

Freed file

Mr. Howard "Ray"
Fund for Investigative Journalism
1746 Connecticut Ave., NW
Washington, D.C. 20036

11/3/77

Dear Howard,

Thanks very much for the Pacific News Service puffery of Lane by his bedmate Don Freed. Only a subject expert would recognize this for what it is, the effluvia of the Freed-Lane operations. Even for the insane Lane it is a virtuoso's confession of incredible subject and legal ignorance.

As was his argument in the Ray escape trial, his newest supposedly new legal approach has already been ruled on by the courts. It is not new. It was, in fact, the first basis on which Ray's then racist lawyers tried to get him a trial. The judge who sat on that is named Faquin. He succeeded Battle. What makes this even more incredible is that Freed and Lane are both familiar with my Frame-Up, which reports it.

It is typical for Lane to claim as his own amazing "discovery" what he reads in my work. But in this case it also is in the papers and in court records - a line of appeal that has run its course. While the statute is fairly reflected, that there is an automatic new-trial right if demanded within 30 days, the corrupt Tennessee courts held in Ray's case that this right existed only before the sentencing judge, who in Ray's case had died.

In the escape trial Lane seized upon and new, and got extensive coverage on it, the very issue Jim Lesar had carried to the Supreme Court - over Ray's objections but at the direct order of the sixth circuit court of appeals. This is what Ray was legally in jail. The habeas corpus proceedings and the evidentiary hearing ended, if unjustly, in the judicial decision that he was legally in jail.

Lane now claims Ray claims he was coerced. I am aware of Ray's allegations now. He never told me them. If these new ones, that the FBI threatened his father, are true they also represent an issue we raised in elaborate detail at the evidentiary hearing. Sadly the coercion question has been ruled upon - all the way to the Supreme Court.

That the original judge died with Ray's "petition" under his chest is not attributable to the clerk of the court. It comes from my work, which Jim and I followed up for and at the evidentiary hearing. It is in fact in the transcripts of the evidentiary hearing. How Lane knows about it is from one of Freed's flunkies, one Jeff Cohen, who attended the evidentiary hearing and with Freed has been busily engaged in literary thievery since.

The danger to justice and its possibility of working in such historic and sensational case when the whores like Lane come along to commercialize them and as in this case Lane did, ambulance-chase his way into it, is exemplified by the description of the Ray affidavit he filed. It alleges that then Memphis SAC Robert Jensen went to see Ray at the jail to intimidate him into not seeking a new trial. It was not until after Jensen went to see Ray - then at Nashville, not Memphis - that Ray made the first of his efforts. Jensen was there for an entirely different reason. I do have the relevant records, including Jensen's own. (He is chief of security for Holiday Inn now.) He was following up on the only reasonable interpretation of Ray's intrusion into the guilty-plea hearing, that there had been a conspiracy. With Ray having alleged this several times since should there be a hearing on the Lane scrimshaw, which I doubt, it will kick Ray's teeth farther down in his intestines. Why if he is now charging there was a conspiracy did he not tell the FBI when they asked him?

Ray did not go "to trial in 1969." He has never been tried. The FBI agents did not visit "both he and his brothers" as this Freed version has it, "two days before he went to trial." Both brothers were in Memphis and in continuous contact with counsel Percy Foreman. (I have long taped interviews with both and with James on this.) The FBI was careful to stay away from Ray from the moment they turned him over to Tennessee authorities after extradition. Jim and I have the jail logs, in addition, so we can tell anyone to the minute

when who was with Ray and for how long. Even when Ray ate what, which pills he took and why - how and how long he slept even. In short, this is totally false. These kinds of baseless charges against the FBI are used by it to exculpate itself of legit. charges. (Some of what they have made up and attributed to me so they could appear to do this is precious - and ludicrous.) have their records on it and me.)

The House committee part is accurate. Lane arranged it notwithstanding the disaster they have been to Ray. All their King work, beginning with their original allegations based on which the committee was established, is predicated on the assumption that Ray is the killer. The Members have been explicit on this, in their reports and on the floor as well as countless public statements. If getting Ray before the committee can't reasonable be expected to help Ray, it can reasonably be expected to promote Lane, who is working on a movie about himself as Sherlock. Could Lane have less unselfish motive in dealing the stacked deck to Ray?

I have gone into this detail for a number of reasons. One is to let you know that sending an what I would not see is helpful, at least useful for the future. Another is to permit me to make a record and thereby, if there is later interest, to inform others, including reporters. His Lessar, too, in this case.

So thanks very much,

FYI
Howell
Widery

PACIFIC NEWS SERVICE



RAY

COPYRIGHT PNS

NEW TRIAL FOR JAMES EARL RAY?

LEGAL TECHNICALITY MAY RE-OPEN KING MURDER CASE

By Donald Freed
Pacific News Service

Donald Freed is co-author and co-producer of Executive Action, a film about the John F. Kennedy assassination. He also is co-author of the Glass House Tapes,

MEMPHIS, TENN., NOVEMBER 7--

Lawyers for James Earl Ray are confidently predicting that the convicted assassin of Dr. Martin Luther King Jr. will get his day in court--in the form of a full re-hearing into the King murder case.

Attorney Mark Lane, recently hired as Ray's principal defense lawyer, claims he has uncovered a rarely used provision in Tennessee law that guarantees his client the new trial he has been seeking for the past eight-and-a-half years.

According to Tennessee Statute 17-117, if a defendant appeals his conviction but the trial judge dies before rendering a decision on the appeal, then the defendant wins a new trial.

This, according to Lane, is precisely what happened in the James Earl Ray case. Ray pleaded guilty on March 10, 1969, then fired off a letter and a motion for a new trial to the judge who presided over his case, W. Preston Battle.

However, Judge Battle died suddenly of a heart attack less than three weeks later without ruling on the Ray motion. Ironically, Judge Battle was found slumped over his desk top with Ray's petition beneath him, according to the court clerk who discovered the body.

As Lane reads it, Statute 17-117 is so specific that it alone would be enough to guarantee Ray his first full-length public hearing into the evidence of the case. Lane's staff is currently preparing the motion for a new trial.

-more-

"If the law of Tennessee is respected by the courts of Tennessee, then Ray will get a new trial," Lane said. "If he does, we are confident he will be acquitted."

However, one Tennessee prosecutor was not convinced that Ray's guilty verdict would be automatically reversed. The prosecutor, who did not wish to be quoted because of pending litigation in the case, said the statute may only apply to civil and not to criminal proceedings.

Ray's attorneys have filed nearly a dozen other legal challenges in an effort to win a new trial, including motions on these issues:

* Ray contends he was "coerced" and even blackmailed by the FBI into pleading guilty by threats to put his elderly father into prison. In an affidavit, Ray claims that just two days before he went to trial in 1969, both he and his brothers were visited by federal agents who claimed to have discovered that Ray's father, George Ray, had violated a parole condition in the state of Iowa in the mid-1920s.

According to the affidavit, Ray was told by the FBI that his father "would be returned to die in prison" if he (James) failed to cooperate with prosecutors by pleading guilty to King's murder.

* Ray also alleges in a similar sworn statement that an FBI agent named Robert Jensen, the special agent in charge of the Nashville office, visited him in prison within 48 hours of his conviction in 1969. Ray charges that Jensen warned him to "go along with the Bureau" by not appealing his conviction. He claims Jensen told him he would be "sorry" if he attempted to win a new trial, and says he was warned that if he persisted in his appeal efforts, one or two of his brothers would join him in prison.

Even if Ray does not win a new trial, he may get his chance to speak out publicly in the King case--if he chooses to do so. According to Lane, the House Select Committee on Assassinations has said it would like to question Ray about the King assassination during open, public hearings in Washington, D.C., perhaps next spring.

Lane reports that, in preparation for the upcoming public sessions, House investigators are scheduled to question Ray in his Brushy Mountain penitentiary cell on November 14. #####