YALE LAW SCHOOL
NEW HAVEN, CONNECTICUT 06520

October 18, 1971

Mr. Harold Weisberg
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

I have not read your book, as I did not know it existed. The reviews you enclose, together with my own misgivings about the case, based largely upon the disposition of it*, will cause me to read your book with care.

I have boxes of material on the Miller case and am enclosing a bit of it, to give you a general overview of the case.

I am not now at liberty to comment in any detail about the handling of the first trial by Mr. Foreman, at least not in a letter, beyond expressing my opinion that it was not one of his better performances. Jon. O. Newman, who prosecuted the case, has some theories which he might be willing to share with you (although Mr. Newman is about to be nominated as a U.S. District Judge, so I doubt that he will want to say anything inflammatory, controversial, or quotable).

If and when you get to the New York area, perhaps we can have a chat about the case.

Sincerely,

Steven Duke

Steven Duke

* In my view, a 99 year sentence on a guilty plea is a more severe sentence than the death penalty after a first trial, since there is virtually no chance today that a person given a death sentence after a first trial will in fact be executed. Moreover, if others were involved in the King assassination, Ray stood a good chance of bargaining information for a relatively mild sentence, at least if he had some information with which to bargain. Of course, a lawyer is entitled to hold a contrary opinion, but it would be grossly improper to force that opinion on his client.

10/19/71

Mr. Steven Duke
Yale Law School
New Haven, Conn. 06520

Dear Mr. Duke,

Many thanks for your prompt and meaningful response and for the enclosures. I'm deep in the repaging of a book and have a few legal problem I must cope with alone, this work having been financially ruinous, so fascinating as the enclosures are, it will be a few days before I can find the time to read them in peace and quiet. After I do, probably I will write you again.

I have read between the lines and assure you of confidentiality. I understand the problems you and Mr. Newman have (especially <u>after</u> confirmation in his case) and will do nothing to complicate things.

If you can't find a copy of Frame-UP, I can lend you one. With what appears like the wholehearted collaboration of the publisher, for all practical purposes the book is dead. And I've been cheated out of better than 40% of the advance. The publisher arranged no single promotion and attempted to discourage the few I arranged. The only copies I have I had to buy and I'm deep in debt and without income.

Would you care to reconsider your opinion that the case you took over may not have been one of Foreman's "better performances"? Perhaps you will entertain the possibility after you examine his "performance" with Ray.

It is beyond my capacity to get to New Haven. However, after you read what I have written, perhaps you and Mr. Newman will be able to trust me enough to take my word that I will not involve either of you in anything and then decide whether you can be of help in the truth and justice I also seek. I am interested in any theories he may have developed. They may be helpful, may coincide with some I hold now. These you will not find explicit in my writing. There is much I couldn't use in the book without endangering the lives of others, more I developed after publication, including totally exculpatory evidence Foreman had to labor hard and skilfully to avoid.

I trust you with a confidence. I am Ray's investigator, arranged for his present counsel before he had I had had any contact (in fact, I wrote the book before we met), have interviewed him in more depth than he realizes, in jail and on tape, and I hear from him regularly.

Although I am not a lawyer, you will find an opinion in the book coinciding with the first part of your postscript. With regard to the second, there is little or no propsect Ray will now say that which I know he can, which is less, I think, you you now believe. I am absolutely certain he was not at the scene of the crime when it was committed and can prove he wasn't and to official knowledge wasn't. He was engaged in criminal activity and was aware of that. He has described some of it to me. He may not have known the nature of some. I think I have solved that part. He is semi-paranoia, lives by the code of the underworld (about talking) and my fear is that he'll be killed before I can get the missing leads from him. He appears to trust those with whom he was mixed up not to harm him...My respects for those three dedicated years. Hope to hear from you after you read my book. By the way, I have all those Foreman quotes from the court records now.

p.s. Although it is more than 19 hours since I awakened, I just had to read your enclosures. Wehhave beendealing with the same Department of "Justice", the same people, with the same "results". Incredible as your experiences must have been to you, they hardly compare with what I have just finished writing. You put your finger on it in one of the letters, it happens in almost exactly the language I addressed to Mitchell as soon as he had broken in his new chair. The operating people remain the same and the policy people soon become their captives. Bobby of Mitchell; Katzenback of Kleindienst, despite the vast differences in the men, the situation is unchanging. The reality is actually much worse than you show signs of suspecting. Framing is not uncommon. The manufacture of evidence is rivalled only by its destruction. When these are the norm, when official lying is the official way and is persistexd in when the officials are caught lying, can miscarriages of justice be uncommon? What is uncommon in your case is two things: you and Foreman.

The parallels, whether or not connected, are incredible, more so than you will gather from reading what I have published. Ray admitted smuggling to me, involving both Canada and Mexico, from a contact first made in Montreal, he was then on the lam, he then had an old car. He told me the quantity of heroin (pure) he brought in from xxx Canada, described the packing and gave me the number of packages. All of his dealing were with Latins. And I'm morally certain the government can pick up and has indetified thoswith whom he was associated. I know of two places where they confiscated records that had to finger, and at both places I learned of the conifscation. One Ray fed me. The government to this day has kept it secret. The evil of which the federal agents, especially the FBI, are capable, is beyond the wildest dream of the average citizen. (Or most law professors!) I have been dealing with such things very intensively for seven years. I have thousands of pages of FBI reports. The truthful one is the rarity. The complete one is non-existent. Perjury, not just lying, is commonplace, but who porsecutes the prosecutor?

In all of this one thing fascinates me: how did Miller get to Foreman? Was it his idea? Did someone suggest it? Did he believe he had the kind of money it took? Have you any idea how out of character it was for Foreman to take that case for nothing? You should see a recent appeals decision against him in Florida (Singleton). I don't think you have ever seen a lawyer so laid out by a court. It was handed down after my book was completed. I have loaned Ray my copy, but I can get one for you if you want it before he returns it. This has to be the most avaricious man in your profession. Usually, he brags about it.

If you want a measure of my work, he flew to New York to do a TV show and fled the studio when he learned he was to confront me. Literally. Half made up for the show.

If someone suggested Foreman to Miller, we may have at least the beginning of something. I do hope we can get together some time, and if there is anything you can let me read, I'll take time from the more urgent. There is, indeed, much at stake, as you letters show. Silence reflects the official attitude.

Do you think that heroin ring is independent? I have always understood the Mafia controlled it.

Harold Weisberg