

Ht. 42, Frederick, Md. 21701
2/27/77

Mr. Marvin Greene
Loeb and Loeb
One Wilshire Building, 16th floor
Wilshire Blvd. at Grand Ave.
Los Angeles, Ca. 90017

Dear Mr. Greene,

I am writing your client, Dr. Mark Freeman, through you, his counsel.

At the time you wrote Bernard Fensterwald, Jr., in Washington last February 17 he was chief counsel to James Earl Ray. I was associated with that case as the investigator. I conducted the investigations leading to the habeas corpus petition and for the evidentiary hearing. I am still seeking to help Mr. Ray obtain a trial and his freedom. I am also writing a book, my second on this case. The first was published in early 1971. I also have the Department of Justice in court under a Freedom of Information complaint, my second against it on this subject. The first ended with a summary judgement in my favor. At the time you wrote Mr. Fensterwald there was no doubt in my mind that all of the evidence shows Mr. Ray did not fire the shot that killed Dr. King. There is none now after my examination of thousands of pages of the Department's files.

Prior to that time Dr. Freeman had spoken freely to the FBI and to a number of writers. Gerold Frank and George McKillop quote Dr. Freeman at some length in comment on Mr. Ray as his patient. More than a year ago and before you wrote Mr. Fensterwald denying Mr. Ray's then counsel Mr. Ray's records for use in his own defense Dr. Freeman had spent some time discussing his former patient with John Crowder of the New York Times. In fact Mr. Crowder came to see me and engaged me thereafter in long phone conversations about this case and about Mr. Ray as I know him. (I have spent more time alone with him than any member of his family or any of his counsel since his arrest.)

I am not trained in matters of the mind. I am a former Senate investigator and former intelligence analyst. However, from my experiences of almost 64 years, from all this time with him and much with his family and former associates and from a lengthy and continuing correspondence with Mr. Ray I have formed a layman's estimate of his emotional makeup. I did not violate confidence in conveying this to Mr. Crowder.

It may interest you and Dr. Freeman to know that the night he saw Dr. Freeman Mr. Crowder phoned me from California in some excitement. He told me that Dr. Freeman's professional opinion coincided exactly with what I had told him.

You and Dr. Freeman are probably aware that the Department has just released the results of its fourth internal re-investigation, meaning self-investigation. Each just happens to coincide in time with my work on the case at various stages. You may not be aware of what it attributes to Dr. Freeman, the professional opinion that his examination shows Mr. Ray to have been psychotic and fully capable of this horrible crime. This is exactly opposite what Mr. Crowder told me Dr. Freeman told him. In all other aspects the totality of dishonesty and false representation in this document exceed anything within my not inconsiderable experience in such matters. The FBI and certain Divisions of the Department are really on trial and the entire machinery has rallied to the common defense. To give you as a lawyer and Dr. Freeman as a human an example there were two weeks of the evidentiary hearing. Mr. Ray was a voluntary witness subject to and subjected to cross-examination. Yet this report makes no reference to it and lies in stating that Mr. Ray's most recent statement to it is the hearsay (and inaccurate at that) of an earlier report by a newspaperman. In that hearing all the allegations against Mr. Ray were addressed by the defense and not rebutted by the State. They are omitted in this report.

I have no prurient interest in anything Dr. Freeman may have learned about Mr. Ray. I'd be surprised, in fact, if Mr. Ray told Dr. Freeman what I know about his personal life of the past as it was volunteered to me by those with personal knowledge. I did conduct the best investigation I could and I have tried to understand the man himself so I could better help counsel and him.

My writing is consistent with my belief, that these personal details are irrelevant. In the course of my work on the JFK assassination I met and for four days was the house guest of one of the women whose name and association were reported about a year ago. That was in 1968. Do I have to tell you what the commercial value of this was then or that I from my newspapering days was not aware of it?

Even Mr. Fensterwald is unaware of what I have learned about Mr. Ray's personal life as I have learned of it. Of Mr. Ray's counsel the only one to whom I have mentioned it is James H. Lesar, who also had no interest in it and therefore no knowledge because I did not tell him.

If there is anything of a sexual nature in Dr. Freeman's records I have no interest in it unless in Dr. Freeman's professional opinion it is something I should know in Mr. Ray's interest. I am interested and I am asking for those records Dr. Freeman has made available to others, to other writers and to those who prosecuted Mr. Ray. I say those who have from the first framed him and continue to. I am particularly interested in it because the Department has made the statement cited above and attributed it to Dr. Freeman and because of what I can perceive as the result of the unique nature of Mr. Ray's confinement. He may well be the American who has spent most time in solitary confinement that was not the punishment for in-jail offenses.

It may interest Dr. Freeman to know that he spent eight months in a steel and concrete vault under strong lights and constant closed-circuit TV. He spent several years in death row when there was no death sentence, in a cell in which he could not take three steps. He had a 10-watt bulb for illumination. He was not allowed exercise outside and his food was slipped into the cell.

One of Mr. Ray's hangups is what he calls Shrinks. He lumps psychiatrists and psychologists and at least since 1971 has trusted none of either profession. I know this from his 1971 refusal to be studied by a fine Mayo clinical psychologist I know. I then feared what the Department has just done as well as the consequences of the conditions of his confinement. I therefore will not ask for his permission. However, I do have his release to the Department of Justice for it to give me all otherwise immune and personal records relating to him. If you so desire Mr. Lesar will provide a copy. I also will not ask Mr. Ray because in my belief some of his behavior has become irrational. He is a lemming. Mr. Lesar is his only original counsel. Aside from our collaboration in the Ray defense all possibilities of which are not by any means exhausted Mr. Lesar represents me in these FOIA matters including the current suits against the Department.

If you so desire write Mr. Lesar. His address is 1231 4 Street, NW, Washington, D.C. 20024. I am sending him a carbon of this letter.

Whatever his reasons Dr. Freeman has given his records to Mr. Ray's cousin. I do hope he will now, if belatedly, make them available in Mr. Ray's interest and in the interest of helping establish the truth about this terrible crime and the incredible official dishonesties and worse. You and Dr. Freeman have all assurances that there will be no improper use made of anything. I must also be forthright and tell you both that if this is now denied in Mr. Ray's interest I will have no choice but to report it in my book, which is entirely independent of Mr. Ray.

Sincerely,

Harold Weisberg

2/21/77

Dear Jim,

I finally got around to writing Dr. Freeman.

I decided to do it through the lawyer who told Bud to go to hell. [^] inevitably Freeman would have consulted him anyway. [^] This gives the lawyer time to think it over first.

I omitted the fact that Frank showed Freeman the FBI report on what he told them. If they turn me down please remind me of this and I will write them that, too.

There is no real need for this for my writing. What I got from Crowdsen is more than enough after the CFR job.

In the end I'll get it from the FBI anyway. But I want it for you now and for my added understanding in Jimmy's interest now.

You have a sense on what Crowdsen told me Freeman told him. It is much more than I tell Greene. [^] It is that as of the time he saw Jimmy he would have considered him ~~possibly~~ ^{probably} incapable of the crime.

I have taken this time to be as fair as possible to Freeman. You know very well that neither the FBI nor Frank nor McWilliam nor Crowdsen had a release from Ray.

If there will be more punch in the writing and consistency added to the doctrine if they turn me down I have tried to be persuasive.

I don't remember for sure but I think they picked Freeman up through the records of Ray's phone calls they obtained without subpoenas.

The chain then probably goes to Canale and from him or his to Frank and then to everybody after Frank's book was out.

I can understand that Freeman might have considered he had to talk to the FBI but the fact is he should not have and now that he did is grossly and deliberately misused. Freeman knew that when he turned Bud down. What he did is that and I'm sure he and Greene knew it.

After talking to all of Ray's enemies!

Best,