

INTERNATIONAL MONETARY FUND

Dear Harold

This is the article in  
the "American Journalism  
Review" that mentions  
your work.

With love to you  
and Lil.

Ian

Ian S. McDonald



The news media gave low-key coverage to a civil jury's finding that the Rev. Martin Luther King Jr. had been killed in a government plot—perhaps for good reason.

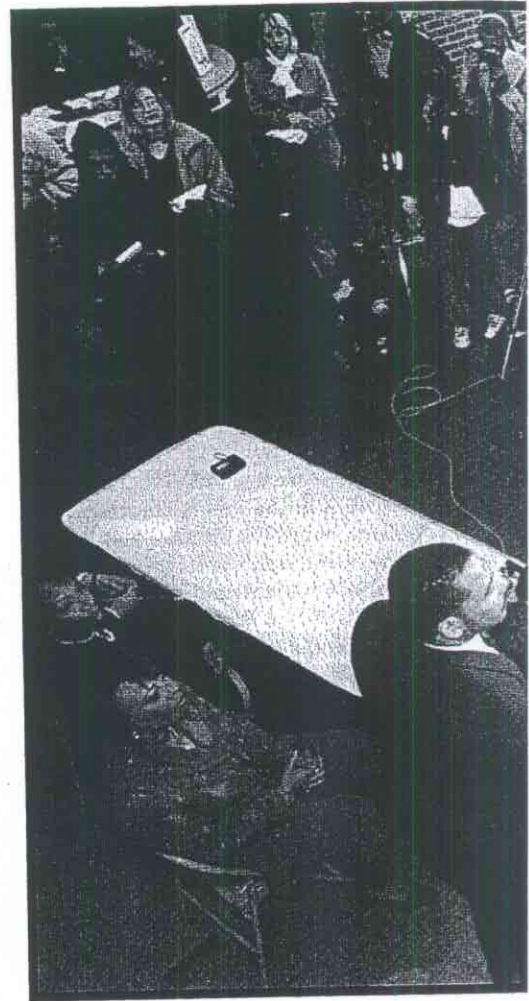
**A**FTER LISTENING OVER THE span of a month to more than 70 witnesses testify on the assassination of the Rev. Martin Luther King Jr., a Memphis civil jury took little more than an hour to deliver an eye-popping verdict: The civil rights leader was murdered by a conspiracy that involved a local businessman and the U.S. government—and possibly the U.S. military, intelligence agents, the Memphis police and mobsters.

Returning its verdict in a wrongful death case brought by King's relatives, the jury found that the official govern-

played their breaking stories on the verdict inside their "A" sections, though the New York Times did follow up December 10 with a front-page analysis quoting a King family member and critics of the civil trial.

Newsweek and Time magazines ignored the decision, although the online Time Daily published a three-paragraph brief on it December 9. U.S. News & World Report carried a five-paragraph story on the verdict December 20.

CBS, ABC, NBC and Fox News all reported briefly on the outcome. CNN gave it a bit more exposure, with reports on December 8 and 9, says



# A Conspiracy of

ment account—that King was slain by a lone triggerman, James Earl Ray—didn't add up. The jury found Loyd Jowers, a former Memphis restaurant owner who had said in a 1993 interview that he helped plan and carry out the assassination, liable for King's death. It awarded the King family the \$100 it was seeking, which the family donated to charity.

People in the government conspired to kill King, lied about it and pinned the murder on an innocent dupe who rotted for nearly 30 years in prison, the December 8 verdict essentially said. A huge, front-page story?

As it turned out, no.

Major newspapers, such as the New York Times, Washington Post, Los Angeles Times and USA Today,

David Bittler, a spokesman in Atlanta.

The day the verdict came in, and the following day, several journalists working at various news outlets who were asked what they thought of the decision replied, "What verdict?"

"Most people didn't even know this trial was going on," says King family attorney William F. Pepper, who had represented Ray during the last decade of his life. "This is a verdict that changes history, and [the mainstream press] effectively blacked it out."

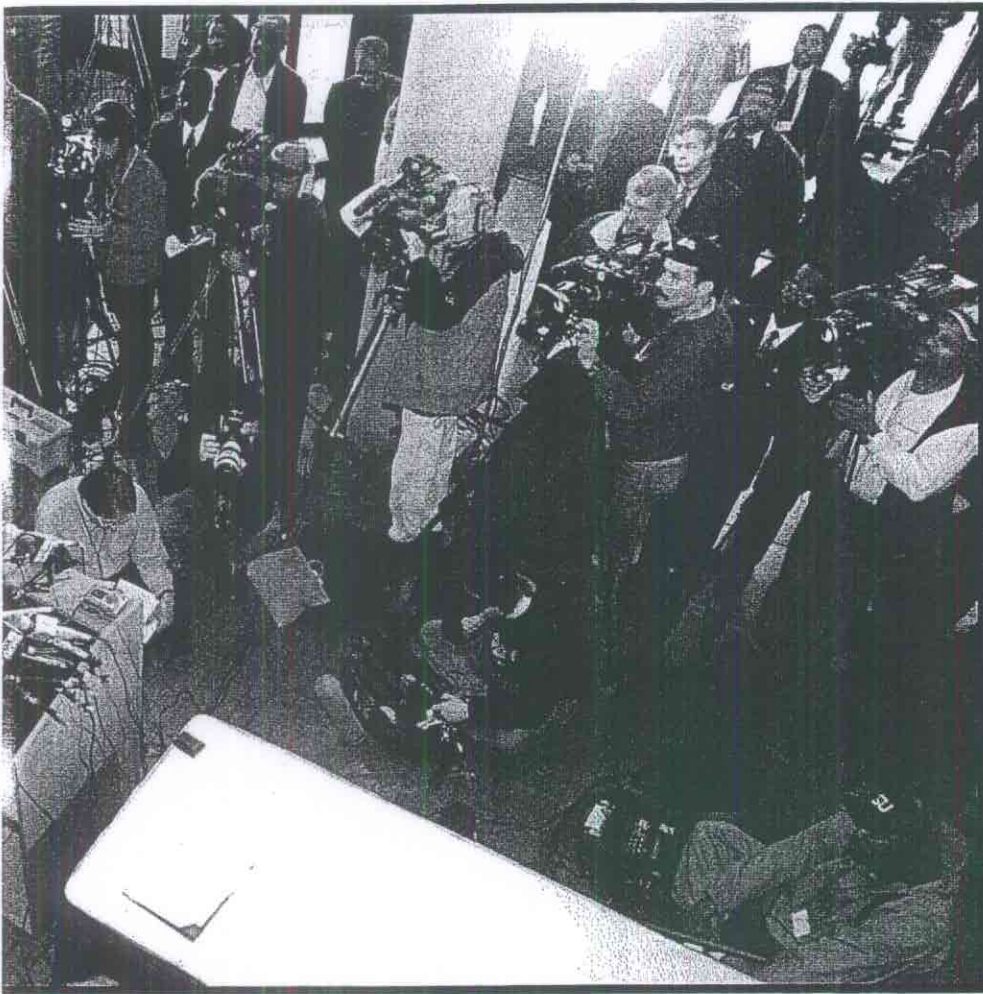
Two journalism academics who are African American agreed with Pepper that the verdict did not get the coverage it deserved. "It was like a blip on the screen" for the general press, says Keith Hilton, assistant professor of communication at the University of

the Pacific in Stockton, California. He says the African American press gave the case much more attention. Jet magazine, for instance, put the verdict at the top of its national report in its December 27 issue.

Paul Delaney, director of the Center for the Study of Race and Media at Howard University, agrees the general press "practically ignored" the suit. But blacks expected that, he says. "It is believed the mainstream press does not pay attention to the serious problems in our community."

Leonard Steinhorn, a professor of communication at American University in Washington, D.C., cited other possible reasons for the lack of interest: "I think there's a certain 'conspiracy fatigue' on the part of many jour-





Dexter King addressed the media after the civil trial verdict, which said his father was the victim of a murder conspiracy. Seated are the Rev. Bernice King (left) and Coretta Scott King.

ON APRIL 4, 1968, KING was killed by a single rifle shot to the head as he stood on the balcony of the Lorraine Motel in Memphis, where he was to make a speech to sanitation workers. Memphis police and the FBI investigated and named Ray, a longtime petty crook, the primary suspect. Their conclusion was based on a bundle of incriminating evidence, including the finding of the alleged murder weapon with Ray's fingerprints on it outside a nearby business shortly after the slaying. Ray was arrested in London in June 1968, and pleaded guilty to the slaying in March 1969—a plea he recanted three days later, saying his attorney had convinced him he would get the death penalty if he didn't make the plea. Ray tried for nearly 30 years to get a trial, but state and federal courts turned down his eight applications because his plea was binding.

The government's theory was that Ray, who had checked into a rooming house across from the Lorraine Motel shortly before the assassination, fired a single fatal shot from a common-area bathroom, stopped to wrap the murder weapon and other incriminating evidence in a blanket, then dropped the bundle at the doorstep of a nearby business as he escaped, undetected, amid scores of police officers who descended on the scene. A mark in a windowsill in a bathroom in the rooming house was "consistent" with a rifle mark, investigators said.

Questions were raised about this official account from the beginning. A number of researchers, such as Harold Weisberg, a former Senate investigator and author of a book on the King case titled "Frame-Up," have detailed weaknesses in the case against Ray, who died

# Silence?

By Ruben Castaneda

nalists and editors," says Steinhorn, who is white. "I think some of the judgments on this story were molded by that, and a desire to protect the King family from being seen as looking for something that's not there."

Why did the civil case—which marked the first time evidence in King's murder had been heard in a trial—fail to resonate with news editors and producers?

Some large-newspaper editors expressed a lack of confidence in the way the case was conducted. "This was a trial that seemed, to put it politely, lacking in rigor," was how Bill Keller, managing editor of the New York Times, characterized it.

Others noted this wasn't a criminal trial, with a finding of guilt or

innocence, and that the proceedings did not lay responsibility at the feet of specific people. "It's a real tough one. You don't want to make it look like you're hiding important news," yet you don't want to give a verdict more credibility than it deserves, says Leo Wolinsky, executive editor at the Los Angeles Times.

In turn, some editors at mid-size to small papers said the lack of interest by the national press influenced their decisions not to give the story greater play.

"We were left looking at what seemed like a very significant story, with very little context," says Ken Brusich, executive editor of the Orange County Register.

That story was put in motion more than three decades ago.



in prison of liver disease in April 1998.

Among the weaknesses: No eyewitness saw Ray commit the shooting. No firearms examination conclusively tied the alleged murder weapon to the slug that killed King. Ray had no documented expertise as a marksman and had never shot anyone other than himself—accidentally, in the foot—Pepper says.

Through a Freedom of Information Act request, Weisberg in 1976 obtained government documents revealing that the FBI's own tests showed no gunpowder residue on the windowsill.

Charles Stephens, a key government witness who allegedly identified Ray as the man who ran from the rooming house moments after the shot was fired, was in a drunken stupor when the assassination occurred and couldn't identify the assailant, a House committee that investigated the assassination in 1977 and 1978 determined. The federal government relied on Stephens' "identification" to extradite Ray from London. (However, the House committee determined that Ray *was* the killer and that he may have been part of a conspiracy—though not one involving the government.)

In a 1997 TV interview with ABC's "Turning Point," Earl Caldwell, a former New York Times reporter who was at the Lorraine Motel when the assassination occurred, raised additional questions when he said he saw a figure coming out of a crouch in some bushes near the rooming house. In the interview, Caldwell said at least six people saw the man, and some saw a rifle. No investigator ever spoke to him, Caldwell said. (But in the same program, Pepper, who wrote a book alleging an Army sniper team was prepared to kill King, took a credibility hit when a former member of that team, whom Pepper had said was dead, was introduced to him by host Forrest Sawyer. The former officer denied being part of any plot against King.)

In a televised meeting that same year, Dexter King, son of the slain leader, shook hands with Ray and said he believed Ray's assertions of innocence. The King family filed its wrongful death civil suit against Jowers and unknown co-conspirators in October 1998 in Shelby County, where the assassination occurred. The lawsuit alleged, and the King family believes, that Ray was manipulated by an agent of the government to buy a rifle that would be traced to him and was persuaded to check into the rooming house from where the fatal shot was allegedly fired.

At the behest of the King family, the Justice Department in 1998 opened a "limited" investigation into the murder. But Deputy Attorney General Eric H. Holder Jr. said in an interview after the December civil verdict that he did not expect the Justice probe to result in criminal prosecutions.

**T**HOUGH NUMEROUS QUESTIONS have hung over the King case since the slaying, several editors at large newspapers—who helped determine what kind of play the December verdict got in their papers—acknowledged they knew little or nothing about the details of the case.

These editors outlined a number of reasons why the verdict didn't crack the front page or spark larger investigative pieces, including the fact that the suit was a civil matter, for which a lower burden of proof is required than in criminal cases, and their lack of confidence in the way the trial was conducted. (For instance, there were inconsistencies over the years in Jowers' statements about his role in the slaying. What he told police at the time of the assassination did not jibe with what he told ABC newsman Sam Donaldson, Donaldson pointed out during their 1993 "PrimeTime Live" interview. Portions of that interview and a later deposition were read into the civil trial record. But because Jowers was ill, he was unable to testify to explain the conflicting statements.)

At the L.A. Times, editors discussed whether to put the verdict on page one, but ultimately played the story—written by a reporter out of Chicago—on A24. "We felt that if we put this on page one, we'd be sending a message that this thing was wrapped up and the trial would change history books," says Executive Editor Wolinsky.

The following day, the L.A. Times ran a column in its Metro section, written by Earl Ofari Hutchinson, a freelance writer and author of the book, "The Crisis in Black and Black." Hutchinson's column made it clear he didn't think the issue was wrapped up. He said the Memphis jury "didn't uncover any hard proof that the government, racist groups or organized crime figures directly ordered King's murder." But Hutchinson called for the FBI to open its sealed files on King and for an indepen-

dent probe. A probe, the writer said, "might at least allay some of the lingering suspicions that government agencies didn't tell the complete truth." Hutchinson's column was published in a number of other newspapers, including the Des Moines Register, the Fort Worth Star-Telegram and Newsday.

The Washington Post played its verdict story on A8, though it was highlighted in a key on the front page. "It was a very, very heavy news day," says Milton Coleman, the deputy managing editor who was in charge of the December 9 front page. Coleman listed some of the stories that did make the front that day: resumption of the Israeli-Syrian peace talks, the arrest of a Russian diplomat accused of spying, the second part of a series on Latin America, and the suspension of a city official in connection with a Post investigation of a series of deaths in District group homes for the mentally retarded.

"It was hard to gauge the implications of the verdict, because it was a



Attorney William Pepper argued Loyd Jowers and the government conspired in the murder of the Rev. Martin Luther King Jr.

civil trial," Coleman says.

The Post later carried letters to the editor from Pepper and another man, arguing the trial and verdict should have received greater coverage. But the Post joined other papers, including the Providence Journal, in running editorials dismissing the civil verdict as lacking credibility.

Keller, managing editor of the New York Times, was openly derisive when asked about the trial: "No offense to the jurors of Memphis, it was kind of like winning a verdict from Judge Judy and then proclaiming yourself vindicated." The Times played its verdict story on A25.

Keller noted that hearsay evidence—testimony by witnesses relating what they heard someone else say—was allowed.



*A Lexis-Nexis search of mentions in November and December of the Martin Luther King Jr. civil trial found that the Washington Post, New York Times and Los Angeles Times published at least 17 news stories, editorials and other commentary among them. Here's how those three played the story:*

#### The Washington Post

- ▶ Four news stories—two before the verdict, two after, none A1
- ▶ one editorial
- ▶ one column
- ▶ one op-ed piece
- ▶ two letters to the editor

#### The New York Times

- ▶ Four news stories—one before the verdict, three after, one A1
- ▶ one op-ed
- ▶ one letter to the editor

#### The Los Angeles Times

- ▶ One news story—after the verdict, not A1
- ▶ one column

(Hearsay evidence is generally not admissible in civil and criminal trials, but there are many exceptions to this rule.)

Editors at smaller papers said the national media's lack of interest influenced their decisions to play down the story. The San Diego Union-Tribune published about 12 inches on the verdict on A10. "I think the symbolic nature of the case led the wire editors to decide that play was appropriate," says Lora Cicalo, news editor at the paper. "The suit itself was symbolic; it wasn't about recovering damages or finding the parties responsible for the assassination."

Orange County Register editors did not know what to make of the verdict, since the trial had not been reported widely in the national press, says Executive Editor Brusic. "It seemed to come out of nowhere for us," he says. But because the decision seemed important, the Register ran a 270-word wire story on it December 9 on its front page, Brusic says, and published a graphic detailing key events and dates in the King saga on page A19 that same day.

Some editors, such as Wolinsky, say the verdict and trial did not merit greater coverage because the trial did not lay responsibility at the feet of any specific people. In fact, names were named in the civil trial.

In the ABC interview read into the record, Jowers said he helped arrange the slaying at the behest of Frank Liberto, a Memphis produce dealer with alleged mob ties. Liberto is now dead. Jowers said he received about \$100,000 in a produce box to give to a man he knew as "Raoul." (Ray maintained until he died a man named Raoul told him to be in Memphis the day of the slaying.)

Raoul later gave Jowers a rifle to hold, Jowers said in the interview with ABC's Donaldson. Jowers did not name the shooter in that interview, because he had not been granted immunity from prosecution.

Jowers would later tell his lawyer and Pepper—according to a 1998 Shelby County District Attorney General Office report—that on the day of King's murder, he gave the rifle to a Memphis police officer.

Pepper told the jurors that after King was shot, the officer, who is also now dead, gave Jowers the still-smoking gun, which Jowers handed back to Raoul. An Army sniper team was at the scene prepared to kill King if the first shooter failed, Pepper said.

A number of witnesses in the civil trial provided other provocative, direct testimony, including Carthel Weeden, the former captain of the fire station that looked out onto the Lorraine Motel. Weeden testified that hours before the assassination, he took two Army photographers to the roof of the station, at their request, so that they could take pictures of the day's events.

Yet, Pepper said, photographs of the assassination have been buried in the Pentagon for more than 30 years. "It is there and it is hidden; as it was hidden from this jury, it is hidden from the American people," the attorney said in closing arguments.

The Shelby County district attorney, the Memphis police, the Army, FBI and CIA have consistently said they were not part of any plot to kill King.

**T**HE NEW YORK TIMES' Keller says trying to defend coverage about the King case is next to useless, because "there are a lot of people on both sides [of the issue] who are not going to be persuaded, no

#### Testimony Excerpts Online

The King family has posted large portions of the civil trial testimony on The King Center Web site, at [www.thekingcenter.com](http://www.thekingcenter.com).

matter what evidence is brought out.

"It's kind of a hopeless subject to talk about," Keller continues, "since the conspiracy theorists say the news media [are] under the control of the government and the CIA."

Indeed, Pepper argued at the trial that King was targeted because he was speaking out against the Vietnam War, which was generating big bucks for Pentagon contractors. Pepper says he believes the trial got short shrift in part because the government and its intelligence agencies have a network of strategic contacts in the American press, and journalists do not want to antagonize government sources or advertisers.

Journalism academics and editors took issue with Pepper's assessment that some journalists would pull their punches on an important story to remain cozy with government sources.

"I don't think the CIA goes to its Rolodex and pulls strings like that," says Delaney, the race and media specialist at Howard University. "If something like that happened and it got out, the newsroom would be up in arms." But, he added, "I do think there is a knee-jerk reaction against stories involving allegations of abuses by intelligence agencies."

The Orange County Register's Brusic says Pepper is both right and wrong. "I think he's right in saying there's generally a negative approach to these kinds of stories.... Unless it is a story that is being played strongly by the major players, we don't tend to take it as seriously. The lone voices don't get heard."

But, Brusic says, "I think he's wrong in saying reporters don't want to antagonize the federal government. I think reporters are quite willing to antagonize institutions [in pursuing stories]. Editors are, too." ●

*Ruben Castaneda covers courts in Maryland for the Washington Post.*