

5/23/70

Mr. Abe Fortas
Canal Square
Washington, D.C.

Dear Mr. Fortas,

The encouragement, slight as it is in your letter of the 20th, means much to me for I need the kind of help you, uniquely, can provide. Aside from the various national interests I believe are deeply involved, the reputations of a number of prominent men are, in varying degrees, immediately at stake, as is the regard with which they are reflected in history. You may or may not agree with my appraisals, but I think some of these men are devoted to decency and high principle whereas others are worthy of being forced to stand on their records. The men who to me represent good are, I am now satisfied, among the victims of the tragedies that have been the subject of my writing,

If you decline to associate yourself after reading this or, as I hope, listening to what I would like to add, I will make no further reference to it for there are reasons that suggest themselves to me persuasive to you in reaching the decision I would regret. At the same time, I ask that what I communicate to you be kept in strictest confidence.

My writing since the assassination of President Kennedy has been almost exclusively on the assassinations. The research and investigation has been enormous, much more than I thought could be put together even with the 16-hour day to which I have recently slowed after years of overaging about 20. Aside from the large amount of significant fact submerged in a literary quicksand from which I have extracted it, I have (properly) obtained the most basic and unquestionable evidence that was withheld from the Warren Commission. It was not withheld by accident, nor was it denied them because it is consistent with the predetermined conclusion with which they were saddled. There is still withheld what I am confident is also significant evidence and again it was not made available to the Commission. I shall be suing for this under the Freedom of Information Act if I can obtain it no other way, but here I think I can safely undertake to be my own lawyer, especially because it is unreasonable to expect that any lawyer could now familiarize himself with the intricate fact required for proper examination of the witnesses who would be needed if this gets into court. It is not here that I seek your help. I present this for your understanding and in the event you could provide out-of-court help.

My longest work, published in but a very limited xerox edition, deals at very great length with the murder of Dr. Martin Luther King and with James Earl Ray. I presume you understand that writers can regard their subjects as lawyers regard their clients with whom they need not sympathize, that justice and truth can be the real interest of writers as it can be of lawyers.

Except for works of sycophancy, there never has been a ready market for books on this general subject. The more critical of the government, the more unwelcome such books are to publishers, especially if as, with all my books, they are the most thoroughly documented exposure of J. Edgar Hoover and the FBI. So, although there are presently two expressions of interest in this work, experience tells me the better prospect is that there will be an adverse policy decision.

During the course of researching this book, it became clear to me that the FBI was engaged in a framing operation, with Ray not alone being framed. As I put the available material together, it became certain that the affidavits presented to get him extradited were not the same as the evidence promised in court in Memphis when he copped a plea. In fact, on the essential points, it is both contradictory to it and, I believe, exculpatory. Therefore, more than a year ago, I undertook to get copies of the affidavits. These are virtually all the evidence presented in England. There was a live fingerprint expert whose testimony is at best not basic. When these affidavits were prepared, although the government knew affidavits cannot be cross-examined, it also had to consider the possibility they would be scrutinized closely by defense counsel. This did not happen. I asked several British reporters to get copies for me from the court. They replied the record simply was not there. I couldn't believe it. I then had a young friend in England ask defense counsel for them and his reply was that he'd have to check me out with the FBI first. Knowing both Justice, which originated the affidavits and certified them, and State, which also certified and forwarded them, had copies, I then, without success, tried to get them from our government. First Justice ignored my requests then, after stalling even when I could obtain counsel, Richard Kleindienst wrote they didn't have these affidavits and even if they did they would be immune under an inadequately and incompletely quoted exception in the law that is, in any event, not relevant. Prior to filing a complaint, I wrote State. Their reply confirmed that our government had actually gotten the originals from the British court (as I had earlier learned), adding it was at Ray's request, that thereafter they consulted with the unnamed Deputy Attorney General, who ruled they were exempt as "investigatory files", and that the originals had been returned to Justice - where Kleindienst had already written and affirmed that they had neither their copies nor the originals.

After I filed the complaint I got "access" to these affidavits, but the requested copies have not been given me.

There was no Tennessee investigation. The FBI did it. The evidence leaves little doubt that regardless of whether or not he was guilty, there was little chance Ray could have been convicted on it. This is especially true of the ballistics evidence and the medical testimony and evidence, both of which, deliberately, were misrepresented. There is no ballistics evidence and the medical evidence shows the nature and extent of Dr. King's wound to be greater than acknowledged, to the point where even an amateur would know there could be no ballistics evidence. And there were no eyewitness identifications. I do not here burden you with the details, but in every case they are opposite to the official representation or interpretation put on them in court and in too many cases, the real evidence was ignored. In fact, the government's own evidence, when properly examined, is quite persuasive that Ray could not have fired the shot. Whether or not he was part of a conspiracy, or knowingly part of one, is another matter, for what I have just told you means that we have, to the government's almost certain knowledge, at least one assassin loose.

The improprieties if not illegalities by all the lawyers involved and by the judge himself are beyond belief. The judge was party to the deal from the very beginning and even on this a false record was created in court. I have all of this thoroughly documented.

Ray's assent to the deal, which resulted in a more severe sentence than could have been anticipated even if he had been convicted, took months to get. It was gotten by what amounts to threats of death. Even then he backed out at the last minute, whereupon bribery was added. I have the letters with which this was accomplished, as I do all but one of his contracts with his lawyers and Quie. All denied him so much as a penny and contracted violation of Canon 20, aside from contracting crippling conflicts of interest that denied the possibility the lawyers could follow their own interests and Ray's. Ray's lawyers represented themselves and him in all money dealings in which he got nothing and they got two-thirds of all literary values.

Beginning about a year ago, as I wondered how it would be possible to do anything about this, I made contact with and then established a rapport with one of the brothers, Jerry Ray. They all show signs of paranoia and Jerry is a virulent racist. At the same time I asked a lawyer friend who had had no recent court-room or appeals experience, if he would join the Ray defense if I could arrange it. That has now happened and the book described above is partly embodied in a new appeal in State court, under a new law. Whether or not the plea for a trial will be granted, I cannot, of course, predict. With the thorough incompetence of Ray's chief counsel, J.B. Stoner, head of the National States Rights Party and as dedicated an anti-Semite as there is, much has already been compromised. However, I am hopeful and I want to be hopeful because more than Ray's rights is at stake in all this. I think Kleindinst, in his apparently consistent and characteristic dishonesty, has made a Jencks case of this. There are other possibilities I cannot evaluate. I think at every point, by everyone involved, the law was abused.

The integrity of society is, I think, very much involved. So is the security of men who may be the victims of assassins.

I can show you proof of much more than the foregoing category in the evidence in my possession, including all court transcripts. Discovering and establishing truth and effecting justice really do need the kind of help you can provide. The lawyer who recently joined Ray's defense is Bernard Fensterwald, Jr., formerly counsel for a Senate subcommittee. When I asked him if he would join the defense, you had just resigned from the Supreme Court. I asked then if he would be willing for me to ask you for help, if Ray would request it of you, and he agreed.

As with the other assassinations, what the government did, which can usually be translated what the FBI did, gets kind of sticky and was usually contrived so that anyone but Hoover would assume responsibility. With the Kennedy assassination, Mr. Warren is popularly and I fear in history will be held responsible. In the King case, it is Ramsey Clark. The more I work in this field, the more I realize all public officials in high places are the captives of their advisers and that only too often these advisers serve special interests. Both men, because they were in positions of responsibility, had to make decisions and take actions that were wrong. I think that in neither case were any of these decisions independent and in both cases were actually arranged by others. With Mr. Warren I can now prove that where he directed what was not wanted by the staff be done, it was not done, and the consequences were serious. Mr. Clark and his reputation will also suffer much from what was done in his name with later developments in the Kennedy assassination. I would very much appreciate good offices in arranging an opportunity for advising him of this in confidence and suggesting a means whereby the record can properly be rectified.

What I am also saying is that, with help, while the people concerned are still alive, it is possible to establish truth and real responsibility. While this is, I think, always important, I believe that with the present state of society and the country and with the character and direction of the present administration, this is even more important.

The more time passes, the poorer the chances. The longer it takes to establish truth, which to a very large degree can still be established, the more disturbing doubts will linger and the greater the probability that essentially innocent men will be recorded as villainous in history. I am concerned with the present as well as the future. If, as I believe, there are live villains, I think very useful purposes can be served with the proof of it in a form that can be believed. I am certain that, with help, I can do this, too.

I would welcome an opportunity to discuss the now-available evidence of the Kennedy assassination with you and, if you thereafter desire, show some of it to you. There is now no doubt that the President was killed other than as the Warren Commission was told, his wounds other than as described, and in my own mind little doubt the members of the Commission had ^{NOT} the slightest knowledge of this. The official and suppressed evidence I now have is not in their files and as careful a check as can be made establishes it never was. There is the absolute certainty of perjury and the probability of its subornation. In none of this was any member of the Commission in any way involved but in every case at least one member of the staff had to have been. I suggest establishing this in a proper way defends, not defames, the members of the Commission and makes understandable how they, with the best intentions, were inevitably led into error. I regard some of the members of the Commission as among the needless victims of that tragedy.

The writing in apparent and pretended defense of the Commission, if left without successful challenge, leaves them without any defense. It is incompetent rubbish touted into a meaningfulness entirely lacking in it. To the best of my knowledge, no decent person with authority or the capacity and ability to do anything has made any real effort to learn the truth. But truth alone is a real defense, where one is possible. Indeed, it is the only defense. There has been the crassest commercialism and irresponsibility on both sides of this controversy. I regard the writing of but one person other than myself as responsible on this subject. While her opinions and mine may be unwelcome in some quarters, there has never been any successful challenge of our fact and, with all the public appearances I have made, never one to my face. In an effort to establish what did happen, on the basis of the knowledge I had three years ago, I wrote of one renegade-liberal member of the staff that he was a willful, deliberate, repetitive liar and dared him to sue. When he was silent, I went to his city and repeated this in public, daring him to sue me over it in the city in which he is a power. He would not then and he never will. What evidence I then possessed is nothing to what I now have. Hiding behind the Chief Justice's robes, he was much worse than a liar.

There is a proper means of getting much of this into court and those means I will use, as I feel I must. However, my adversaries will be those largely responsible for most, if not all, the serious errors, and they will now be directed by a Nixon-Mitchell-Kleinindienst thinking and policy. They will be forced to find old or new goats. The two most obvious and readily-available I have named. If the fact is not their way, the power is. I am but one man, without training in the law, with no resources and extensive debts. Unassisted, I may fail. But try I will and must, for at issue is more than the reputations of men. I believe the

future nature and form of our society are now being shaped and that very much part of it is the work I have been doing. If this seems like a strong statement to you, then I invite your examination of the evidence I can put in your hands, all of it obtained openly and with propriety and all of it as official as it can be.

Aside from proofs I have in the form of evidence relating to an establishing fact, I also have proof addressing intent and performance. If you want proof of the destruction of evidence, this also I can give you, so complete the manner and location are recorded. If the lawyer in you would like to see the substitution of evidence, this also I can provide. These things really did happen, before the year of Orwell's prediction. History was re-written when a transcript was eliminated and replaced with a fake. You can hold it in your hands. The destruction of evidence began before the President was buried, its burning certified and approved. As recently as when Mr. Clark was Attorney General, those who were his agents and acted for him and in his name did identically the same thing. I have the written acknowledgement of the man who did it. Inevitably, I will be using this in court. I would like to be able to do more than allege belief Mr. Clark neither ordered nor approved nor even knew of it.

This is already over-long. I intend no abuse of your time. And it is more painful for me still than I can express.

Only a testing of my word will establish its dependability. I hope you will do this and can by it be impelled to find some way in which you can help. The burden I carry is too much for one unimportant man. I am not tilting at windmills. If I fail, the hurt to me can be but little, for my financial ruin has been accomplished, my health has been impaired, and I already enjoy all the necessary amenities.

Success, even limited success, promises the prospect of much good, in restoring integrity to government and society, in the strengthening of democratic concepts and practices, and, I think, in influencing disaffected youth who from my experience are much concerned about all of this and who would take from the acknowledgement and rectification of error the hope that what they seek can be achieved by what for you and me have been traditional means. In short, I feel we must make our concepts and law viable and meaningful, as in so many cases you have done, in all areas, even of the most serious government error and no matter how unpardonable that error may seem. If we do not we abdicate and forfeit our right to freedom while we observe the loss of its trappings to those who, I fear, neither understand nor want it.

Sincerely,

Harold Weisberg