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Gerald Posner

MLK Jr.: The Killing, The Family

*Despite recent court findings,
the conspiracy theory is not credible.*

Last week the family of the Rev. Martin Luther King Jr. celebrated a favorable Memphis jury verdict in a wrongful death lawsuit against Loyd Jowers, a man the Kings charge was part of a conspiracy behind the 1968 murder of the civil rights leader. To those unfamiliar with the case, the verdict seemed an important culmination of a long effort by the King family to determine who was behind the assassination. But to others who have followed the case, the Memphis trial was not about seeking the truth but a ploy to obtain a judicial sanction for a convoluted conspiracy theory embraced by the King family.

How did the King family end up in a courtroom—represented by the attorney for the case's confessed assassin, James Earl Ray—suing Jowers, a man considered to lack credibility by every local, state and federal prosecutor who has looked at the matter?

This trial had its genesis in a 1993 television interview given by Jowers, the owner of a bar and grill next to the flophouse from which King's assassin fired the fatal shot. Jowers said that at the request of a local produce dealer he had hired the assassin. Subsequently, he refused to say much more unless he was granted immunity.

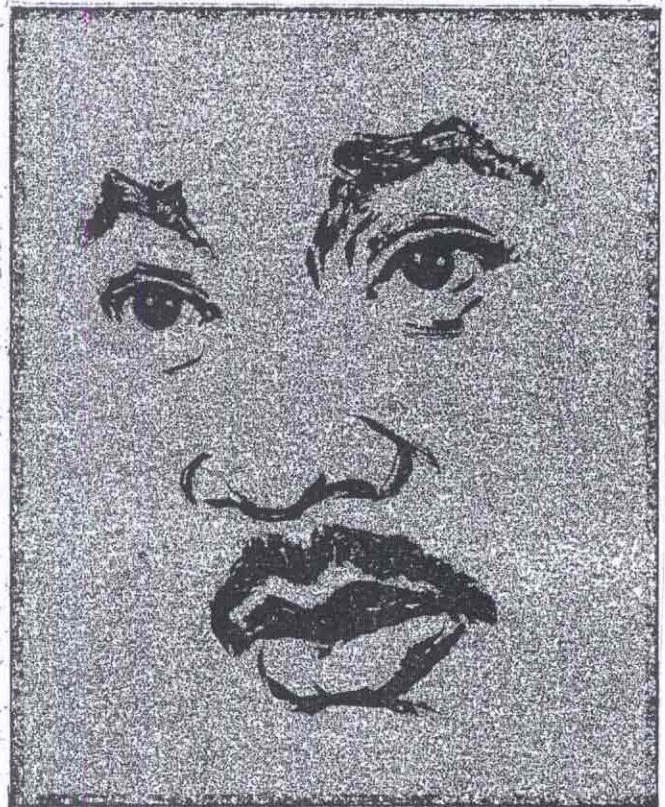
Fast-forward two years, and Jowers's story—still unsupported by any independent evidence—became a linchpin in a book—"Orders to Kill"—by William Pepper, the latest lawyer for the assassin. Pepper's book set forth a mammoth conspiracy theory involving the White House, the CIA, the FBI, Canadian and British intelligence, the Memphis police, military intelligence, Green Berets, the National Guard and the Mafia. It might have become a humorous footnote to the assassination if it had not caught the attention of the King family, particularly King's younger son, Dexter. The family quickly was persuaded that Pepper's theory was right.

It was Pepper who persuaded Dexter King to make his highly publicized March 1997 prison visit to James Earl Ray, a meeting at which Dexter embraced Ray and announced that he and his family believed Ray's claim of innocence.

The King family's involvement, and their repeated calls for a new investigation, prompted the Memphis prosecutors to reopen the case. The conclusions of the prosecutors' two-year probe were released in a 1998 report: Ray was the assassin, and there was no larger conspiracy.

As for Jowers's claim, the district attorney not only dismissed it as false—pointing out many inconsistent changes in his story over time—but determined that Jowers's most likely motivation was cashing in on a lucrative Hollywood sale. As part of the investigation, the district attorney also developed overwhelming evidence that invalidated almost every claim Pepper had advanced in his book.

Those official results, however, did not dissuade the Kings from investing their faith in Pepper's and Jowers's tale. When Ray died in March 1998, Pepper and the Kings looked for other ways to keep their theory alive. The family already had sold the film rights on King's life and death to film director Oliver Stone, whose "JFK" embraced a similarly widespread government murder plot. But the Kings wanted something separate from Stone's project. Although they demanded, and received, a new federal investigation into the case (which is still underway), they also sued Loyd Jowers for wrongful death. Their lawyer was none other than Pepper.



BY DEAN ROHNER

The civil standard is only a "preponderance of the evidence" as opposed to the more stringent "beyond a reasonable doubt" of a criminal trial. And in the four-week trial that just finished in Memphis, Pepper had a field day. With a hands-off judge who allowed almost everything to come into the record, coupled with an astonishingly lethargic defense offered by Jowers, Pepper essentially had an uncontested month to argue the theory set forth in his book.

At times, the proceedings bordered on the absurd. The case's "ballistics expert," who testified that the rifle bought by Ray could not have been the murder weapon, was none other than Judge Joe Brown, the syndicated television jurist. His qualifications? He had been the judge who presided over James Earl Ray's final legal machinations and is evidently an avid hunter with a large collection of rifles.

At other points, "trial testimony" from television mock trials was introduced as though it had the weight of authentic sworn courtroom testimony. And during all of this, the man being sued, Loyd Jowers, never took the stand, claiming that he was too ill. His lawyer, Lewis Garrison, incredibly told the jury that his client was indeed part of a conspiracy, albeit a small cog.

Little wonder that the jury deliberated for only an hour before rubber-stamping a conspiracy theory that had been presented unchallenged. After the verdict, a jubilant Dexter King told reporters, "This is the period at the end of the sentence. . . . This is the end of it."

Dexter King is wrong. The verdict in Memphis is not the end of anything. But since the trial was not a search for the truth but rather a cynical scheme to give some official sanction to the discredited theory that the Kings enthusiastically endorse, it means little for history. It will not ultimately change the official view that James Earl Ray was the assassin. Rather, the persistent effort of the Kings to help Pepper exonerate Ray and to charge instead that much of the federal government killed Dr. King, will only diminish their standing as the first family of civil rights and permanently damage their credibility.

The writer is the author of "Killing the Dream: James Earl Ray and the Assassination of Martin Luther King, Jr."