

King Family Civil Suit Tries to Get at 'Truth'

Memphis Trial Is First in Black Leader's Death

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12/8/99

MEMPHIS, Dec. 7—It has been the trial that never was, and the trial that will never be. For the past three weeks, in a small Shelby County Circuit courtroom, without fanfare and without much public notice, a jury has been trying to get to the bottom of one of 20th-century America's most troubling puzzles: Who was responsible for the assassination of the Rev. Martin Luther King Jr.?

James Earl Ray, who pleaded guilty to the crime more than 30 years ago, then quickly recanted, died last year, insisting that he was innocent and deserved a trial. The closest thing to it may be unfolding in a wrongful-death lawsuit brought by the King family against Loyd Jowers, a former Memphis cafe owner who boasted in recent years that he conspired to kill the civil rights leader on April 4, 1968.

"First and foremost, I think information not available is now going to be on the record—now, there will be historical documentation," said Martin Luther King III, about what he described as "the first and only" trial into his father's death. "Our objective as a family is to search for the truth."

The case was drawing to a close as attorneys for each side prepared to make closing arguments on Wednesday.

But whether the truth can ever be extracted from the morass of memories, opinions and admitted hearsay is a matter of debate. At the very least, the civil trial has

reopened the swirling contradictions of that turbulent era—and in a rather strange manner.

For one thing, the King family is being represented here by William F. Pepper, the lawyer for Ray who asserted the confessed killer's innocence so vigorously in Ray's final years that Pepper is now often described as a conspiracy theorist.

In 1997, the Kings joined with Ray and Pepper in professing Ray's innocence and some of Pepper's theories about the case. Those theories involve shadowy operatives who manipulated Ray, a petty criminal who was a prison escapee at the time, and reach to the highest levels of the U.S. government. For three decades, Ray insisted he had been framed by a mystery figure he knew only as "Raoul," who led Ray on a cloak-and-dagger odyssey across North America in the months prior to the assassination.

Another unusual aspect of the trial has been the absence—and silence—of the once-garrulous defendant, due to illness. Jowers, 73, who operated Jim's Grill, a block from the Lorraine Motel where King was shot, first spoke of his alleged involvement to a network television news crew in 1993. He has changed certain aspects of his account since then, once asserting he received \$100,000 to help arrange King's slaying.

Although the trial has attracted surprisingly little national attention, it has paraded a series of famous and interesting characters before the jury of six blacks and six whites. The first witness, King's widow, Coretta



Coretta Scott King hugs Coby Smith, who founded a black activist group that worked with her husband Martin Luther King Jr., after he testified Nov. 16 in the wrongful-death case.

PHOTOGRAPH BY AL WOOD—THE COMMERCIAL APPEAL

Scott King, told jurors that her family needed closure and as much information as they could accumulate. "This is not about money," she said.

Pepper said he does not know how much the Kings might receive if they win the suit, but indicated the amount would be minimal and would be donated, perhaps to the garbage workers' union King was in Memphis to support when he was slain.

In succeeding days, Andrew Young, former U.S. ambassador to the United Nations and former mayor of Atlanta, testified that he believed Jowers's story after speaking with him a year ago. Young said Jowers told him that King was shot by a gunman—a Memphis police officer, Jowers claimed—who fired from bushes behind the grill, then handed the rifle to Jowers through a back door after the job was done.

Walter Fauntroy, former D.C. delegate to

the U.S. House of Representatives who headed a congressional committee that looked into the King murder in 1977-78, reportedly testified he was never convinced there was no Raoul. The committee concluded that Ray shot King. Ray's brother, Jerry, came to bolster the Raoul story, and Yolanda King, King's oldest daughter, said she pretended her father was just out of town in the dark days after his death.

Local criminal court Judge Joe Brown—who has achieved a certain national fame of late with his syndicated television courtroom show—also testified for Pepper that he believes the rifle linked to Ray was not the weapon used to kill King. Brown presided over court hearings in 1997 involving the rifle.

And, in a scene that was both fascinating

See TRIAL, A7, Col. 3

King Family Suit Is 'Search for Truth'

TRIAL, From A2

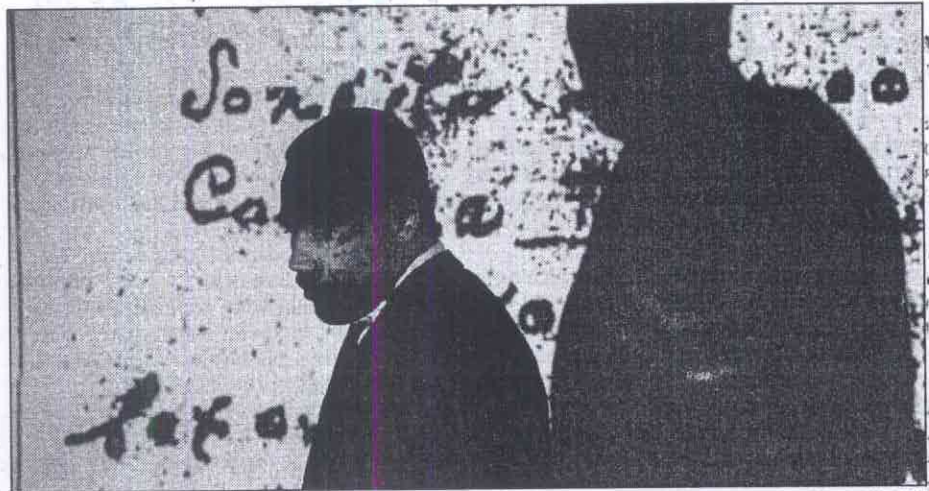
and tedious, James Earl Ray himself offered more than 300 pages of sworn testimony. Read over a two-day period by one of Jowers's attorneys, John Bledsoe, the statement marked the first time Ray's version of events—recorded in a 1995 deposition Ray made in his own lawsuit against Jowers—was offered to a jury. It included Ray's first meeting with Raoul in 1967, whom he initially thought could help him obtain the passport and other identification he needed as a fugitive, he said, and ended with King's assassination.

Driving around downtown Memphis on the evening of King's death—a city he had come to for the first time at Raoul's behest, in a white Mustang Raoul had instructed him to buy—Ray said he heard a news bulletin on the radio about the shooting.

"I heard they were looking for a white man in a white Mustang, and I thought I should get out of Dodge, so to speak," he said. He said he never saw Raoul after that.

Pepper, 61, an intense man, did not seem disturbed that his showcase trial has gone largely unnoticed. "We have presented 70 witnesses," he said, "and laid out an enormous range of proof never heard in a courtroom before."

An American based in London whose obsession with the case spans 20 years, Pepper laid out his theories in a 1995 book, "Orders to Kill: The Truth Behind the Murder of Martin Luther King." According to a 1997 profile in the Commercial Appeal of Memphis, Pep-



FILE PHOTO/ BY ALAN SPEARMAN—THE COMMERCIAL APPEAL

Dexter King, son of Martin Luther King Jr., takes the stand against a projection of a piece of evidence in the civil case brought by his family in the death of his father.

per travels under assumed names, he said, to thwart spies who might break into his hotel rooms. He has argued that King's blossoming stance against the Vietnam War—which he claims to have encouraged as an anti-war activist—led to an assassination conspiracy involving the Mafia, the Army, the FBI and the CIA.

Outside the courtroom, Martin Luther King III said he has been disappointed by the news coverage, but not surprised. "There are a number of issues some groups or forces do not want out," he said.

Even locally, the trial has produced no

overflow crowds at the courthouse, although talk shows on predominantly black Memphis radio stations have been abuzz with the proceedings.

Two Shelby County firefighters who spent their day off in court Monday, Michael Carpenter and Tony Johnson, said they attended because of the deep respect they have for King's impact on their lives as black men. But they, too, seemed resigned.

"I think the people responsible for this have so much power," said Carpenter, "the truth won't come out. Not in this courtroom."