as a yes). Pepper questioned Glankler about 25 key witnesses. The jury was familiar with all of them from prior testimony in the trial. Glankler could recall his office interviewing a total of three. At the twenty-fifth-named witness, Earl Caldwell, Pepper finally let Glankler go:

Q. Did you ever interview a former *New York Times* journalist, a *New York Daily News* correspondent named Earl Caldwell?

A. Earl Caldwell? Not that I recall.

Q. You never interviewed him in the course of your investigation?

A. I just don't recall that name.

MR. PEPPER: I have no further comments about this investigation -- no further questions for this investigator.

Pepper went a step beyond saying government agencies were responsible for the assassination. To whom in turn were those murderous agencies responsible? Not so much to government officials per se, Pepper asserted, as to the economic powerholders they represented who stood in the even deeper shadows behind the FBI, Army Intelligence, and their affiliates in covert action. By 1968, Pepper told the jury, "And today it is much worse in my view" -- "the decision-making processes in the United States were the representatives, the footsoldiers of the very economic interests that were going to suffer as a result of these times of changes [being acted by King]."

To say that U.S. government agencies killed Martin Luther King on the verge of the Poor People's Campaign is a way into the deeper truth that the economic powers that be (which dictate the policies of those agencies) killed him. In the Memphis prelude to the Washington campaign, King posed a threat to those powers of a non-violent revolutionary force. Just how determined they were to stop him before he reached Washington was revealed in the trial by the size and complexity of the plot to kill him.

The vision behind the trial

In his sprawling, brilliant work that underlies the trial, *Orders to Kill* (1995), William Pepper introduced readers to most of the 70 witnesses who took the stand in Memphis or were cited by deposition, tape, and other witnesses. To keep this article from reading like either an encyclopedia or a Dostoevsky novel, I have highlighted only a few. (Thanks to the King Center, the full trial transcript is available online at <http://www.thekingcenter.com/tkc/trial.html>.) [See Also: "Chapter 9: The Trial" (PDF format), "[A]n excerpt from a soon to be published book by W.F. Pepper entitled *Vindication*, © 2001 William F. Pepper. This also serves as the family's detailed analysis of the Department of Justice "limited investigation" report." as well as "Trial Transcript - Summary" and "Transcription of the King Family Press Conference on the MLK Assassination Trial Verdict, December 9, 1999, Atlanta, GA" -- rator] What

Pepper's work has accomplished in print and in court can be measured by the intensity of the media attacks on him, shades of Jim Garrison. But even Garrison did not gain the support of the Kennedy family (in his case) or achieve a guilty verdict. The Memphis trial has opened wide a door to our assassination politics. Anyone who walks through it is faced by an either/or: to declare naked either the empire or oneself.

The King family has chosen the former. The vision behind the trial is at least as much theirs as it is William Pepper's, for ultimately it is the vision of Martin Luther King Jr. Coretta King explained to the jury her family's purpose in pursuing the lawsuit against Jowers: "This is not about money. We're concerned about the truth, having the truth come out in a court of law so that it can be documented for all. I've always felt that somehow the truth would be known, and I hoped that I would live to see it. It is important I think for the sake of healing so many people -- my family, other people, the nation."

Dexter King, the plaintiffs' final witness, said the trial was about *why* his father had been killed: "From a holistic side, in terms of the people, in terms of the masses, yes, it has to be dealt with because it is not about who killed Martin Luther King Jr., my father. It is not necessarily about all of those details. It is about: *Why* was he killed? Because if you answer the *why*, you will understand the same things are still happening. Until we address that, we're all in trouble. Because if it could happen to him, if it can happen to this family, it can happen to anybody.

"It is so amazing for me that as soon as this issue of potential involvement of the federal government came up, all of a sudden the media just went totally negative against the family. I couldn't understand that. I kept asking my mother, 'What is going on?'

"She reminded me. She said, 'Dexter, your dad and I have lived through this once already. You have to understand that when you take a stand against the establishment, first, you will be attacked. There is an attempt to discredit. Second, [an attempt] to try and character-assassinate. And third, ultimately physical termination or assassination.'

"Now the truth of the matter is if my father had stopped and not spoken out, if he had just somehow compromised, he would probably still be here with us today. But the minute you start talking about redistribution of wealth and stopping a major conflict, which also has economic ramifications . . . "

In his closing argument, William Pepper identified economic power as the root reason for King's assassination: "When Martin King opposed the war, when he rallied people to oppose the war, he was threatening the bottom lines of some of the largest defense contractors in this country. This was about money. He was threatening the weapons industry, the hardware, the armaments industries, that would all lose as a result of the end of the war.

"The second aspect of his work that also dealt with money that caused a great deal of consternation in the circles of power in this land had to do with his commitment to take a massive group of people to Washington. . . . Now he began to talk about a redistribution of wealth, in this the wealthiest country in the world."

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To say that U.S. government agencies killed Martin Luther King on the verge of the Poor People's Campaign is a way into the deeper truth that the economic powers that be (which dictate the policies of those agencies) killed him. In the Memphis prelude to the Washington campaign, King posed a threat to those powers of a non-violent revolutionary force. Just how determined they were to stop him before he reached Washington was revealed in the trial by the size and complexity of the plot to kill him.

Dexter King testified to the truth of his father's death with transforming clarity: "If what you are saying goes against what certain people believe you should be saying, you will be dealt with -- maybe not the way you are dealt with in China, which is overtly. But you will be dealt with covertly. The result is the same.

"We are talking about a political assassination in modern-day times, a domestic political assassination. Of course, it is ironic, but I was watching a special on the CIA. They say, 'Yes, we've participated in assassinations abroad but, no, we could never do anything like that domestically.' Well, I don't know. . . . Whether you call it CIA or some other innocuous acronym or agency, killing is killing.

"The issue becomes: What do we do about this? Do we endorse a policy in this country, in this life, that says if we don't agree with someone, the only means to deal with it is through elimination and termination? I think my father taught us the opposite, that you can overcome without violence.

"We're not in this to make heads roll. We're in this to use the teachings that my father taught us in terms of nonviolent reconciliation. It works. We know that it works. So we're not looking to put people in prison. What we're looking to do is get the truth out so that this nation can learn and know officially. If the family of the victim, if we're saying we're willing to forgive and embark upon a process that allows for reconciliation, why can't others?"

When pressed by Pepper to name a specific amount of damages for the death of his father, Dexter King said, "One hundred dollars."

The Verdict

The jury returned with a verdict after two and one-half hours. Judge James E. Swearengen of Shelby County Circuit Court, a gentle African-American man in his last few days before retirement, read the verdict aloud. The courtroom was now crowded with spectators, almost all black.

"In answer to the question, 'Did Loyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King?' your answer is 'Yes.'" The man on my left leaned forward and whispered softly, "Thank you, Jesus."

The judge continued: "Do you also find that others, including governmental agencies, were parties to this conspiracy as alleged by the defendant?" Your answer to that one is also 'Yes.'" An even more heartfelt whisper: "Thank you, Jesus!"

Perhaps the lesson of the King assassination is that our government understands the power of nonviolence better than we do, or better than we want to. In the spring of 1968, when Martin King was marching (and Robert Kennedy was campaigning), King was determined that massive, nonviolent civil disobedience would end the domination of democracy by corporate and military power. The powers that be took Martin Luther King seriously. They dealt with him in Memphis.

Thirty-two years after Memphis, we know that the government that now honors Dr. King with a national holiday also killed him. As will once again become evident when the Justice Department releases the findings of its "limited re-investigation" into King's death, the government (as a footsoldier of corporate power) is continuing its cover-up -- just as it continues to do in the closely related murders of John and Robert Kennedy and Malcolm X.

David Morphy, the only juror to grant an interview, said later: "We can look back on it and say that we did change history. But that's not why we did it. It was because there was an overwhelming amount of evidence and just too many odd coincidences.

"Everything from the police department being pulled back, to the death threat on Redditt, to the two black firefighters being pulled off, to the military people going up on top of the fire station, even to them going back to that point and cutting down the trees. Who in their right mind would go and destroy a crime scene like that the morning after? It was just very, very odd."

I drove the few blocks to the house on Mulberry Street, one block north of the Lorraine Motel (now the National Civil Rights Museum). When I rapped loudly on Olivia Catling's security door, she was several minutes in coming. She said she'd had the flu. I told her the jury's verdict, and she smiled. "So I can sleep now. For years I could still hear that shot. After 31 years, my mind is at ease. So I can sleep now, knowing that some kind of peace has been brought to the King family. And that's the best part about it."

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The faithful in a nonviolent movement that hopes to change the distribution of wealth and power in the U.S.A. -- as Dr. King's vision, if made real, would have done in 1968 -- should be willing to receive the same kind of reward that King did in Memphis. As each of our religious traditions has affirmed from the beginning, that recurring story of martyrdom ("witness") is one of ultimate transformation and cosmic good news.