

Dear Jim, King case-petition cert

6/16/76

After finishing reading Nick Katzenbach's self-serving statement before the Church committee early this morning I got into the very beginning of Ramsey Clark's and an idea popped into my mind - a reformulation of the one with which I began when I made my first approach to Bud in early 1969.

Why don't I file a petition cert as amicus curiae, with you as counsel or co-petitioner, that is, we file a joint one - and ask a number of others to join? I'd begin with Clark, who was then AG and ask the ACLU, the SCLC, the family, members of Congress like Conyers, who might ask the entire black caucus, perhaps if he is willing and his paper not unwilling, Les Payne?

Or we ought to be the original petitioners and not for ego-tripping but because we can allege first-person knowledge, the reason I also thought of Les.

I'd recommend the same kind of approach I did to you earlier and in writing the courts, essentially a polemical approach in which we lay out straight and hard the line that no system of freedom of justice can survive what happened in this case.

I am reminded of what in retrospect may have been one of my larger mistakes.

The late Giangiacomo Feltrinelli asked me, after Whitewash, to write a J(Accus. He told me to let the passion flow without inhibition, to cut and slash, and to charge the government. Well, I'd turned down Norton on this. His Establishmentarian editorial vice president had asked me to do this in late 1965 or early 1966 and I considered it irresponsible because I did not regard suspicion as enough. I had little more fact in early 1967 and declined Feltrinelli's request.

Much has happened since then, especially the disclosures about the spooks and Hoover's misconduct with King.

It is now time for a politely-worded but strong polemical approach on this with a minimum of legal citations and a maximum of summarized fact and passion for justice and the legal system and, of course, the electoral system these assassinations nullified.

But George Wallace would cosign. And the approach should be one that imposes no political limitations.

Maybe I'll think about this more, maybe I'll start immediately. I have to take Lil into town about 8:30 and pick her up after 11. Then I have an appointment of my own after lunch. It will be a broken-up day at best. I'll have to take a walk as soon as she is up because it is going to be too hot and humid for much exercise later. This is to explain why it may not be well organized. You may not like some of the ideas or formulation, may want others, but let us see what it looks like if you are not apposed to the idea itself. I'll mail this this morning so you can think about it.

In any approach to Clark these words from the beginning of his statement: he had recommended a people's commission to look into the Hoover aspects only. Then, "That is a sad thing for me to have to recommend. I was Attorney General when Dr. King was murdered. I followed that investigation more carefully than any other investigation when I was Attorney General. I had confidence at the time that we were doing everything that could be done to determine the facts. But my confidence and my judgement don't matter. The confidence and the judgement of the people is imperative." This is a handle for approaching him now as amicus and perhaps later for other purposes. He did not respond to me in 1969 but he has had his extra-curricular education since. I think.

Best,