

VII. KING V. JOWERS CONSPIRACY ALLEGATIONS

A. The King v. Jowers Trial

In November 1999, trial commenced in King v. Jowers, a wrongful death civil action filed by Dr. Pepper on behalf of Dr. King's wife and children. Jowers was the only defendant and thus the only other party to the lawsuit. At the conclusion of the nearly four week trial, the jury adopted a verdict offered by the parties finding that Jowers and "others, including government agencies" participated in a conspiracy to assassinate Dr. King.

We reviewed the trial's evidence in connection with our ongoing investigation of the Jowers and Wilson allegations. We also conducted additional witness interviews and searched for and reviewed records as warranted by the evidence.

In Sections IV and VI of this report, we discussed the evidence presented in King v. Jowers related to the Jowers allegation, as well as the relevant, additional investigation we initiated. Much of the information we considered in those sections was not presented to the jury. For instance, the parties did not introduce Jowers' many inconsistent claims, the inconsistent statements of several critical witnesses, or information that contradicted and undermined the trial evidence. As to the Wilson allegations, no evidence, other than newspaper articles recounting Wilson's claims, was offered. Accordingly, after considering the trial evidence in light of all available, relevant information, we still conclude that the Jowers and Wilson allegations are not credible and that there is no Raoul. See Sections IV, V, and VI above.

We also considered evidence from King v. Jowers suggesting the existence of various conspiracies broader than the one claimed by Jowers. These conspiracies purportedly included government agents and two African American ministers who were associates of Dr. King. The evidence never linked Jowers or his alleged co-conspirators to any federal agency or the United States military, even though the plaintiffs maintained that Dr. King's assassination was the result of a government-directed conspiracy and Jowers was the only party sued.

Nonetheless, we examined the trial evidence relating to these far-ranging conspiracy claims. We found that it was both contradictory and based on uncorroborated secondhand and thirdhand hearsay accounts. Nor did we find any credible, concrete facts to substantiate any of the conspiracy allegations. Because there was no reliable evidence presented at trial relating to a conspiracy to assassinate Dr. King involving either Jowers, the government, African American ministers, or anyone else, and because we know of no information to support such allegations, we find no justification for further investigation.

To explain our conclusion, we have summarized the trial evidence relating the purported conspiracies and analyzed that evidence in view of the results of our investigation and other relevant information that was not presented in King v. Jowers.

B. Evidence Alleging The Involvement Of The Federal Government

1. Hearsay Evidence

Most of the witnesses and writings offered to support the various government-directed conspiracy claims relied exclusively on secondhand and thirdhand hearsay and speculation. Additionally, none of these allegations were ever linked together. Rather, the hearsay evidence alleged that various government agencies participated in assorted

assassination plots that are actually contradictory.

One allegation came from an acquaintance of Jowers who testified regarding a double hearsay account of an alleged conversation in a barbershop in which a supposed FBI agent remarked that the CIA was responsible for the assassination. Unrelated to this allegation, other hearsay evidence presented a different conspiracy, one to silence Ray after he pled guilty. One of Ray's former attorneys related a double hearsay account from two deceased inmates suggesting that, ten years after the assassination, Ray was the target of a government-directed murder contract. A former government official further testified that he heard an unconfirmed rumor that FBI snipers were dispatched when Ray escaped from prison.

The deposition of a person identified only as "John Doe" related yet another conspiracy claim. The unknown deponent recounted his alleged participation in a Mafia-assisted plot initiated by the President and Vice President of the United States. Finally, several authors, a newspaper article, and notes of alleged witness interviews offered various hearsay allegations that the United States military was somehow involved in the assassination. These allegations included a claim by an unidentified source that, while conducting military surveillance of Dr. King, his military team witnessed the assassination and even photographed a man with a rifle leaving the scene.

2. Eyewitness Testimony

In contrast to the several, disparate hearsay accounts presented at trial, only three witnesses provided firsthand information relating to any of the conspiracy allegations. Significantly, these witnesses did not directly support any of the hearsay claims that the government participated in the assassination, but merely recounted their observations of conduct suggesting that Dr. King may have been under government surveillance.

James Smith, formerly a Memphis police officer, testified that he understood that Dr. King was under government surveillance during the sanitation workers' strike in Memphis in March 1968, two weeks before the assassination. Smith reported that he observed a van filled with radio equipment outside the Rivermont Hotel where Dr. King was staying. Smith said that he heard from unidentified sources that the occupants of the van were federal agents conducting electronic surveillance.

Eli Arkin, a former Memphis police intelligence officer, answered questions about the presence of military personnel in Memphis. Arkin testified, consistent with what he previously related to us, that in March or April 1968, Army intelligence agents worked in his office while he was gathering information about the sanitation strike. According to Arkin, the agents never explained what they were doing and merely observed and took notes.

Finally, Carthel Weeden, then the captain of Fire Station No. 2 across from the Lorraine, testified that on the morning of the assassination, two men who identified themselves as Army personnel said they wanted to conduct photographic surveillance. He reported that he showed them to the fire station's roof. When we spoke to him after the trial, Weeden advised that, while he was sure he took military personnel to the roof, it was possible that he did so on a day before -- not on the day of -- the assassination. He also told us that he did not know how long the men remained on the roof.

3. Analysis of the Evidence Alleging the Involvement of the Federal Government

When critically analyzed and considered in light of other relevant information, the trial

evidence does not establish that federal agents were involved in a conspiracy to assassinate Dr. King. Rather, it consists of speculation or secondhand and thirdhand hearsay accounts that remain totally unsubstantiated or contradicted. After considering all available information, including numerous facts not presented to the King v. Jowers jury, we have concluded that none of the assorted conspiracy allegations warrant any further investigation.

a. Allegations of CIA and FBI involvement in a conspiracy

William Hamblin, a former cab driver who knew both Jowers and his friend James McCraw, testified regarding a double hearsay account that the CIA was responsible for the assassination. Hamblin reported that while he was a barber in Memphis in 1968, his boss, Vernon Jones, now deceased, told him about a comment made by a long-standing customer, referred to only as "Mr. Purdy." Hamblin testified that Jones said that in response to Jones' question -- "who do you think did it?" -- Mr. Purdy answered -- "the CIA." Hamblin also maintained, without explaining the basis for his knowledge, that Mr. Purdy was an FBI agent. See Section IV.F.2. above for other allegations made by Hamblin.

Hamblin did not claim to have heard the alleged conversation between Jones and Purdy. There was no evidence presented that the conversation actually occurred or that Hamblin's unexplained belief that Mr. Purdy was an FBI agent was correct. Nor was any evidence offered to show that Mr. Purdy's alleged opinion was based upon fact rather than conjecture. Accordingly, Hamblin's testimony is nothing more than an unconfirmed report of idle barbershop speculation.

A limited amount of other trial evidence was offered in an attempt to suggest that the FBI and the CIA were involved in the assassination. Several witnesses made vague accusations that the FBI failed to investigate thoroughly or suppressed evidence related to the murder and that its leadership wanted Dr. King killed. No specific trial evidence, however, supported these accusations and we found nothing to confirm the speculation.

As to the CIA, a witness testified that an undercover officer, who at the time of the assassination worked for the Memphis Police Department, was hired by that federal agency several years later. See Section IV.D.2.b.(2) above. Thus, it was implied that the CIA may have been involved in a conspiracy. Additionally, an unidentified source, who was not credited by the newspaper reporter who heard his story, alleged that his National Guard reconnaissance team was met in Memphis on the day of the murder by someone who "smelled like" a CIA agent. See Section VII.B.3.d. below. After reviewing the historical record, including CIA records, some of which were classified, we found nothing to substantiate the speculative claims that the CIA was involved in a conspiracy.

b. Allegations of a government conspiracy to silence Ray

Reverend Walter Fauntroy, former delegate to the United States House of Representatives, testified regarding a rumor. Fauntroy, who headed the HSCA probe of the King assassination, stated that at the time of Ray's escape from prison in 1977, he "heard" that FBI snipers had been sent to Tennessee. Fauntroy emphasized, "I don't know that. I have no evidence, but that's what we heard and that alarmed us."

Attorney April Ferguson, who assisted Mark Lane in representing Ray during the HSCA hearings, testified about a related, double hearsay account from two inmates regarding an alleged contract to kill Ray. According to Ferguson, in January 1979, she met a now deceased, incarcerated extortionist, William Kirk, who told her that another now deceased inmate, Arthur Baldwin, advised him of a supposed \$5000 contract to murder

Ray. Ferguson added that Kirk told her, without providing any specifics or sources for his information, that he "got the impression that * * * Baldwin was working as an agent or informer for the federal government."

We did not find anything to confirm either hearsay allegation about the plots to kill Ray. Reverend Fauntroy correctly cautioned in his testimony that he knew of no evidence to support the rumor he had heard. In fact, Ray was in the custody of the government for over 30 years and died of liver disease in 1998.

We did determine that Baldwin assisted the government in federal investigations that were unrelated to the assassination in return for a reduced sentence for his own criminal activity. We are aware, however, of no information to substantiate the inference that Baldwin was thus involved in a government-directed plot to kill Ray. The former United States Attorney, who used Baldwin as an informant, advised that, because of Baldwin's poor credibility, he relied on Baldwin's information only when it could be independently corroborated.

We found nothing to corroborate the hearsay account of Kirk's allegation of Baldwin's claim. Moreover, it is not uncommon for inmates to make false accusations with some hope of personal gain.

c. Allegation of a conspiracy involving the President and Vice President

During the trial, Garrison, on behalf of Jowers, presented a "John Doe" deposition outlining a conspiracy involving the Mafia and implicating both the President and Vice President of the United States. The unidentified deponent, whose name was withheld for unexplained "security reasons," claimed to have worked for the *Houston Post* in 1968. His deposition provides that he was contacted by a former treasurer of the United Auto Workers at the request of a bookmaker acquaintance and offered \$400,000, allegedly to be supplied by the union, "to satisfy Mr. [Hubert] Humphrey and Mr. [Lyndon] Johnson by making Martin Luther King * * * 'shut up' about the Vietnam War * * * by just taking him out." According to the deposition, the deponent accepted the offer, and along with the assistance of several others, including Raoul and Mafia figure, Carlos Marcello, assassinated Dr. King.

The deposition provides details as to how the murder was allegedly accomplished. It states that on April 4, 1968, the deponent and others flew to Memphis from a secret airstrip owned by Marcello. Upon arrival, a woman from Belize, South America, now deceased, drove them to downtown Memphis and dropped off Raoul near Mulberry Street. Raoul then went into a building and left a bag outside. Afterwards, Raoul drove to New Orleans, picked up Ray in Atlanta, and flew with him to Canada. The deposition also alleges that after "the actual shooting of King took place [from] behind * * * a brushy little wall," the woman from Belize "c[a]me around and pick[ed] up the shooter" in a Chevrolet Corvair. The shooter, along with the deponent, flew back to the Mafia airstrip and, while passing over the Mississippi River, threw the rifle into the river.

While the "John Doe" deposition presented the most detailed evidence alleging a government-directed conspiracy, no live witness testimony or documentary or physical evidence corroborated any part of its allegations. Conveniently, Doe remained unidentified for "security reasons" and virtually all of his alleged co-conspirators are supposedly dead. Moreover, many of Doe's claims are contradicted by otherwise established facts. For example, none of the many witnesses at the Lorraine, nor the police who immediately responded, saw a woman drive by and pick up the shooter, and Ray never claimed that he flew to Canada with Raoul. Thus, this far-fetched, anonymous

story has no indicia of reliability and is not credible.

d. Allegations of military involvement in a conspiracy

The *King v. Jowers* trial included evidence relating allegations of United States military involvement in the assassination. Although no evidence specifically alleged that military personnel killed Dr. King, hearsay accounts and speculation suggested that military personnel were somehow connected to the assassination and actually witnessed it.

Dr. Pepper introduced redacted copies of notes purporting to document interviews with unidentified military sources who claimed to have observed the assassination.⁽⁷⁸⁾ One set of notes records allegations by an unidentified source, claiming that he was one of two soldiers with the 902d Military Intelligence Group who was on the rooftop of Fire Station No. 2 conducting surveillance of Dr. King at the time of the assassination. This source reported that he observed and his partner photographed the assassination and "a white man with a rifle" on the ground leaving the scene. According to the notes, the source offered to approach his partner to attempt to obtain the alleged photographs for \$2,000.

Another set of notes purported to document the allegations of a different unnamed source that he was one of two guardsmen with an Alabama National Guard unit, the 20th Special Forces Group (SFG), who was watching Dr. King and Ambassador Young from another rooftop near the Lorraine and observed the assassination. That source also claimed that his team coordinated with the Memphis police and someone he assumed to be with the CIA.

In a 1993 newspaper article from the *Memphis Commercial Appeal*, which was also introduced, reporter Stephen Tompkins asserts, without citing sources for the specific claims, that in the late 1960s, the 20th SFG conducted military intelligence surveillance of Dr. King and others from the civil rights movement. The article further provides that, on the day before the assassination, the 111th Military Intelligence Group (MIG) "shadowed [Dr. King's] movements and monitored radio traffic from a sedan crammed with electronic equipment" and that "[e]ight Green Berets from an 'Operation Detachment Alpha 184 Team' were also in Memphis carrying out an unknown mission."

Douglas Valentine, who authored a book about CIA intelligence operations during the Vietnam war, presented hearsay testimony from another unidentified source. He related that while writing his book, he learned that a single unnamed source allegedly involved in the military's anti-war surveillance "heard a rumor" that the 111th MIG was conducting surveillance of Dr. King in Memphis on April 4, 1968, and took photographs of the assassination. Valentine advised us after the trial that he could not recall the identity of the person who told him the rumor but thought it was a former military enlisted man.

Another writer, Jack Terrell, who claimed to have worked with a CIA-directed group supplying arms and military software to the Contra rebels in Honduras in the 1980s, offered a hearsay opinion of a deceased source. Terrell testified that in the 1970s, as a private businessman, one of his employees, J.D. Hill, now deceased, claimed to have been with the 20th SFG in the 1960s. According to Terrell, Hill, who was a "strange person" with a drinking problem, expressed the "view" that in 1968 he had been trained specifically to participate in a military sniper mission to assassinate Dr. King that was canceled without explanation.

(1) Allegations regarding the military that are relevant to Jowers' claim

Although none of the King v. Jowers conspiracy allegations were directly linked to Jowers' allegations, some of the evidence relating to claims of military involvement suggests the existence of witnesses and/or physical evidence that could support Jowers' contention that the assassin fired from behind Jim's Grill. As a result, we searched for witnesses from the military and physical evidence that might confirm Jowers' allegation.

We found no evidence -- no witness, document or photograph -- to confirm the hearsay allegations that military personnel witnessed or photographed the assassination. Rather, we found evidence to establish that those allegations are not credible.

Initially, we obtained an un-redacted copy of the interview notes that were introduced at trial. It named the man who claimed that he and another soldier witnessed and photographed the assassination. We also learned that former *Memphis Commercial Appeal* reporter Stephen Tompkins, who did not testify in King v. Jowers, authored the interview notes. Accordingly, we interviewed Tompkins.

Tompkins confirmed that he prepared the notes based on his interview of a source whose identity he was unable to substantiate. He emphasized that he did not believe the account related by the source and that, had he been called as a witness at the trial, he would have stated his belief to the jury.⁽⁷⁹⁾

Tompkins explained that he was unable to corroborate any information provided by the source, who identified himself as Jacob Brenner, including whether that was the man's real name. In addition, Tompkins said he found no evidence to substantiate that the 902d Military Intelligence Group (Brenner's alleged unit) ever conducted surveillance of Dr. King or was in Memphis. Rather, he determined that the 902d MIG's mission did not include domestic intelligence work. Tompkins also advised that he never interviewed Brenner's alleged partner, who purportedly photographed both the assassination and the man with a rifle, because Brenner never named him. Nor did he ever speak to Colonel John Downie, the commander of the 902d MIG to whom Brenner claimed the photographs were given, because Downie was no longer alive.

Tompkins said that he was skeptical about Brenner's story based upon more than his inability to corroborate it. Brenner asked for increasing amounts of money for the photographs that he claimed would substantiate his story. According to Tompkins, when initially meeting Brenner in Chicago, he wanted \$2,000 for the photographs; later in Miami, he escalated the demand to at least \$10,000. Concluding Brenner did not have any photographs, Tompkins said he advised Dr. Pepper not to pay. In the end, Tompkins described Brenner as a "slimeball" whose story was no different than numerous false stories he had heard from conspiracy buffs asking for money.

Notwithstanding Tompkins' assessment of Brenner's credibility and story, we investigated whether military personnel from the 902d MIG or from some other unit were on the roof of Fire Station No. 2, observed the assassination, or photographed a man with a rifle after the shooting.

Official records reflect that the 111th MIG and the Tennessee National Guard were the only military units which had personnel in Memphis on the day of the assassination. We found no record to indicate that any other military unit, including the 902d MIG, had personnel in Memphis on April 4, 1968. The Department of Defense also confirmed

Tompkins' understanding that the 902d MIG did not conduct domestic intelligence work. Finally, we found no written record of any surveillance of Dr. King at the Lorraine Motel by military personnel from any unit.⁽⁸⁰⁾

In addition to reviewing records, we located and interviewed five surviving members of the 111th MIG who were in Memphis on April 4, 1968. They all claimed they were not aware that military personnel from any other unit, including the 902d MIG, were in Memphis around the time of the assassination. Jimmie Locke, then a Major and the 111th MIG's ranking officer in Memphis at the time of the assassination, advised that under the military's standing operating procedures he would have been advised if personnel from another unit were in his area. He specifically stated that, even if the other unit's operation was covert, he would have been advised of the personnel's presence, if not their mission.

Additionally, no one from the 111th MIG had firsthand knowledge that any military personnel were in the vicinity of the Lorraine on the day of the assassination or that military personnel ever conducted surveillance of Dr. King. Steve McCall, then a Sergeant and investigator with the 111th MIG, did remember, however, somehow hearing that agents from his unit were being dispatched to the Lorraine on the day of the assassination to watch Dr. King and his party. McCall could not recall the source for this information or any other details, including whether anyone actually went to the Lorraine and, if they did, who they were, when they went, or what they did.

Significantly, one witness from the 111th MIG also told us that he was on the roof of Fire Station No. 2 before -- but not on the day of -- the assassination. James Green, then a Sergeant and investigator, recalled going to the fire station on the day that Dr. King's advance party arrived in Memphis, perhaps March 31st. He claims he went with another agent from his unit, whom he could not now recall, to scout for locations to take photographs of persons visiting the King party at the Lorraine Motel at a later time, if necessary. According to Green, someone from the station may have shown them to the roof, where he and the other agent remained for 30 to 45 minutes before determining it was too exposed a location from which to take photographs.⁽⁸¹⁾ Green stated he never returned to the roof or the vicinity of the Lorraine and never conducted surveillance of or photographed Dr. King. He also advised that he never heard that any other military personnel were in the area of the Lorraine on the day of the assassination or conducted surveillance of Dr. King.

We also interviewed all surviving firemen who worked at Fire Station No. 2 at the time of the assassination. No fireman, other than Weeden, had any knowledge about the presence of military personnel at the fire station.

While we found no reason to disbelieve Captain Weeden's recollection that he led two Army agents to the station's roof or Green's account to support it, we found nothing to confirm that military personnel were in fact at that location on the day of the assassination. Further, when we interviewed Weeden after the trial, he acknowledged that his memory of an event 30 years ago might be inexact, and, thus, it was possible that he took the military personnel to the roof sometime before -- not the day of -- the assassination. He added that he had never spoken with anyone about his recollection until Dr. Pepper interviewed him "before [Pepper] wrote his book" in 1995. Accordingly, Green's recollection that military personnel went to the roof on a different day than the assassination appears accurate.

We likewise found physical evidence to contradict Jacob Brenner's story that he or anyone else was on the fire station's roof at the time of the assassination. Attachments 4a

and 4b, photographs taken by television producer Joseph Louw of the police responding to the shooting, clearly depict the fire station's roof most probably within a minute of the shooting. The photographs were taken through the window of Louw's balcony room, which was two doors from where Dr. King lay mortally wounded. Had Brenner or someone else been on the roof photographing the assassination when Louw was taking his photographs, they would necessarily appear in them. Louw's photographs, however, show no one on the roof.

After examining all relevant information, we have concluded that the *King v. Jowers* hearsay evidence that military personnel witnessed and photographed both the assassination and a man with a rifle as he left the scene is not credible. We found no evidence to support the allegation. Rather, we discovered information to contradict it, including Louw's photographs and the assessment of the only person who heard the story, Tompkins, that it is not worthy of belief.

(2) Other allegations regarding the military

We have also concluded that allegations in a second set of interview notes relating to military personnel also authored by Tompkins and introduced at trial are not credible. Those notes reflect the claims of two men, who alleged that they were sent to Memphis with the 20th Special Forces Group of the Alabama National Guard, met a Memphis police officer and someone appearing to be a CIA agent, and witnessed the assassination. Although Tompkins declined to provide the names of the guardsmen, asserting that they are news sources whose identities he is obliged to protect, he nonetheless advised that he was unable to corroborate their story and doubted their credibility.⁽⁸²⁾

Tompkins recounted that, during his investigation for the *Memphis Commercial Appeal* in the early 1990s, he received information that the 20th SFG had been in Memphis at the time of the assassination.⁽⁸³⁾ His inquiry led to a man then living in Mexico, who claimed to have been a guardsman with that unit and on the roof of a building (not the fire station) watching Dr. King at the time of the assassination. Tompkins said that the guardsman introduced him to another man in Mexico who allegedly was the team's observer. Tompkins emphasized that the guardsman claimed that he was only conducting "reconnaissance" and not deployed as a sniper to shoot Dr. King.⁽⁸⁴⁾

Tompkins told us that he never found anything to corroborate the allegations of the guardsman and his observer and no longer believes them.⁽⁸⁵⁾ He stated that the guardsman, like Brenner, wanted money in exchange for documents that he claimed would substantiate his story. Because Tompkins and his newspaper did not credit the story, they did not attempt to purchase the alleged documents or publish the account. Later, according to Tompkins, he gave money from Dr. Pepper to the guardsman for the documents (he did not recall the amount), but the guardsman never provided them. Tompkins explained that he did not think the guardsman was "on the level" and that what he related may have been "just bullshit" and "made up." Tompkins summed up his evaluation of the guardsman by saying that he "would not testify under oath that [the guardsman] was truthful," and, in his view, it would "be a waste of taxpayers' dollars" to travel to Mexico to speak with him.

We found no evidence to corroborate the allegations of the guardsman or his purported observer. We could find no record or witness to confirm that the 20th SFG or any other military unit besides the 111th MIG and the Tennessee National Guard was in Memphis at the time of the assassination or anything else alleged. Moreover, according to the National Guard Bureau of the Department of Defense, the 20th SFG was never

authorized to engage in surveillance or any other activities against civil rights leaders.

Additionally, one critical fact mentioned by the guardsman that was subject to verification proved to be false. According to Tompkins, the guardsman said his team leader, an officer whom he named, accompanied the team to Memphis. Tompkins' interview notes also make several references to the team leader's activities in Memphis on the day of the assassination. In 1997, the team leader, who was supposedly dead, came forward to contest the accusations. He denied both being in Memphis on April 4, 1968, and knowing that other personnel from the 20th SFG were there, and provided an account of his whereabouts on the day of the assassination. We are aware of nothing to contradict the team leader's denial.⁽⁸⁶⁾

We also considered both Tompkins' claim in his 1993 article that the 111th MIG monitored Dr. King in Memphis on the day before the assassination with "a sedan crammed with electronic equipment" and police officer James Smith's alleged March 1968 observations of a van, which he heard was involved in surveillance. Tompkins advised that, while witnesses told him they had heard electronic surveillance occurred, no one claimed to have actually observed it. Nor did we find any record or witness to support the allegation that the 111th MIG even had such electronic surveillance equipment. Additionally, 111th MIG Sergeant James Green, who admitted being on the fire station's roof, acknowledged that approximately two weeks after the assassination he was operating a sedan in Memphis crammed with communication, not surveillance, equipment. According to Green, local law enforcement officers were aware of his presence and the radio equipment.

Finally, we assessed the testimony of both author Douglas Valentine that an unidentified source heard a rumor that the 111th MIG photographed the assassination and writer Jack Terrell that his now deceased employee talked about a canceled 20th SFG mission to kill Dr. King. We found neither witnesses' testimony significant in view of its hearsay nature and in light of the information discussed above. According to Valentine, an unidentified source conveyed a rumor and, according to Terrell, another source, who was unreliable and is now deceased, expressed an unsubstantiated opinion. As with many hearsay accounts, after critical examination of the relevant facts, these secondhand accounts proved inaccurate.

In conclusion, we found no evidence that military personnel saw, photographed, or were even present at the time of the assassination. Neither the guardsmen's allegation nor Jacob Brenner's story is credible. At the same time, we were unable to determine definitively whether the military conducted surveillance of Dr. King on the day of the assassination. We found no conclusive evidence that they did. Other information, however, establishes that the military did carry out surveillance of Dr. King and many other civilians participating in civil disobedience in the 1960s.⁽⁸⁷⁾ Because such surveillance, which Congress later condemned, was so pervasive, the mere possibility that the military may have spied on Dr. King on the day of the assassination does not suggest its complicity in the murder. In fact, we found nothing to indicate that surveillance at any time had any connection with the assassination.

C. Evidence Alleging The Involvement Of Dr. King's Associates

Dr. Pepper also introduced evidence during the trial to suggest that two African American ministers, who were associates of Dr. King, conspired to kill him. Testimony was presented to imply that Dr. King's associates facilitated the assassination by luring Dr. King to the Lorraine Motel where he had never stayed, changing his room

assignment from an interior to an exposed balcony room, dismissing a portion of his security, leading him to the balcony at exactly 6:00 p.m., and leaving him alone and exposed to allow the assassin an unobstructed shot.⁽⁸⁸⁾

We reviewed the trial testimony relating to these claims. Based on an analysis of all relevant information, including numerous facts not presented to the jury, we have concluded that the allegation that two of Dr. King's associates conspired to kill him is not credible and does not warrant further investigation.

1. Dr. King and the Lorraine Motel

During the trial, evidence suggested that Dr. King's stay at the Lorraine was out of the ordinary and intentionally directed by insiders to assist the assassination. For example, Jerry Williams, a former Memphis police officer, one of the African American officers who provided security for Dr. King's previous visits to Memphis, testified that Dr. King had never stayed overnight at the Lorraine because of security concerns. Reverend James Lawson, an associate of Dr. King's, also testified that Dr. King "mostly stayed" at "white" motels, rather than the motels patronized by African Americans, like the Lorraine.

Supporting the theory that one of Dr. King's associates deliberately moved him to a balcony room to facilitate the assassination, Leon Cohen testified that on the day after the assassination he heard that Dr. King's room assignment at the Lorraine had been changed by someone within his own organization. Cohen, who claimed to be a friend of the Lorraine's owner, Walter Bailey, testified that Bailey told him that a male member of Dr. King's group called from Atlanta the day prior to Dr. King's arrival to change his interior courtyard room to an exposed, balcony room. According to Cohen's hearsay account, Bailey was adamantly against the move because of his concerns for Dr. King's security.

The historical record contradicts the trial testimony that Dr. King's final stay at the Lorraine was unusual. The motel owner, Walter Bailey, now deceased, told investigators on several occasions that Dr. King was a frequent overnight guest at the Lorraine. For example, on the day of the assassination, Bailey told the FBI that Dr. King had stayed at his motel on approximately 12 occasions since 1958. In 1969, Bailey similarly told investigators for James Earl Ray that Dr. King had stayed at the Lorraine on and off for the past 15 years.

Others corroborate Bailey's official statements about Dr. King's frequent patronage of the Lorraine. Bailey's daughter Caroline Champion, who worked at the motel, advised our investigators that Dr. King stayed there "many times." Dr. King's close friend and colleague, Reverend Ralph Abernathy, told the HSCA under oath that he and Dr. King stayed in room 306 at the Lorraine so often that it was referred to as the "King-Abernathy suite." Memphis police officer Edward Redditt, who also provided security for Dr. King during an earlier visit, corroborated the recollections of Bailey, Champion, and Abernathy that Dr. King had previously stayed at the Lorraine. Accordingly, contrary to the trial testimony, other information from several reliable sources demonstrates that Dr. King was a frequent overnight guest at the Lorraine. Thus, there is nothing suspicious about his being at the Lorraine on April 4, 1968.

The suggestion that one of Dr. King's associates moved him to Room 306 on the balcony level to make him a target for the assassin is also contradicted by well-documented accounts. When interviewed by the FBI the day of the assassination, Bailey said that he had no knowledge that anyone had acted in a suspicious manner and absolutely no information or thoughts on the assassination. He likewise expressed no concern about

Dr. King's room assignment in statements to Ray's investigators and specifically told them that there was no advance registration for Dr. King, who was not registered until Reverend Lawson's arrival on April 3, 1968. Had Bailey actually received instructions, with which he disagreed, to change Dr. King's room, it is inconceivable that he would have related that fact only to Cohen and not to any of the several investigators, including those representing Ray, who interviewed him.

Moreover, Reverend Abernathy's testimony to the HSCA about the "King-Abernathy suite" (balcony Room 306) completely contradicts Cohen's testimony. Reverend Abernathy further testified that during the April 3-4, 1968 visit, he and Dr. King were moved to Room 306 at their own request as soon as it was vacated by another guest. Accordingly, we found nothing to support a conclusion that some unidentified associate of Dr. King deliberately moved him to a balcony room to facilitate his assassination.

2. Dr. King's Security

Evidence was also presented to suggest a plot to facilitate the removal of Dr. King's security. We discussed most of this trial evidence, along with other related information not presented in the trial, when we considered general accusations that security was removed in Section IV.D.2.b.(1) above. However, two additional pieces of evidence were presented in *King v. Jowers* in an effort to suggest that Dr. King's associates assisted the alleged plot to remove his security.

Philip Mellanson, a professor and author, testified that Memphis Police Inspector Sam Evans, now deceased, told him that he ordered tactical units away from the Lorraine at the request of a specific "Memphis Minister" associated with Dr. King, whom he named.⁽⁸⁹⁾ In addition, other witnesses testified about their belief that the eviction of the Invaders, a group of young Memphis, African American activists, from their room at the Lorraine minutes before the shooting facilitated the assassination. One former Invader, Charles Cabbage, testified that he was told that another minister, the "SCLC Minister," a ranking member of the Southern Christian Leadership Conference, ordered that his group be immediately ejected.

We found nothing to support Mellanson's hearsay account that the "Memphis Minister" was the specific source of the request to remove tactical units. When we interviewed the "Memphis Minister," he denied ever making such a request. Moreover, the fact that TACT Unit 10 remained in the vicinity across the street at the fire station undermines the inference that the "Memphis Minister" conspired with law enforcement. See Section IV.D.2.b.(1)(a) above.

Likewise, nothing supports a conclusion that the eviction of the Invaders from the Lorraine, allegedly at the direction of the "SCLC Minister," is related to the assassination. We found no evidence that the Invaders had anything to do with Dr. King's security. Rather, according to associates of Dr. King and former Memphis police officers, the Invaders were young, African American activists who were attempting to associate with Dr. King. Accordingly, even if the Invaders were evicted from the Lorraine by the "SCLC Minister" or some other SCLC staff person, such action would not have diminished Dr. King's security.

Moreover, Charles Cabbage's recent trial testimony is inconsistent with his testimony to the HSCA. Twenty years ago, Cabbage testified that he did not recollect the specific sequence of events leading to the Invaders' departure from the Lorraine but that they decided to leave on their own because the SCLC would not pay their room bill. Cabbage told the HSCA that "one of the [SCLC] staffers," whose name he did not provide, somehow advised him that "they [the SCLC] were no longer going to pay for the room,

and we [the Invaders] were already overdue and that left no alternative but for us to check out."

Cabbage's recent testimony is also uncorroborated and contrary to the recollections of others. Significantly, in Cabbage's recent testimony in King v. Jowers, he claimed that it was Reverend James Orange who evicted the Invaders, telling him that the "SCLC Minister" wanted them to leave immediately. When we spoke with Orange after the trial, he told us he did not recall receiving that instruction from the "SCLC Minister" or anyone else. Also, when we interviewed the "SCLC Minister," a friend and associate of Dr. King's, who has led a life of public service, he denied the accusation and claimed that he did not recall that the Invaders were even staying at the Lorraine. We are aware of nothing to contradict his denial. Accordingly, the record does not support the inference presented at trial that African American ministers associated with Dr. King facilitated the assassination by removing his security.

3. Dr. King's Presence on the Balcony

During the trial, the "Memphis Minister" was also called as a witness and questioned so as to create the impression that he had deliberately lured Dr. King to the balcony of the Lorraine at precisely 6:00 p.m. and left him exposed and alone so that he could be shot. This claim is consistent with the view expressed to us by Dr. Pepper and Dexter King prior to trial. To support this contention, the plaintiffs' attorney questioned the "Memphis Minister" regarding his conduct before the shooting and confronted him with words from his speech at ceremonies commemorating an anniversary of the assassination. In the speech, as he described the events of the assassination, the "Memphis Minister" recounted that just before the shot he "moved away [from Dr. King] so he [the assassin] could have a clear shot."

According to a number of witnesses interviewed by our investigation and previous investigations, Dr. King walked out of Room 306 onto the balcony of the Lorraine just before 6:00 p.m. in the company of the "Memphis Minister." Dr. King conversed with several of his other associates, who were assembled in the parking lot below as they all were preparing to go to dinner. When the "Memphis Minister" walked a few steps away from Dr. King, the assassin fired. As discussed in Section IV.D.1.a.(1) above, we determined that Dr. King's appearance on the balcony at 6:00 p.m. for a 5:00 p.m. dinner engagement could not have been anticipated with enough certainty to plan the time of the assassination.

The notion that the "Memphis Minister" was involved in the assassination and inadvertently revealed his participation during a public speech is far-fetched. The minister's comment, "I moved away so he could have a clear shot," considered in the context of his speech, appears nothing more than an inartful attempt to explain the sequence of events and the fact that Dr. King was shot when he moved away from the speaker's side. It hardly amounts to an inadvertent confession.

In any event, we are aware of no information to support the accusation that the "Memphis Minister" led Dr. King to the balcony and moved away to allow the assassin to shoot. We confronted the "Memphis Minister" with the accusation and he denied it. We are also aware of nothing that would have motivated him to assist a conspiracy to murder a friend and associate, while his public life demonstrates his integrity and dedication to non-violence.

D. Conclusions Regarding The King v. Jowers Conspiracy Claims

The evidence introduced in King v. Jowers to support various conspiracy allegations

consisted of either inaccurate and incomplete information or unsubstantiated conjecture, supplied most often by sources, many unnamed, who did not testify. Important information from the historical record and our investigation contradicts and undermines it. When considered in light of all other available relevant facts, the trial's evidence fails to establish the existence of any conspiracy to kill Dr. King. The verdict presented by the parties and adopted by the jury is incompatible with the weight of all relevant information, much of which the jury never heard. Accordingly, the conspiracy allegations presented at the trial warrant no further investigation.

VIII. CONCLUSION AND RECOMMENDATION

After reviewing all available materials from prior official investigations and other sources, including the evidence from King v. Jowers, and after conducting a year and a half of original investigation, we have concluded that the allegations originating with Loyd Jowers and Donald Wilson are not credible.

We found no reliable evidence to support Jowers' allegations that he conspired with others to shoot Dr. King from behind Jim's Grill. In fact, credible evidence contradicting his allegations, as well as material inconsistencies among his accounts and his own repudiations of them, demonstrate that Jowers has not been truthful. Rather, it appears that Jowers contrived and promoted a sensational story of a plot to kill Dr. King. See Sections IV.F. and G. above.

Likewise, we do not credit Donald Wilson's claim that he took papers from Ray's abandoned car. Wilson has made significant contradictory statements and otherwise behaved in a duplicitous manner, inconsistent with his professed interest in seeking the truth. Important evidence contradicting Wilson's claims, including the failure of James Earl Ray to support Wilson's revelation, further undermines his account. Although we were unable to determine the true origin of the Wilson documents, his inconsistent statements, his conduct, and substantial evidence refuting his claims all demonstrate that his implausible account is not worthy of belief. Accordingly, we have concluded that the documents do not constitute evidence relevant to the King assassination. See Section V.K. above.

The weight of the evidence available to our investigation also establishes that Raoul is merely the creation of James Earl Ray. We found no evidence to support the claims that a Raoul participated in the assassination. Rather, a review of 30 years of speculation about his identity presents a convincing case that no Raoul was involved in a conspiracy to kill Dr. King. See Section VI.G. above.

In accordance with our mandate, we confined our investigation to the Jowers and the Wilson allegations and logical investigative leads suggested by them, including those concerning Raoul, who is central to both allegations. We however considered other allegations, including the unsubstantiated claims made during the trial of King v. Jowers that government agencies and African American ministers associated with Dr. King conspired to kill him. Where warranted, we conducted limited additional investigation. Thus, we evaluated all additional allegations brought to our attention to determine whether any reliable substantiation exists to credit them or warrant further inquiry. We found none. See Section VII above.

Similarly, we considered the suggestion of the House Select Committee on Assassinations and the Shelby County District Attorney General to investigate whether James Earl Ray's surviving brothers may have been his co-conspirators. We found insufficient evidentiary leads remaining after 30 years to justify further investigation. Finally, while we conducted no original investigation specifically directed at determining

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whether James Earl Ray killed Dr. King, we found no credible evidence to disturb past judicial determinations that he did.

Questions and speculation may always surround the assassination of Dr. King and other national tragedies. Our investigation of these most recent allegations, as well as several exhaustive previous official investigations, found no reliable evidence that Dr. King was killed by conspirators who framed James Earl Ray. Nor have any of the conspiracy theories advanced in the last 30 years, including the Jowers and the Wilson allegations, survived critical examination.

We recommend no further federal investigation of the Jowers allegations, the Wilson allegations, or any other allegations related to the assassination unless and until reliable substantiating facts are presented. At this time, we are aware of no information to warrant any further investigation of the assassination of Dr. Martin Luther King, Jr.

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