

The King assassination: After three decades, another verdict

by James W. Douglass

IN DECEMBER a jury in Memphis, Tennessee, concluded that Martin Luther King Jr. was assassinated by a conspiracy involving Loyd Jowers and “others, including governmental agencies.” 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 now deceased James Earl Ray, the man sentenced for the crime.

Explaining how this verdict came about requires some background. In 1969 Ray pleaded guilty to the murder. His lawyer, Percy Foreman, had threatened to throw the case if Ray let it go to trial. Before receiving his 99-year sentence, Ray answered Judge Preston Battle’s question as to his guilt with a qualified, “Yes, legally, yes.” He told the judge he disagreed with the government officials who denied there was a conspiracy. Three days later, Ray fired Foreman and asked Judge Battle for a new trial. For the rest of his life Ray continued to seek a new trial, maintaining that he had been set up in the King murder by a shadowy gunrunner named Raul. Ray died in prison in 1998.

William Pepper, who began investigating the King assassination in 1978, became convinced that Ray was innocent. In 1995 Pepper published *Orders to Kill: The Truth Behind the Murder of Martin Luther King*, a labyrinthine investigative work that detailed the tangle of evidence he had found pointing to a murder conspiracy that included government officials. The King family contacted Pepper in 1997 and asked to see his evidence. Convinced by it, the Kings supported Ray’s request for a trial.

After Ray’s death, the King family asked President Clinton to set up a commission similar to South Africa’s Truth and Reconciliation Commission that would offer legal immunity in exchange for truth telling. When their proposal was turned into a “limited reexamination” of the murder by the Justice Department, the Kings tried another route to get at the evidence: they filed a wrongful death lawsuit against Jowers, who said he had been part of a conspiracy to kill King.

The complaint actually reads *King v. Jowers and Other Unknown Co-Conspirators*. As soon became evident at the trial last fall, the real defendants were the anonymous coconspirators who stood in the shadows behind Jowers, the former owner of a Memphis bar and grill. The King family, represented by Pepper, was in effect charging U.S. intelligence agencies—particularly the FBI and army in-

telligence—with organizing, subcontracting and covering up the assassination. Needless to say, this was a difficult case to make.

Many qualifiers have been attached to the verdict in *King v. Jowers*. 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 plaintiffs (the King family) and the defendant (Jowers) agreed ahead of time on much of the evidence.

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. The civil case in Memphis laid out the strange story of the murder, and in the end 12 jurors (six black and six white) said: Guilty as charged—King was murdered by an intricate plot that included government agencies.

Jowers, 73, attended only the first three days of the trial. He was excused by the judge because of illness. He said through his attorney, Lewis Garrison, that he would plead the Fifth Amendment if subpoenaed. However, in 1993 Jowers—against Garrison’s advice and prompted by Pepper’s investigation—appeared on *Prime Time Live* with Sam Donaldson and said

he had been asked to help in the murder of King and had been told there would be a decoy 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.

The jury in Memphis 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 the 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

“Overwhelming evidence and just too many odd coincidences” convinced a jury that Ray did not act alone.

the Central Intelligence Agency), 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 besides King's body on the balcony in a famous photograph taken right after the shooting. 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 increasingly frail Jowers "wanted to get right with God, 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 which 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.

Jowers's story opened the door to testimony on other areas:

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."

Evidence of a 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: "I was not needed at the new station. I was needed at my old station. I was eventually told I was transferred by orders of the Police Department."

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

"I guess it was because I was putting out fires," Wallace told the jury with a smile. "I have never to this day been given a satisfactory explanation."

On the afternoon of April 4, a black Memphis Police Department detective, Ed Redditt, was removed from his surveillance post at

Fire Station 2. Redditt had been watching King and his party across the street. Redditt testified that MPD Intelligence Officer Eli Arkin came to Fire Station 2 later that afternoon to take him to Central Headquarters. There he was brought to Police and Fire Director Frank Holloman, a retired FBI agent. During his 25 years in the FBI, Holloman had been head of the Memphis field office (1959-64) as well as J. Edgar Hoover's appointments secretary. Holloman told Redditt that a secret service agent had just flown in from Washington with information about a threat on Redditt's life. He ordered him to go home.

"I objected," Redditt said. "Director Holloman told Arkin to take me home." When they arrived at Redditt's



REEXAMINING THE MURDER: Dexter King (r), son of the slain civil rights leader, talks with William Pepper, James Earl Ray's lawyer, as Ray enters a prison conference room in Nashville in 1997.

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James W. Douglass's books include The Nonviolent Coming of God (Orbis), which received the Pax Christi Book Award.

house, the car radio announced that King had just been assassinated at the Lorraine Motel. Redditt testified that nothing further was ever said to him by the authorities about the threat on his life.

Former MPD Captain Jerry Williams followed Redditt to the witness stand. Williams had been responsible for forming a security unit of black officers whenever King came to Memphis. For King's April 3 arrival, however, Williams was not asked to form that bodyguard. He was told that someone in King's entourage had asked for no security.

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. When Melanson interviewed MPD Inspector Sam Evans (now deceased) on why the units were pulled back five blocks on the morning of April 4, in effect making an assassin's escape much easier, Evans said that a local pastor connected with King's party had ordered it. The pastor, however, denied this to Melanson.

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!" She ran with her two children and a neighbor's child 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 gonna take us six months to pay for the rubber!" 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 told me 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.

The crime scene: A 1993 affidavit from former SCLC official James Orange 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,

Extreme close-up

These are my father's hands
resting on the kitchen table
cradling an orange; hands that
rip the rind from the fruit, pulling
away one strip after another.
The hands peel away white
filaments that vein each section
(like the white valleys in his red hands
filled with concrete that can't be
scrubbed away) and offer each to me,
same as he hands me the rock-hard
leather softball and says *pitch it to me*,
It *whaps* into his hands again
and again, echoing the sound
of his fist on the golden oak pulpit
where he parts the Bible in two and
offers it to the many who settle into
the pews of the Baptist Chapel
next to the Erie Lackawanna tracks.

Etta L. Worthington

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 "requiring assistance clearing brush and debris from a vacant lot near the site of the assassination. I called another superintendent of sanitation. He assembled a crew, went to the site, and cleaned up the site in a slow, methodical, meticulous manner under the direction of the police department." 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.

The rifle: The rifle that government authorities have maintained is the murder weapon was found the night of April 4 in the Main Street doorway of the Canipe Amusement Company, one block from the Lorraine. It was dropped accidentally, they say, by Ray just before he jumped in his white Mustang and drove to Atlanta. The 30.06 Remington Gamemaster rifle was held up at the witness stand by Criminal Court Judge Joe Brown, who had presided over two years of hearings into the evidence concerning the rifle. "It is my opinion," he told the jury, "that this is not the murder weapon."

"Sixty-seven percent of the bullets from my tests," Brown said, "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."

Circuit Court Judge Arthur Hanes Jr. of Birmingham, Alabama, testified that he had been Ray's attorney in 1968 (before Foreman) and had interviewed Guy Canipe, owner of the Canipe Amusement Company and a witness to the dropped bundle that included the rifle and unfired bullets. That dropped bundle was crucial to the case against Ray. Hanes said that Canipe (now deceased) provided "terrific evidence": "He said that the package was dropped by a man heading south on Main Street about ten minutes before the shot was fired."

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."

The mysterious Raul: In a 1995 deposition by Ray that was read to the jury, Ray told of meeting a man named 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 that "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.

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 ap-



KING V. JOWERS: Loyd Jowers says he was a part of a conspiracy.

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proached 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 the roof of the fire station. He left them at the edge of its northeast corner behind a parapet wall. From there the 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.

Former CIA operative Jack Terrell testified by videotape that his best friend, J. D. Hill, had confessed to him shortly before Hill's death 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 taking up positions in a water-tower and two buildings in Memphis when their mission was suddenly canceled. Hill said he realized the next day that the team must have been part of a contingency plan to kill King if another shooter failed.

Douglas Valentine said that while 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 redeployed from Vietnam to the domestic front. 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. Valentine wrote in *The Phoenix Program* that they "reportedly

watched and took photos while King's assassin moved into position, took aim, fired and walked away."

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 became apparent that we were dealing with very sophisticated forces." He discovered electronic bugs on his phones and TV set. When Richard Sprague, HSCA's first chief investigator, said he would make available all CIA and FBI records, he became a focus of controversy and media attacks. Sprague was forced to resign. His successor made no demands on U.S. intelligence agencies.

Such pressures contributed to the committee's ending its investigation, in Fauntroy's words, "without having looked at all the evidence." 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." 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

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lawyer told him 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."

In an interview after the trial, former MPD detective Ed Redditt told me his testimony before the HSCA had been a "total farce." Redditt was subpoenaed by the committee to testify about being removed from his surveillance post across from the Lorraine Motel two hours before the murder. Redditt said he was grilled by the committee for eight straight hours in a closed executive session. His public testimony the next day "was a set-up." When he arrived for the hearing, he was ushered into a room and shown a book with his testimony's questions and answers already set in print.

"So in essence," said Redditt, "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."

Coretta King explained her family's purpose in pursuing the lawsuit against Jowers: "This is not about money. We want the truth documented in a court of law. My family and I have wanted to see and know the truth, and to heal the nation."

Dexter King, the plaintiff's final witness, said the trial was about why his father had been killed: "The same thing is still happening. It can happen to anybody. If the state doesn't like what you're saying, you will be dealt with—not as in China overtly but covertly."

To the question, "What do we do about this?" he answered, "We are looking to get the truth out. We have never been interested in a criminal prosecution. Nonviolent reconciliation works. If we're saying we're willing to forgive, why can't others?" When pressed by Pepper to name a specific amount of damages for the murder of his father, Dexter King said, "One hundred dollars."

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

"In answer to the question, 'Did

Lloyd 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!"

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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