

5/18/70

Dear Matt,

A rather unusual combination of circumstances gives me the time for a letter I've been intending to write for several days. I'm expecting a visitor in about a quarter hour and I'm physically too exhausted to go outside and do the accumulated work, or begin it.

My purpose is to report two successes I hope you will find significant. First, I've won a Freedom of Information Act suit against the Department of Justice, the second in time sequence. It gives me withheld information of official character in the James Earl Ray case none of which is new to me, having doped it all out accurately and incorporated it in the second part of COUP. It is enough to do two things, given the chance: get him a trial and establish he did not do the shooting. Or, that there was a conspiracy. It is also enough to do what I cannot expect it to do: get every lawyer involved up to the time of the minitrial disbarred, when added to what I already had, which was more than enough.

The second thing was first in time. Both took me about a year. Although no direct communication of any kind has passed between us, I arranged for James Earl Ray to ask the lawyer of my choice to represent him. When I got this lawyer's assent a year ago he considered it impossible. So, Bud now represents Ray, has filed a new motion in State court, under a new law, with COUP providing the factual material, and, aside from the incredible perfection of incompetence by counsel since the minitrial, we feel we have a good chance. It is not secret that Bud represents Ray, but I want no public mention of my arranging it for the time being. It would serve no useful purpose. I've been made an offer to do a book on this complete incredibility but, as I once told you, I do not have that kind of ego. That also would not be the most constructive way to spend my time.

Because I was kind of put out at the lack of civility with which I was greeted at the Justice Department after they acknowledged defeat rather than face me in court, because they lacked those gentlemanly qualities I think citizens of what styles itself as a free society are entitled to expect of their employees, I've shifted my priorities a bit laying aside a rather complicated suit I was preparing and will soon do to file the last preliminary papers in five others--all aimed at Justice (as well as Justice). We simply must have good manners in our government employees (in Justice we get nothing else, so we might as well expect and insist upon that, no?), so, as a conscientious citizen sincerely dedicated to a really free society must do my part. Harumph!

Looking not to the appeals but to the future possibility of a real trial and to the possibility of a different kind of preliminary trial, in which former lawyers may be in the witness chair, I think it might be helpful to have those things you have that I didn't take when you offered them.

Other work has proceeded slowly. Things are by no means easy. But we do advance our knowledge. For example, aside from now having major items of evidence withheld from the Commission itself, I can identify at least one pre-assassination FBI informant down there, with official confirmation. I've been able to spend little time on N.O., but working with others, we are getting ahead. Typically, when I spot important N.O. data the DA's office can get and supply, they first ignore, then promise, then do not. They are still lemmings. I need this extra work like I need more debts. But I do want to help them, it now being clearly established they have neither the interest in it or, apparently, the capability. They can still turn the tables if they'd but try...By the way, Ben Bakgikian is now on the national desk of the Wash Post. Best to everyone.

3/12/70

Silent friend,

I am sending Moo a copy of the complaint I filed yesterday in Federal District Court in Washington. I am suing the Departments of Justice and State for the suppressed evidence in the Ray/King case. Were I not so utterly alone, I'd be hopeful of making a real breakthrough, for what I have is as close as one can get to a legally airtight case.

Of course, there is no such thing as a corruption-proof case.

If you are interested, you can read these things, the legal paper and the attachments. If you ponder them, I think some of the inherent possibilities may become clear. In any event, there is no doubt this has the probability of destroying what they have done, if it can get any attention at all. There was virtually complete suppression. The Washington Post, which had been backgrounded and had ~~me~~ assigned a reporter, killed the story in what had to be a policy decision higher than the city desk.

This is not a one-shot. Other things I cannot communicate are in the works. There has been progress, but the total unwillingness of any of the many still in a position to help, so many in so many different ways, decreases the probabilities of accomplishment.

"Total" is no exaggeration. The city-news wire carried an announcement of the press conference to report the filing of the suit, adequately described. There was no black interest at all. No single black reporter, paper, magazine, columnist, publisher, lawyer, militant, Uncle Tom, "friend" of King's - not one ~~xxx~~ was there or later called to ask for a copy of the papers.

American Fascism needs no Kampf. It needs only patience.

There is almost no resistance to it. What little there is is by lamings.

The law under which I filed places this suit at the top of the docket. Unless the powerful interests on the other side succeed in frustrating this, it means this case will be tried very soon.

Best to everyone,