

Mr. Victor Navasky, Publisher  
The Nation  
72 Fifth Ave  
New York, NY 10011 PERSONAL/CONFIDENTIAL

Harold Weisberg  
7327 Old Receiver Rd.  
Frederick, MD 21702

Dear Mr. Navasky,

When you read the enclosed copy of my letter to Ramsey Clark I think you will understand why I ask that you keep this personal and confidential.

In part, anyway- as it relates to him. He was innocent in all those ~~errors~~.

Also, I have no confidence at all in the present <sup>allegations</sup> and if they are used in court the case will be thrown out.

The Army did not plot to kill King and I knew and interviewed the man alleged to have been part of it, Lloyd Jowers. I do not believe the story allegedly about him and his getting the rifle that was used in the crime and hiding it.

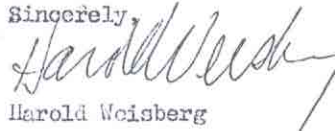
My belief is that with Bill Pepper's history in the civil rights struggle days the family trusts him and that he and Oliver Stone plan a movie based on Pepper's book. I think that is why Dexter King did not respond when I wrote him.

FYI, Pepper was here. I gave him free and unsupervised access to all I have, the use of our copier, and I then got him a student to carry on for him. I do not know what he copied but I do know that it does not include the transcripts of that evidentiary hearing because they were in my office rather than in our basement (which holds more than a third of a million pages I got under FOIA plus much of my own work) so had they <sup>been</sup> copied I'd have known it.

They may have told you but when you sent Kai Bird and Max Holland here to see what I had on McCloy, they saw that I give all this free and unsupervised access.

All my records will be a free public archive at Local Hood College when I am not able to use them or make them available to others. There was no quid pro quo. It then had a scholar as president.

Sincerely,



Harold Weisberg

Mr. Ramsey Clark  
c/o The Nation (Please Forward)  
72 Fifth Ave.,  
New York, NY 10011

Harold Weisberg  
7627 Old Receiver Rd.  
Frederick, MD 21702

Dear Mr. Clark,

Please understand to begin with that this is not written as an accusation but your The Nation editorial that is headed "Shedding Light on Ray" should really have been headed "Shedding Light on the Department of Justice."

I have no reason to believe that you had any part in the plea your Department of Justice negotiated with the infamous Percy Foreman when he was Ray's lawyer but I am confident that those under you persuaded the King family and associates that you had a solid case against Ray when you had none at all. Incredible as it may seem, I do mean quite literally no case at all. It could not even place Ray in Memphis at the time of the <sup>extrajudicial</sup> prime and it lied, by which I mean it was consciously untruthful in the affidavit it gave the English court that seemed to identify Ray as having been seen in that flophouse when the alcoholic had already told the FBI and CBS News that Ray was not the man he claimed he had seen.

This may all seem strange to you, perhaps impossible, but please believe me it understates the actualities. I was Ray's investigator beginning in as I now recall 1972. I provided him with the counsel who replaced the right wing nuts he had, and did the investigating for the successful habeas corpus and then for the two weeks of evidentiary hearing in federal district court in Memphis. Contrary to what you write in a case of this sort the Constitutional guarantees are not real. The judge decided against all the evidence. He actually said, having been compelled to by the case I developed and the lawyers presented, that "guilt or innocence" were "immaterial" to what was before him. When what was before him was whether the plea was coerced, as it was, and whether he had the effective assistance of counsel when a case that exculpated Ray was presented and survived cross-examination guilt or innocence were not immaterial. That alone proved Ray had not had the effective assistance of counsel.

Counsel who on several other occasions put his clients away, much to the satisfaction of the Department and/or the FBI because when he was finally caught he did not go to jail.

Please excuse my typing. I'm almost 84 and my health is impaired. It cannot be any better.

Along with the King family and friends you seem to assume Ray's guilt and to believe he can name those with whom he allegedly conspired in the assassination. This belief comes from what your associates in the Department of Justice laid on them at the time Ray was to be tried. Your associates knew they had no <sup>Case</sup> ~~one~~ ~~of~~ ~~all~~. ~~They~~ ~~know~~ ~~on~~ ~~the~~ ~~fact~~ ~~of~~ ~~the~~ King family and associates, alas. I suspect that Vinson and Pollak were most responsible for that.

I filed a FOIA lawsuit against the Department and the FBI, which stalled it for a decade, but nonetheless got many thousands of pages including most of the FBI's HURKIN file. It had no case at all. Period!

I have those records and I have the transcripts of that evidentiary hearing if you want anyone to examine them. (I've written Dexter King without response.)

More, and I'm sure you had no knowledge of it - and that judge ignored this, too - your Department prepared a book for the locals on how to keep Ray "safe" when there was no special danger he faced. Among the instructions to the locals - and we got this from the sheriff's files and entered it into evidence - from your Department was that even Ray's correspondence with his lawyers be intercepted and xeroxed! We actually got some samples of that. When belatedly the FBI learned that Judge Battle had issued an order against that when the <sup>of</sup> ~~the~~ defence had no proof of it, it instructed its <sup>u</sup> Memphis office to accept the information but not to accept <sup>additional</sup> copies.

Even Ray's letters to the judge were intercepted and copied! *We got copies!*

Your people told the locals to cover <sup>the</sup> ~~with~~ jail windows that were already barred with heavy steel plates, to keep him under constant lights, to have him on closed-circuit TV, with sound constantly recorded, and for all the time he was jailed he never saw the sun or the moon or knew whether it was night or day.

You refused the FBI permission to tap any <sup>family</sup> ~~Ray~~ phones. It argued that even if it got caught and the case was lost it was worth that risk and more to be able to locate and arrest Ray (and it had nothing to do with that in any event!) and it ignored you and tapped those phones anyway. It picked me up when I was talking to brother Jerry Ray at the beginning of the arranging for his counsel but by the time those records were processed under FOIA those doing

that did not understand what they were disclosing. Jerry's call to me was tapped. and it got me in at least a half-dozen FBI bank-robbery files, impossible as that may seem! I have copies of them! *Hidden as a non-existing bank robbery case*

I am familiar with the new supposed solution. <sup>Real</sup> ~~from~~ my own work I have no confidence in it. I also believe that Ray can make no identification of those with whom he was then associated. I know he could not to me and I spent days on end with him at <sup>24.6</sup> ~~Brushy Mountain~~ in the effort. He would not give me the phone



numbers he used to make contact. He said he'd not get out of jail by putting someone else in jail. He had no fear that he would be killed in jail and two of the <sup>W</sup>ishy Mountain wardens, both of whom extended full courtesies and more to me, told me they read all the mail of all the black prisoners and not one believed Ray was guilty.

As I said to begin with, I am certain you were not party to any of this, but the fact is that when you were the Attorney General your people imposed on the trust of King's family and associates to get them to agree to the pleas when without that there was ~~no~~ <sup>wise</sup> chance of it being acceptable. And then that was with a lie, that Ray would otherwise ~~be~~ be sentenced to death. That did not happen in those days. There was no chance of it had he been convicted <sup>at</sup> and no chance of conviction at all. (They all opposed capital punishment.)

This new jazz about testing the rifle is not all that new. I presented an authentic expert who examined the remnant of bullet recovered from King's body. He <sup>then</sup> testified that given that remnant and that rifle and being allowed to test fire that rifle he could and would <sup>have</sup> testified without question that that rifle had or had not fired that bullet. Knowing that it had not, the FBI's expert, Robert Frazier, executed an affidavit <sup>falsely</sup> stating there were not enough marks of distinction for any comparison. ~~he FBI~~ <sup>he FBI</sup> ~~was~~ <sup>was</sup> ~~not~~ <sup>not</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~right~~ <sup>right</sup> ~~to~~ <sup>to</sup> ~~do~~ <sup>do</sup> ~~that~~ <sup>that</sup> ~~either~~ <sup>either</sup>.

Moreover, if the shooting had been as the FBI alleged the shooter and part of his rifle would have had to have been inside the wall of that flophouse bathroom! Without question <sup>true</sup> ~~was~~, too!

After you were no longer Attorney General I tried to get in touch with you to ask you to take the case over. I got no response. The King family and associates also did not respond when I tried to reach them.

I'm sorry my typing and writing cannot be any better but I assure you that the foregoing is true, is understated, and that I can document all of it.

Sincerely,

Harold Weisberg

With senior counsel abroad it fell to junior counsel, who had never been before a jury, and to me to prepare the case. We divided it with him taking the law and I the evidence. With Foreman then the most famous of criminal lawyers I decided that the only way to prove he had not provided effective assistance as counsel was to try the case alleged against Ray and disprove it. That we did. No refutation, no rebuttal, not a single FBI witness! I could do that and Foreman could not?

# The Nation.

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tion. He's an ambitious lawyer who presumably still nurses the hope of reaching the Supreme Court. Indicting the President or the First Lady on anything but the most severe and obvious charges could ruin his chances of gaining Senate confirmation. And if he did bring such indictments he would find it tough to win before a jury in Arkansas or Washington. But he's going before the job is done: another career-first conservative unwilling to sacrifice his job prospects to impress his right-wing pals. These days the White House band should worry more about muckrakers on the Hill or at Justice than about Starr.

In a better world, Clinton and the Republicans and Democrats in Congress would be fearing voter wrath over the rising level of slime in the system. Yet when Congressional leaders and the President recently met and selected five legislative priorities for the year, campaign finance reform did not make the cut. An oversight? No way. Clowns do well by circus rules.

## Shedding Light on Ray

The family of Dr. Martin Luther King Jr. has joined those who seek a trial for James Earl Ray, now in his twenty-eighth year in prison after pleading guilty to charges that he murdered Dr. King. Ray wishes to stand trial but has a life-threatening illness, which creates an urgent need to secure any further statement he is willing to make.

Yolanda King, the Reverend's daughter, made a significant point concerning the need for continuing investigation when she said her family had always hoped it would be others, not them, leading the search for the truth behind her father's murder. Public doubts about perpetrators and motives behind assassinations have contributed to the radical decline in public trust of the government. Polls indicate that 75 percent of the population trusted the federal government in 1963, compared with 25 percent today.

The immediate effect of the assassination of Dr. King on the American people was profound. The country was stunned. Tens of thousands took to the streets and rioted in more than 100 cities. Regular Army troops were deployed against citizens in Washington, Baltimore and Chicago; National Guard units confronted angry and hurt Americans in many other cities. Since Dr. King's death there have been sporadic Congressional, public and private investigations and inquiries, and the creation of a massive body of literature concerned with the truth behind the murder. Today, skepticism and disbelief are greater than ever.

How our people face this tragic event, even after a generation, becomes a matter of fundamental importance to our national character. If we become indifferent, if we choose not to search or choose to conceal, if we forget, then that is what we are.

Dr. King's own generation, its successor and the next several will not be satisfied that they know all they need to know to understand how violence irresistibly pursued and destroyed America's prophet of nonviolent action. We have a duty to ourselves and posterity to take every step consistent with our principles to identify every fact, to explore every opportunity, to know everything possible about this defining death.

We should lament the fact that there was no trial of James



## EDITORIALS

Earl Ray in 1969. It would have provided a greater measure of fact for evaluation, though criminal trials are a poor way to determine historical fact.

We must recognize, however, that a defendant has a right to plead guilty and a right not to be coerced to do so. There are necessarily restrictive standards and procedures by which a guilty plea can be set aside; otherwise, guilty pleas would be a means of manipulating justice. Only if there is evidence sufficient to justify setting aside a guilty plea after twenty-eight years can we ask for a trial at this time, however desirable it may seem.

There are constitutional means available to address the urgent need to obtain the testimony of James Earl Ray; to test the rifle he purchased, which is alleged to be the murder weapon; to inquire about a man alleged to be the "Raoul" who Ray claims was a participant; to determine the identification, purpose and conduct of Army personnel now conceded to have been near the Lorraine Motel on the day of the assassination; to inquire into the activity of Lloyd Jowers, who ran Jim's Grill just below the rooming house from which Dr. King may have been shot; and to probe other issues that have arisen in more recent years.

A new investigation by a Congressional committee could immediately offer James Earl Ray the opportunity to say whatever he might choose to say now and to answer questions. It could also make the other inquiries and provide its findings to Ray.

Such an investigation, updating earlier ones, is clearly a proper exercise of legislative power. It has potentially important relevance to future legislation to control government intelligence agencies, investigative bureaus and military conduct; prevent concealment and cover-up by government; and provide a fairer administration of justice.

To address the failure Yolanda King has exposed, the American people would be well served by the creation of a major independent commission charged with the duty of initiating and continuing investigations—and assisting private investigators—in matters of national importance involving allegations of government misconduct or failure, or where doubts continue or new ones arise (the Kennedy assassinations, the secret bombing of Cambodia, the School of the Americas, Iran/contras, among many). These investigations could include a broad range of government acts, failures to act and cover-ups, with which the American people have become so familiar in this century. We should never abandon our duty to learn the truth about what our government does and has done.

The importance of such inquiries is suggested by Walt Whitman's tormented lecture on the fifteenth anniversary of the death of Abraham Lincoln. Whitman observed:

The grand deaths of the race—the dramatic deaths of every nationality—are its most important inheritance-value—in some respects beyond its literature and art.... Is not here indeed the point underlying all tragedy?...

When...historians and dramatists seek for some personage, some special event, incisive enough to mark with deepest cut, and

absolute extirpation and erasure of slavery from the States—those historians will seek in vain for any point to serve more thoroughly their purpose, than Abraham Lincoln's death.

Perhaps the death of Martin Luther King Jr. is that special event to mark and mnemonize our even more turbulent twentieth century. If the great issue of this century has been the question of race, his answer was clear, persistent and comprehensive. A person must be judged by the content of his character, not the color of his skin. If it was violence, Dr. King never blinked in the face of its threat—proclaiming at New York's Riverside Church that the greatest purveyor of violence on earth was our own government.

RAMSEY CLARK

*Ramsey Clark was Attorney General of the United States at the time of Dr. King's assassination.*

## Gilding the World Bank

The World Bank, ever a stern taskmaster when dealing with its Third World clients, demands cuts in government spending, consumer subsidies, social programs and other "frills" that get in the way of debt payments to international creditors. Countries that fail to meet economic targets set by the bank's "structural readjustment programs" are deemed economic pariahs and swiftly cut off from international financial markets.

The bank is not nearly as austere at home. The compensation package for its president is \$305,000 a year, while the top seventy-four officers average in excess of \$120,000. Employee perks include a free in-house health club and complimentary travel home for vacations. Michael Irwin, a former personnel manager, describes bank staffers as "living and working comfortably in the Washington area, and venturing forth in luxury...out of touch with both the realities and causes of poverty in the Third World."

When investment banker James Wolfensohn took charge of the bank in late 1995, he promised to hack pitilessly at excess spending. It appears, however, that the structural readjustment is lagging. The bank is currently completing a \$314 million renovation of its offices, running more than \$100 million above the original estimate. This boondoggle began before Wolfensohn arrived, but some of the more vulgar excesses, as I have recently learned, have been carried out during his tenure and indeed continue.

So far, the bank has been adept at damage-control. Bank flacks recently led a credulous *Washington Post* reporter, Benjamin Forgey, on what was apparently a Potemkin Village-style tour of the new headquarters. In a glowing review on February 8, Forgey wrote, "Money certainly wasn't wasted on materials, for though the building looks sharp, it doesn't look extravagant.... In any case, thank goodness, there's no excessive display of wealth in the form of lavish marbles, rare woods and such."

Forgey missed the gold leaf on the ceiling of the thirteenth floor, in the opulent entryway to a new executive boardroom, in