

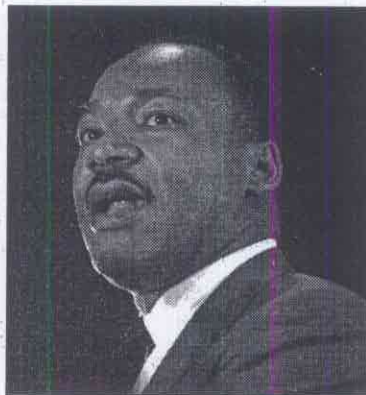
History Was Cheated

Part 12/18/99

It astonishes me how your paper flies to the defense of the "official truth" in the matter of the assassination of Dr. Martin Luther King Jr. The underlying assumption in the editorial "The King Verdict" is that any attempt to question the no-conspiracy mythology perpetrated on the King family and the American people is a delusional exercise in "rewriting history" and an "abuse of the legal system."

An abuse of the American justice system did, indeed, take place. James Earl Ray, the alleged assassin, never had a trial in which the government's evidence in the case could be tested. Ray copped a plea because he was convinced, for many reasons that were amply demonstrated in his 1970s evidentiary hearing (*Ray v. Rose*) that his lawyer, Percy Foreman, was un-

prepared to go to trial and would have thrown the case had it gone before a jury. During the seven months Foreman was Ray's lawyer of record, he



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spent less than two hours conferring with his client and made no independent effort to examine the evidence. To put it mildly, Ray's Sixth Amendment right to effective counsel was violated.

The adversary proceeding, not infallible but still the best mechanism devised so far for arriving at the truth in a criminal case, was rendered inoperative in this most important civil rights homicide in the nation's history. That this was allowed to happen without intervention by the Ramsey Clark Justice Department or comment by our supposedly responsible watchdog press, including your paper, was almost as great a tragedy as King's cold-blooded murder.

—Gerald D. McKnight

A Trial for the Truth

Despite the unanimous verdict of a jury that heard evidence over four weeks from nearly 70 witnesses, Gerald Posner [op-ed, Dec. 13], who did not go near the courtroom and heard none of the powerful evidence, continues to defend the government's line and the conclusions in his book about the assassination of Dr. Martin Luther King Jr.

Posner is right that I have represented not only the King family but also James Earl Ray. What he doesn't mention is that I was a friend and associate of Martin King from 1967 until his death, and until Ralph Abernathy asked me to go to the prison and interrogate Ray, I believed that the right man was in prison. After looking at the evidence and conducting a private investigation for some 10 years, I came to believe that Ray was an unknowing patsy and agreed to represent him in 1988.

Loyd Jowers is not considered to lack credibility by "every local, state and federal prosecutor who has looked at this matter," as Posner states. In fact, they are terrified about what he has to say and have never interviewed him about his role in the assassination. Jowers has laid out his role in detail to Dexter Scott King and Andrew Young, whose testimony was part of the evidence the jury heard.

Posner claims that Jowers's story is "unsupported by any independent evidence." Had he been in court, he would have heard direct evidence from three separate witnesses about the involvement of Memphis produce dealer Frank Liberto, whom Jowers has consistently named. One witness, Somerville businessman John McFerren, revealed that he overheard Liberto about an hour before the shooting yelling into the telephone: "Shoot the son of a bitch when he comes on the balcony."

Posner insults the King family by giving me credit for persuading them to support a trial for Ray. The truth is

that they considered all of the issues before contacting me.

Regarding the official Memphis "investigation" of Jowers's claims, the quality of that investigation may be summed up by the testimony of the lead investigator at the trial. I gave him the names of 23 critical witnesses from whom the jury had already heard. He had heard of only two. Some investigation.

As to Jowers's "cashing in," there never was a book or movie deal. He came forward seeking immunity, because he knew if we had a proper prosecution, he would be indicted on the



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evidence of independent witnesses who testified that they had learned of his involvement more than 20 years ago.

With respect to Posner's allegations about the King family's sale of the "film rights to Oliver Stone," the Warner Bros. project was dropped more than a year and a half ago, long before there was any thought of this trial.

Posner has the temerity to criticize the highly learned and experienced judge who presided over our trial in Memphis, calling him "hands-off" and saying he "allowed most everything to come into the record." May I remind Posner that a judge rules on evidence only when counsel objects. The defense counsel did not object to our evidence, which he knew was admissible. But our case was hardly "uncontested," as Posner states. Defense counsel filed motions for mistrial and directed ver-

dict, which were denied by the court.

As to Judge Joe Brown's testimony about the rifle allegedly used to assassinate King: The judge expertly demonstrated that the scope of the rifle was not even sighted, which means you could not have hit the broad side of a barn with that rifle.

Regarding Jowers's absence from the trial, he was to have been our next-to-last witness, but he became ill after the first week of the trial. We were ready to take his testimony outside the court, but his counsel informed us that he would only plead the Fifth Amendment. Rather than waste the court's

time, we decided to introduce as evidence his extensive deposition testimony, along with Dexter King's and Young's recounting of his story, all of which point to his involvement—even if he was, as Posner notes, "a small cog."

The evidence of government involvement was overwhelming. Of particular significance was the testimony of the captain of the fire station that overlooked the Lorraine Motel, where King was shot. Carthel Weeden told the jury that on April 4, 1968, he took Army photographers up to the roof of the station so that they could photograph everything that took place. Photographs of King's assassination and his assassin have been buried in the bowels of the Pentagon for more than 31 years. Who now is going to demand their release?

The King family considers the truth to have been revealed in this trial. Finally, they have found closure, not from any preconceived conspiracy theory but from a factual picture established under oath in a court of law.

—William F. Pepper

The writer represented the King family in its wrongful death lawsuit against Loyd Jowers.