

# Justice Department Compounds King Assassination Cover-Up

by Edward Spannaus

In August 1998, after President Clinton had asked Attorney General Janet Reno to meet with the family of Dr. Martin Luther King, Jr., Reno ordered the Department of Justice (DOJ) to open a new investigation into the 1968 assassination of the nation's civil rights leader.

At the insistence of the King family, the FBI was not to be involved in the new probe, because of the FBI's long record of hostility toward Dr. King, and especially the venomous hatred directed toward King by the FBI's longtime Director, J. Edgar Hoover.

But, eliminating the FBI turns out to have been a meaningless gesture, since the investigation was handled by the most corrupt sections of the Justice Department's permanent bureaucracy, where the spirit of J. Edgar Hoover lives on. Reno assigned the investigation to career prosecutors in the DOJ's Civil Rights and Criminal Divisions. The lead investigator was Barry Kowalski, a "special counsel" for the Criminal Section of the Civil Rights Division, who has been with the DOJ for 19 years. As a criminal prosecutor (including prosecuting four Los Angeles police officers in the Rodney King case), he works closely with the DOJ's notorious Criminal Division, and he routinely uses the FBI for investigators. Some of those who have been involved in cases with Kowalski, describe him as "overzealous" and "unethical."

Kowalski was assisted by prosecutors from the Criminal Division. The de facto head of the Criminal Division is John Keeney, Sr., who entered the Justice Department in 1951, in the McCarthyite Internal Security Section; the first two decades of Keeney's career thus overlapped the racist rule of J. Edgar Hoover. (And "rule" he did: It was not until the Kennedy Administration that any U.S. Attorney General dared to assert control over the FBI Director, even though, nominally, the Attorney General is the FBI Director's boss.)

In an interview with *EIR*, Dr. William Pepper, the attorney for the King family, confirmed his belief that Keeney and company would have had a big hand in controlling the King investigation; Pepper specifically pointed to Mark Richard, the number-two career attorney in the Criminal Division, who functions as the liaison to the intelligence agencies, and who, as Pepper puts it, "protects the intelligence establishment."

As Pepper said, the DOJ investigation was intended to sustain the "official line" regarding the King assassination—

that there was no conspiracy, and that U.S. law enforcement and intelligence agencies had no role in it—and any and all contrary evidence was simply ignored or suppressed.

## Investigate To Discredit

The DOJ probe was declared from the outset to be a limited investigation into two new areas of evidence, one involving former FBI agent Donald Wilson, and the other, Memphis restaurant owner Loyd Jowers.

In 1998, Wilson disclosed for the first time that he had documents in his possession which were found in the car abandoned by James Earl Ray, the alleged assassin. The documents contained references to "Raoul," the shadowy figure whom James Earl Ray had described as his controller, and who had directed Ray's movements immediately prior to the King assassination. Under threat of a death sentence, Ray had pled guilty to the King killing in 1969, but he quickly attempted to withdraw his guilty plea. For nearly 30 years, he was denied a new trial, as he maintained his innocence up to the point of his death, in prison, in 1998.

The papers found by Wilson also contained what appeared to be money amounts, and were written on a page of a 1963 Dallas telephone directory containing the number of the night club owned by Jack Ruby—the mob-linked figure who had shot and killed Lee Harvey Oswald, the alleged assassin of President John F. Kennedy.

Jowers, who owned a bar and grill behind the motel where Dr. King was murdered, said for the first time in 1993 that James Earl Ray was not the killer; Jowers said that he himself had been given \$100,000 to facilitate the assassination, and that he had hired a gunman to carry out the killing. Jowers also said that he had been given a rifle by "Raoul," which was the rifle used to frame James Earl Ray.

Obviously these claims would have blown the official, "lone assassin" version of the King killing sky high. Therefore, it was understood all along by persons familiar with the DOJ probe, that its primary objective was to discredit the claims of Wilson and Jowers, and then, to discredit as well the jury verdict issued in the civil trial in Memphis last year. This came in a suit brought by the King family against Jowers, in which the jury concluded that a conspiracy involving U.S. government agencies was responsible for the King murder.

Indeed, sources familiar with the DOJ investigation have



Attorney William Pepper (left) and Martin Luther King, Jr.

suggested that its real objective was to find evidence to indict Wilson for obstruction of justice, and perhaps also attorney Pepper, who has published a book detailing evidence of an assassination conspiracy involving U.S. intelligence agencies. (Pepper's book, *Orders To Kill*, was reviewed in the Dec. 8, 1995 issue of *EIR*.)

So, it is no surprise that the Kowalski report, released on July 9, concludes that neither the allegations made by Wilson, nor those made by Jowers, are credible, explaining that they "have both contradicted their own accounts."

"Moreover," the report asserts, "we did not find sufficient, reliable evidence to corroborate either of their claims. Instead, we found significant evidence to refute them."

The report is also quick to dismiss the findings of the jury in the Memphis civil case. After hearing about 70 witnesses in a month-long trial—many of whom had never been interviewed by any government investigator—the jury took little more than one hour to come back with a verdict finding in favor of the King family, that there had been a conspiracy which was responsible for the murder of Dr. King. (See *EIR*, Dec. 24, 1999 for an interview with Dr. Pepper concerning the trial, and excerpts from his closing summation.)

Incredibly, the Kowalski report declares: "Nothing new was presented during *King v. Jowers* to alter our findings or to warrant Federal investigation of the trial's conflicting, far-reaching hearsay allegations of a government-directed plot."

The Kowalski report, in fact, reads like a prosecutor's brief, selectively using snippets of evidence considered favorable to the government, dismissing contrary evidence as "not

credible" or "unsubstantiated," and ignoring altogether masses of evidence that does not fit the prosecutor's argument—that argument simply being that Jowers, Wilson, and Pepper were making it all up.

More important, the report dismisses allegations of a government conspiracy in a couple of pages. Almost nothing is said about the FBI, although FBI "Cointelpro" actions intended to "neutralize" Dr. King are well-documented, and were a major feature of Pepper's book.

As to the abundant evidence of the involvement of military intelligence and special forces units, evidence presented at trial and in Pepper's book, the Kowalski report has a more difficult time dismissing the evidence out of hand. Instead, it relies on the lack of records in military files, asserting a number of times that "official records" do not reveal military surveillance of King at the time of the assassination.

There are some major problems with this approach. First of all, researchers who have been seeking relevant military records under the Freedom of Information Act have been told that such records are missing, or may have been destroyed. Kowalski makes no reference to missing or destroyed records at all.

Second, even the interviews of retired military personnel conducted by Kowalski's team, indicate that the 111th Military Intelligence Group did have personnel in Memphis on the day of the assassination, April 4, and that they were involved in surveillance of Dr. King on April 3-4. But, the Kowalski report dismisses all this as inconsequential, and not worthy of further investigation.

## Kowalski's Thuggery

Another method used to discredit key witnesses, particularly Jowers and Wilson, is that they would not cooperate with the Justice Department investigation; this is used to conclude that they were unreliable and that they had something to hide.

*EIR* interviewed Wilson shortly after he was contacted by Kowalski in 1998. When he met Kowalski, intending to give him the documents found in Ray's abandoned car, Kowalski was abusive and threatening, and mostly questioned Wilson about his relationship with the King family and Pepper. Wilson said he felt that he was now a target of Kowalski's investigation—a belief that was reinforced when Kowalski threatened to indict Wilson for obstruction of justice and when Kowalski called Wilson's home to scream at Wilson's wife that her husband was a liar.

## The Verdict of History

Following the release of the Kowalski report, Martin Luther King III issued a statement on behalf of his family (see box), noting that they stand by the verdict in the civil trial, and that they regard that trial as having revealed the truth about the assassination of Dr. King. And as Dr. Pepper told *EIR* in the accompanying interview, he expects that more and more information will continue to come out over the years, confirming the accuracy of the findings of the Memphis trial. Following that trial, Pepper told *EIR* that the verdict would "cause history to be rewritten"—and no cover-up by the Justice Department's permanent bureaucracy can alter that judgment.

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## Interview: William Pepper

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# Government Ignored Evidence in MLK Death

*William Pepper is the attorney for the King family. He was interviewed on July 4 by Edward Spannaus.*

**EIR:** What are your comments on the latest Department of Justice report on the King assassination?

**Pepper:** My overall comments are that they really just skewed it to their desired results, they chose whom to believe and whom not to believe, and they did it with the full intention—it seems pretty clear—of just sustaining the official line.

And I don't know what more one can say about it. It's not unexpected, I thought they were terribly harsh with respect to [former FBI agent Donald] Wilson, unfair, and we now know they used storm-trooper tactics against that family in order to get those documents. . . .

They seem to have buried their own scientific report. They supposedly did a scientific analysis of the documents, but they really didn't deal with the results in any detail at all.

## King Family Pans U.S. Government Probe

*Here is the statement of the family of Dr. Martin Luther King, Jr., issued following the U.S. Justice Department's release of its report on its "limited investigation" of recent evidence regarding the assassination of Dr. King:*

1. We initially requested that a comprehensive investigation be conducted by a Truth and Reconciliation Commission, independent of the government, because we do not believe that, in such a politically sensitive matter, the government is capable of investigating itself.

2. The type of independent investigation we sought was denied by the Federal government. But in our view, it was carried out, in a Memphis courtroom, during a month-long trial by a jury of 12 American citizens who had no interest other than ascertaining the truth. (*Kings v. Jowers*)

3. After hearing and reviewing the extensive testimony

and evidence, which had never before been tested under oath in a court of law, it took the Memphis jury only 1.5 hours to find that a conspiracy to kill Dr. King did exist. Most significantly, this conspiracy involved agents of the governments of the City of Memphis, the state of Tennessee, and the United States of America. The overwhelming weight of the evidence also indicated that James Earl Ray was not the triggerman and, in fact, was an unknowing patsy.

4. We stand by that verdict and have no doubt that the truth about this terrible event has finally been revealed.

5. We urge all interested Americans to read the transcript of the trial on the King Center website at <http://www.thekingcenter.com>, and consider the evidence, so they can form their own unbiased conclusions.

Although we cooperated fully with this limited investigation, we never really expected that the government report would be any more objective than that which has resulted from any previous official investigation. In a reasonable period of time, when we have had an opportunity to study the report, we will provide a detailed analysis of it to the media and on the aforementioned website.