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Frederick, Md. 21701

November 21, 1976

Mr. Richard A. Sprague
Acting Chief Counsel and Director
Select Committee on Assassinations
3341 House Office Building, Annex 2
Washington, D. C. 20515

Dear Dick:

The report in today's Washington Post, that you have subpoenaed the records of the Memphis Public Defender's Office, represents both bad judgment and a clear breach of faith. This past Wednesday you assured Jim Lesar and me that you would do no such thing.

It seems to confirm stories in the Philadelphia papers, quoting the ACLU as saying you have no concern for individual rights. Now for the second time in two weeks you have sought to violate the right to privacy of counsel.

The first time I complained rather pointedly. In your letter of the 9th, which followed your day before's phone call from Philadelphia, you said you would not do anything like this "without first arranging and clearing it through Mr. Ray's counsel." You then referred to the other of Mr. Ray's prior counsel but on precisely the same point.

Jim Lesar is Mr. Ray's only counsel of record. I was with you all the time he was with you Wednesday. You raised no such question, did not ask his consent or assistance, and did no more than smile when I asked you about subpoenas.

When you went off like drunken gangsters just before the 9th and I explained why it was also counterproductive for the committee, you wrote "I fully and totally agree with you that it would be premature and foolish to do so at this time."

Therefore, having deceived Jim and me, you did what you said you would not.

Except as it might serve the longings of your reported pal Mark Lane and his literary ventures, there seems to be no point in what you have done. There was no need to violate or jeopardize Mr. Ray's rights or to compromise Jim Lesar and me.

Our discussion on October 20 when I went to see you at your request is relevant. I told you I would not and could not be party to anything that could give even the appearance of my violating a confidential relationship with Mr. Ray as his investigator. I also told you that any help I gave the committee would be conditional upon the assurance that none of it would be made available to anyone else, particularly writers. You gave me your assurances and said you agree. You gave me other assurances. Based upon them I spent the rest of that day with your people and two days later your staff counsel, Jeremy Akers, was here until about 8 o'clock that night.

I loaned him a stack of records about 10 inches high, reminding him of your assurances to me.

When they were not returned, I asked Ken Broeten to have them ready for me on the 17th. He then apologized that one had disappeared after it was xeroxed. He said it was nowhere in your offices. It seems impossible for this to have happened without the breaking of your word without which I would not have given you these records.

If you care about your word, you'll look into this and obtain my original and then explain what happened. I do want your word that you did not let anyone else have

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these records. "You" meaning you personally and those under you.

When we spoke on the 20th, I told you that from my prior experience working for the Congress I knew what you might not, that each Congressional employee has an added responsibility because each Member stands for reelection, is a political person. In my view, you have now compromised the honor and integrity of each Member of your committee and have involved each in an overt intrusion into the most basic of legal rights. If this is the prosecutorial norm, it ought not be the practice of the Congress.

You cannot conduct this investigation without investigating agencies of government. At the outset you have done what they are accused of doing. How then can you investigate them? How can you judge their acts if you commit the same offenses?

I suggest that this contempt for legal rights can be hurtful to some of the Members of your committee whose constituencies include many with the same complaint.

Your Robert Ozer is as wild in person as he is in hair. I met with him and others after you and I spoke on October 20. I then tried to caution him and the others present against second and sources, particularly among the multitudinous nuts and self-promoters who were certain to besiege you. I even offered my funds for the committee's protection and to save its time. Mr. Ozer was so negative, so opposed to any consideration of the committee's and the country's interest in this, so oblivious of the committee's and its Members' integrity, that after he left another of your staff felt compelled to apologize. Mr. Ozer, he said, was merely being a devil's advocate. "Advocate" is de trop.

Mr. Ozer's threat against Mr. Ray was still warm when he deceived your committee, I think made a laughing-stock of it and its purposes and obligation.

On the 20th I warned him against trusting Mark Lane. I called Lane a self-promoter and a practiced and practicing crook who, having messed up Members over the JFK assassination, on which he is an ambulatory encyclopedia of misinformation, was busily engaged in stealing what he could about the King assassination. This Mr. Ozer clearly resented. The reasons appear fairly obvious.

Neither learning nor believing nor checking nor investigating, he then tainted your first public session with false and misleading charges that actually defame the FBI because you refused to be specific, leading to conjectures. He assured your committee that the records destroyed were destroyed because of it, the committee. They were destroyed by the Memphis police, earlier and for reasons having no connection with your committee, which then did not exist.

I have difficulty believing that Mr. Ozer is a self-starter. His threats to Jim Lesar and against James Earl Ray's most basic rights are enough to cause his dismissal. You tried to paper them over and thus your committee was besmirched publicly and irresponsibly.

Reports of your personal association with Mark Lane have been broadcast coast-to-coast. He boasts of this. After we met on the 17th, a reporter I know well told me he had been told by a Member of your committee that Lane is your close adviser. If you and the committee do not heed Santayana's wisdom about learning from the past, you will be, as he said, reliving it. This is to relive disasters. Except for Lane, who is imperious and lives for and on attention.

By itself this confronts me with the most serious problems, those I did explain to you and your staff in detail October 20. Your ethics, my integrity and the possibility of perpetuating these terrible national traumas are but three. There are more.

Were none of this true, I'd still have a conflict. There is nothing you or anyone else can do that can compel me not to live up to the trust James Earl Ray imparted

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in me. As a lawyer you should understand this.

The reporter I quote above told me more. He told me his source - your committee. You told the committee that it can "break" the King case because the killer is still alive and because the rifle found at the scene fired the fatal shot. This is an admission of a totally disqualifying preconception, of bias and of irresponsibility. I will not explain further to you. I do state that I am without any doubt of the falsity of this representation to your committee.

Something else troubles me. You have not asked me a single question about the JFK case nor has any member of your staff. Yet I have done more work on this than anyone else in the world and am the only person certified by the Department of Justice as knowing more about that assassination and the FBI's investigation of it than anyone in the FBI.

Your friend and adviser Lane considers that he owns the subject. The simple arithmetic is impossible to avoid.

Were it not for this news account of your subpoenas, I'd have asked you about these other reports. Your subpoenaing of the files of former defense counsel without going through present counsel and in violation of your word is what impels this letter.

You have given me no choice.

I cannot be of any further help to you or your committee while you are its counsel, Robert Ozar is on its staff, or it has any association with Mark Lane.

As I told you, you have to do your thing, I have to do mine. For me there is no compromise with honorable conduct, with integrity or with fact.

As I told you before, if I err I solicit correction. I'll apologize for significant error. I admit some of my information is second-hand. I trust my sources but they can be wrong.

You are dealing with great and consequential national tragedies, crimes that turned the world around and nullified an entire system of society. As a first-generation American who prizes what became mine at birth, I have no choice after what you have done.

Unless, of course, you did not subpoena the Memphis Public Defender's files.

It is beyond my capacity to write each Member of your committee. I therefore ask that you send each a copy of this letter. If you respond I would, of course, expect you to give each Member a copy of your response.

Sincerely,

Harold Weisberg