

**A Brief Summary of William Pepper's
*An Act of State: The Execution of Martin Luther King***

Dick Atlee, January 27, 2011

http://dickatlee.com/issues/assassinations/mlk/pdfs/an_act_of_state_summary.pdf

Note -- This summary only covers the tip of the iceberg. [Bracketed numbers] are references to pages in the 2008 (softcover) edition of the book, generally to only one or two of many possible reference in the book to a given piece of evidence. [v] refers to information that may be in the book, but was derived from online videos of presentations by Pepper. For a reconstruction of the events of April 4, 1968, see pp. 155-162. See also a list of videos available at <http://dickatlee.com/issues/assassinations/mlk/>. Trial transcripts from The King Center: <http://www.thekingcenter.org/civil-case-king-family-versus-jowers>.

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During Black History month, preceded by Dr. Martin Luther King's birthday, it is useful to be aware a bit of that history which, while known elsewhere in the world, is strikingly absent from our consciousness and media. For it bears heavily on what is happening in our country today, and goes far beyond "black" issues.

A civil trial you probably never heard of

In October, 1978, Dr. King's close friend, Ralph Abernathy, prevailed on another King friend, lawyer William Pepper, to interview James Earl Ray, the alleged "lone-gunman" killer of Dr. King. That meeting [10] set in motion a two-decades-long investigation by Pepper and his staff. The investigation resulted in a trial held in Memphis in late 1999 against those who had been shown by the investigation to have been involved in Dr. King's murder. It was a *civil* wrongful-death trial [98] because the federal and state law-enforcement and judiciary systems had gone to great lengths to prevent a new criminal trial based on the new evidence [88-92]. The trial was held in Memphis. The plaintiffs were Dr. King's family [99]. The trial is described in detail on pp. 107-147.

The purpose of this document is to present a small part of the evidence that led to the trial and that developed as a result of it. Not all of the evidence, for a wealth of it is presented in Mr. Pepper's book, but enough to defuse a perhaps understandable knee-jerk "conspiracy theory" reaction to the situation the evidence exposes. Roles and events are mentioned here, but most names are omitted -- the cast of characters is so large it begins to seem like a Russian novel.

During the almost-month-long trial, the half-black, half-white, four-woman eight-man jury [108]

heard the sworn testimony of almost 70 witnesses [147] who were among -- or had direct personal connections to -- the surprisingly large number of players in the drama of that day. At the end, a unanimous jury and the judge found that James Earl Ray, the alleged lone gunman, was an unwitting patsy, and had not been involved at all in the murder [147]. Well, then, who did they decide *was* involved?

The answer to that question is the reason that we are so completely ignorant of what happened before, during, and after that April 4, 1968, when Dr. King was shot while standing on the balcony of the Lorraine Motel in Memphis, on his way to dinner.

Introducing part of the cast -- the Mob and Lloyd Jowers

During the days of that trial, the jury listened to testimony by Lloyd Jowers, the principal named defendant and the owner of a grill separated from the Lorraine by a side street and an area of high, dense brush [117]. Jowers said he had owed a large debt [40] to Frank Liberto, a Memphis lieutenant of the New Orleans Mafia [46]. Various witnesses described how, in the ensuing years, Liberto had told them he'd arranged the execution, noting the planned lack of security, the arranged police cooperation and absence, and a "patsy in place." [40,46,111] Another witness described how, an hour before the event, in Liberto's warehouse, he had heard Liberto shouting into a phone "Shoot the son of a bitch when he comes on the balcony," and telling the caller to collect the money from his brother in New Orleans [13,110].

Jowers told about a number of planning sessions held by members of the Memphis Police Department (MPD) in his grill [111,139], and how, pursuant to these plans, on the day of the execution, Liberto, a vegetable merchant, sent him a vegetable delivery box containing \$100,000 [111], to be picked up later by a man named Raul [137,139]. The same Raul dropped off a rifle [38,124] to be picked up later that day by the shooter. Jowers told how he had handed the rifle to the shooter [139] -- not James Earl Ray -- and, after the shot, had taken it, still smoking, back into the grill and hidden it [41,138]. An employee (his mistress) confirmed this [33], and a friend told how Jowers had shown him the rifle [16,95]. The next day Jowers sent a friend to drop it off the Mississippi bridge [119], and Raul came to pick up the cash [124].

A variety of witnesses knew Raul -- eventually identified as Raul Peirera [54,124] -- to be involved in various illegal activities, particularly running guns diverted from the military [124]. He'd been identified by Ray as his handler [122] and had told one acquaintance he'd been involved in King's killing [56,122]. Though Raul had denied any connection to the assassination [60], one witness, a reporter, was told by a member of Raul's family how grateful they were that, once his identity had become known, government agents began monitoring their phones and advising and protecting them [125].

The original "evidence"

The alleged murder weapon, with James Earl Ray's fingerprints on it and a bag containing some of his belongings were "found" in the doorway of a store [9,116]. The state said Ray had dropped them when he noticed a police car parked at the corner [9], though the hedge between the store and the corner would have made that impossible [48]. The store's owner had, on many occasions, consistently placed the time at which the materials had been dropped at about ten minutes *before*

the shooting [120,213,228].

The jury heard from a ballistics expert that the death bullet was metallurgically different from the other bullets in that rifle, which were otherwise identical [119]. They learned of a suppressed FBI report [119,133] that the sight on that rifle had never been sighted in, shooting about 4 inches down and to the left [119]. They learned of another suppressed report that a key piece of "evidence" in the state's case, a dent in the windowsill of the bathroom from which the fatal shot was allegedly fired, could not be matched to the rifle [120,133].

They learned of the state's main eyewitness, Charlie Stephens, a man who lived near the bathroom allegedly used by Ray for the shooting and supposedly caught a glimpse of the fleeing man's profile [116]. A cab driver who had stopped to pick him up that afternoon found him drunk in bed [15], too drunk to carry [229]. An MPD officer who interviewed him at the time found him drunk and barely able to stand [116,226], another MPD interviewer that day said Stephens had told him he couldn't identify the man [196]. His wife [157], on the other hand, steadfastly indicated that the person who'd run from the room was not Ray; her statement was discounted [v].

The police and the crime scene

The jury heard testimony about the MPD planning sessions described above [111,139]. They heard from Dr. King's driver, who had seen a man in the bushes come over the wall at their edge [117], and one of the ministers from Dr. King's Southern Christian Leadership Council (SCLC), who saw smoke rising from the brushy area across from the motel just after the shot; he was never questioned [117]. They heard from a New York Times reporter who had been sent to Memphis by his national editor to "nail Dr. King" and was staying at the motel, who saw a man crouching in the brush [118]; he was never questioned [16]. They heard from a police officer who had found size 13 shoe tracks in the mud leading from the brushy area to an alley and made casts of them; his find was never followed up [117]. They heard from a neighbor who saw a man come out of that alley several minutes after the shooting, jump into a car and speed off past a police barricade that made no attempt to stop or follow him [115]. They heard about a cab driver who had seen a man jump over the wall of the brushy area, run down the street and get into a Memphis police car [52,131,118]. The cab driver, after being interviewed twice by police that night, had been found dead the next morning, thrown out of a car across the river in Arkansas [118]. Subsequent searches for a record of his death turned up nothing [132].

They heard from the then-manager of the Memphis Public Works Department, that he had been tasked at 7AM the next morning by the MPD to have the brushy area behind the grill, and the hedge that would have blocked Ray's alleged view of the police car mentioned above, immediately cut to the ground [131], a clear destruction of evidence and the crime scene [212-213,330]. Although everyone involved knew the high brush and the hedge were there, and spoke of it, the clear-cutting caused it never to show up in official pictures of the scene, and the MPD implied it had never existed. The hedge, however, showed up in a picture of an officer guarding Ray's belongings in the store doorway [48].

Dr. King was heading for dinner [156] at the house of Rev. Billy Kyle, a local black minister who claimed to be a friend. Kyle lied about being with Dr. King during his last hour [194-5], and

then in a speech given on the 30th anniversary, made the slip of saying he'd stepped away from Dr. King so "he could have a clear shot," a film of which shocked the jury [142,v].

The security

The jury learned from motel and hotel records that Dr. King had never previously stayed at the Lorraine, in spite of claims to the contrary by the state [188-90]. They learned he'd used the Lorraine as a result of a taunting newspaper article which turned out to have been placed by the FBI [186-7], and that on this occasion he had been inexplicably moved [113-14] from the originally-reserved secluded ground floor room to a heavily-bugged [127-8] room on the balcony. They learned that virtually every room in the places Dr. King had stayed Memphis had been bugged. They heard from an MPD officer that on that day he'd been in a van being used to monitor the Lorraine bugs [127], apparently staffed by army intelligence officers.

They heard from a black MPD officer with close ties to the community, one of the two officers on the MPD surveillance team that day, that he had been forcibly sent home that day due to an alleged threat on his life [112] that ultimately proved to be phony and provided by a Senate staffer connected to the military [128,234]. They learned that the only two black firemen in the fire station across the street had been ordered that day, at MPD request, to report to stations in other parts of the city, leaving the station undermanned [112]. They learned the police TACT10 squad had been pulled back that morning -- at the request of Rev. Kyle, according to its chief [113]. They learned that a squad of black MPD detectives assembled on each of Dr. King's earlier visits for his protection had specifically not been assembled this time [113], and that the Invaders, a local black armed self-protection group staying at the motel as volunteers to protect King had been ordered to leave, allegedly by Jesse Jackson [109-10], 10 minutes before the shooting.

The FBI and the Justice Department

The House Select Committee on Assassinations (HSCA) held hearings in the 1970s which illuminated a long history of FBI actions against Dr. King and the SCLC, trying to tie them to Communists, bugging hotels all across the country where Dr. King stayed [11], committing burglaries and dirty tricks [11], managing "friends" in the media, even holding a 1963 meeting to find a way to "neutralize King as an effective Negro leader" [11]. They had a paid informant on Dr. King's staff from 1964, who was in Memphis that day conferring with the special agent in charge [15-16].

The jury heard of a 1967 conversation reported by billionaire H.L. Hunt's personal assistant, in which Hunt's friend J. Edgar Hoover had told Hunt that Hunt's attacks on Dr. King over his radio network would not stop King, that the only way to do that was to "completely silence" him, an argument Hunt later acknowledged Hoover had won [43].

They learned of FBI reports that were patently false, and of others pointing in the right direction that had been suppressed -- e.g., witness statements of Ray leaving before the shooting [116,133], the rifle's non-sighting [119], the non-evidence window dent [120,133].

They heard about the 30-sniper FBI SWAT team that immediately appeared at the prison from

which Ray escaped in 1976, with orders to kill him, and how the squad was only removed through intervention of the HSCA chairman via Tennessee's governor who ordered them to leave [134]. They heard of a jail inmate with lethal connections at Ray's prison who said he'd been asked to arrange Ray's murder, but when he called the contact number he'd been given, it was to a suite used by the FBI and U.S. Attorney [134].

Not covered by the trial, since it lasted from 1998-2000, was the Justice Department investigation. Pepper discusses at length its flaws and intimidation of witnesses [218ff]. He also provides a table of 55 pieces of evidence ignored or distorted by that investigation [289ff].

The military

The Senate Judiciary Subcommittee on Constitutional Rights in 1972 condemned the U.S. Army for "massive and unrestrained" domestic surveillance uncovered by its investigations. The most significant increase in this activity was from 1961 to March 1968. From 1967-68 it was heavily involved in the Justice Department's civil disturbance structure [204-5].

The involvement of the military on the day of the assassination was confirmed by at least two witnesses at the trial. One was a police officer in whose office members of the 111th Military Intelligence Group (MIG) conducted coordination of the day's events [128,143,315]. The other was the captain of the fire station across the street from the Lorraine, who testified that that day he'd honored the demand of two plainclothes photographers with U.S. army credentials that they be taken up to the roof of the fire station, and had watched them begin setting up [128]. He was never interviewed. One of the photographers said he and his partner got pictures of the Dr. King falling and the sniper in the bushes (not Ray) lowering his rifle [79-80].

The jury heard from a witness who'd held a series of interviews with a sniper from an 8-man Alpha 184 crisis team from the 111th MIG [129]. The sniper said that his squad was in town that day, and that he and a buddy and another pair had taken up positions on two nearby roofs that day with mug shots of Dr. King and Andrew Young, with orders to shoot the two men upon receiving radio orders to fire [69]. During the day they were in radio contact with the head of the withdrawn MPD TACT10 unit, who told them "friendlies were not wearing ties" [69]. However, they'd heard an unanticipated shot and then been ordered to leave, going to the river and using a boat to reach exit vehicles [70].

The book provides a detailed description of the day according to the sniper [67-71], and a verbatim written Q-and-A from him [299-310].

The jury learned that the man seen kneeling over Dr. King's body checking for signs of life [160] -- and who was not wearing a tie -- was a black undercover MPD officer who had infiltrated the black defense group the Invaders [205]. It turned out he had been detailed to the MPD by the 111th MIG [205], for whom he was working an intelligence informant [74].

And the jury learned that "Eric S. Galt," the identity Ray had been using, was a Canadian with connections to U.S. military intelligence who had a top-secret clearance [116,209].

An interesting piece of the puzzle that developed from the investigation was a large gun-running operation involving the New Orleans mob, military personnel, Louisiana officials and Raul [63,76,79,209-10].

The patsy

The jury heard how Raul had managed James Earl Ray [122], the "patsy in place," -- how he'd earlier found Ray in a Canadian bar [186], hired him to do various illegal errands [v], had him come to Memphis [v], told him to buy the rifle ultimately used to frame him [v], and used various excuses that day to keep Ray away from the rooming house next to the grill, where he was living [157]. The jury saw the suppressed FBI reports, noted above, of two witnesses who told of seeing Ray's car driving off *before* the shooting [116, 133]. Ray had insisted he'd gone to have his spare tire fixed [157], and when he'd heard about the execution, he'd realized his situation and fled.

The jury learned that Ray had pled guilty (though not under oath [142]) only after being told by his lawyer at the time that he'd get the death penalty if he chose a jury trial. This lawyer, who told a friend that he knew Ray was innocent but had to be "sacrificed" [56], turned out to be the principal lawyer for local mob figures [57] and knew Raul [56]. They learned that Ray had never confessed, steadfastly asserting his innocence. He refused demands that he say there had been no conspiracy [v]. He refused to confess even when offered bribes in exchange: parole [45,134], and cash -- first \$50,000 and then \$220,000 [134] -- even release (to die) [97]. He died in prison from a liver condition for which the state refused to permit treatment unless he confessed [82-84,97]. The government had gone to great lengths to prevent a new trial based on all the new evidence [88-92].

The conspiratorial conclusion

In short, the jury was shown a mountain of evidence that Dr. King had been executed by a conspiracy involving, among others, officials and members of the MPD, the State of Tennessee, the mob, the FBI and Justice Department, and the U.S. Army. The jury's verdict, arrived at in less than an hour, indicated they understood and fully agreed with this [147]. So did the trial judge, who apportioned 30% of the liability for the murder to Jowers, and 70% to the other co-conspirators [147].

A conspiracy is a conspiracy -- a secret collusion among at least two people to engage in an endeavor, usually illegal or unsavory. The execution of Dr. King was a conspiracy, and its description is not, if it ever was, a conspiracy "theory," but rather a well-documented fact.

But why execute King?

The year before, Dr. King had begun to look beyond the civil rights movement, and to publicly express his belief that the "brotherhood of man" -- and a turning away from materialism [163ff] -- were moral and survival imperatives, and that materialism -- the evaluation of everything in terms of money -- drives out love, leading to inevitably to over-consumption and material scarcity [166]. He saw the Vietnam War as a materialist culture destroying a non-white, ancient traditional culture [7,168], that the divide between the rich and the "invisible poor" was another

aspect of that materialism, [180] and that these two situations were connected by the inevitable guns-vs-butter choice that wars create in how to allocate public resources [7].

[176-79] The government was willing to offer the Voting Rights Act as a palliative, because segregation was seen as merely a regional problem [176]. It had the added advantage of indebting civil rights leaders to the government [176-7]. Dr. King's charisma and broad appeal was not a threat as long as he stayed on that reservation. But he was apparently the only figure capable of bringing together the dissatisfied poor and the growing number of anti-war Americans [177]. So his opposition to the war, and his opening of the raw and fundamental issue of economic inequality and the invisibility of the poor, threatened the influence and profits of the firmly entrenched military-industrial complex that President Eisenhower had warned so strongly about, and the power of transnational capitalism [179]. It also threatened other civil rights leaders, who wanted no trouble with the government and spoke out against him. Dr. King was becoming isolated [176-78].

Why then? Why in Memphis?

Because the sanitation-workers strike was so emblematic of the issues he was pursuing, Dr. King had come to Memphis [8]. His advisers were against involvement in Memphis [v], because he and the SCLC were at the beginning of mobilizing the Poor People's Campaign. It was a plan to make the "invisible poor" visible by bringing a half-million of them to Washington, to camp in a tent city on the mall, and to stay there, lobbying Congress and the administration directly and indirectly, until the government addressed the problem of economic inequality [7,180].

There was no way the government was going to take the radical steps necessary to address that problem. Reported conversations in the government at the time reflected the belief that the result of this Poor People's March would be social unrest in Washington spreading across the nation [7]. The year before had seen a 200,000-person peace demonstration in Washington and race riots in cities around the country [177]. The war in Vietnam was taking all the soldiers the military could draft. There weren't enough available in the country to deal with such a situation [7]. And the Poor People's Campaign was the next step after Memphis. There was no time left.

Why don't we know about all this?

The jury in the trial heard testimony about the neurological impact -- on human intellectual functioning and reasoned decision making -- of a story that is told over and over again. It creates a knee-jerk reaction to any contrary story. *This reaction is so strong that, even if a person is on one occasion convinced by evidence that the story is untrue, s/he will soon regress to again believing that story* [136].

The media was notified of the trial. They were well aware of it, and the degree of their absence [108] was remarkable. Exactly one representative of the media attended the whole trial -- a local anchorman. He was threatened with loss of his job for doing so [149] (and was eventually fired), but he was convinced by the evidence. After the first few hours [148] in the wake of the trial, the only mentions of it in the US media were attacks on it as a farce, by people and media outlets who were not present at the trial, had not heard the evidence, and had a remarkable history of misstating and misquoting any and all evidence in conflict with the government's story

[136,149]. And Dr. King's family, as they had expected, were widely maligned in the press for being involved in the trial [85,136,149].

Why "expected?" At the trial, the jurors heard an expert presentation on the use of media for disinformation and propaganda. They heard of the revelations from the HSCA assassination hearings in the 1970's -- about the CIA's widespread placement of agents as staff in newspaper and newsrooms positions, and planting of numerous false stories of all kinds [135]. They learned of the FBI's similar widespread dissemination of misinformation through "friendly" press contacts [v]. They saw a completely fabricated story from the *New York Times* about a non-existent FBI investigation into a bank robbery alleging the involvement of Ray and his brother, in which they were not involved [136], and were introduced to a history of distortion and blatant lying characterizing the coverage of the assassination and the King family over the years [135-6].

And this wasn't even new news. The previous most dramatic example of a total U.S. news blackout came earlier, on the 25th anniversary of the assassination in 1993. After all attempts at a new criminal trial had been exhausted, a full-scale mock trial of Ray was arranged, complete with sworn witnesses, impaneled jury, a pugnacious former U.S. attorney as prosecutor and a former federal district court judge as judge. The full scope of the conspiracy had not been fully uncovered at that time, and much existing evidence was excluded, but enough was available to convince the jury that Ray was innocent. The trial was broadcast on British television. No major media outlets in the U.S. reported the verdict [17-19].

Yet another confirmation of blackout occurred in December 1993 when, on ABC's *Prime Time Live*, Lloyd Jowers confessed to his role, provided many details of what actually happened, and cleared Ray. Again, there was virtually no media coverage -- even ABC itself [26-27].

Conclusion

These are things worth thinking about during Black History month. Or whenever you hear about the profits being made in the endless War on Terror, or the power and influence of military contractors and the large financial institutions, or the rapidly increasing wealth of the upper 1% and the shrinking of the middle class -- and you wonder why otherwise well-meaning political leaders seem to significantly change their promised stances on the war and the economy. And as you think about these things, contemplate the "free and unfettered" American press that can be counted on, of course, to tell us "what really happened" whenever things go badly wrong.

An Act of State is available from Amazon in
hardcover (2003): <http://www.amazon.com/dp/1859846955/>
softcover (2008): <http://www.amazon.com/dp/1844672859/>

In Maine, it is available from a number of libraries and through the state inter-library loan system --
<http://minerva.maine.edu/search~S71?/tact+of+state/tact+of+state/1,2,2,B/frameset&F=tact+of+state+the+execution+of+martin+luther+king&1,1>