

Mr. Thomas O'Neill, Speaker  
House of Representatives  
Washington, D.C. 20515

Rt. 12, Frederick, Md. 21701  
3/18/77

Dear Mr. O'Neill,

The unseemly spectacle of the assassinations committee is now engaged in what is a transparent effort to justify its continued existence when it has a record of not doing its job and not deserving continuance.

It is engaged on what is seemingly right and reasonable and is not, this time with the belated and entirely unjustified blessing of the ACLU, which has not found a voice until it meant headlines. (I approached the ACLU in Washington for help under FOIA when it was enacted years ago and more recently was refused by the same John Shattuck quoted in this morning's Post.)

The failure of all of society's institutions when faced with these great trauma forced me to reconsider what I might do that could be of use to the country. If I am but the one who will make a record for the future, that I will do. Part of this record is what I write you.

To now I have told you that each and every one of the Madison Avenue leaks of the committee, represented as the result of its own diligent investigation, is taken from the public domain, the work of others, and in each and every case was out of context, was part of a promotional campaign to get the committee extended.

Every lawyer knows that he addresses a crime by establishing the basic facts of that crime. This committee has had six months in which to do that. It has not only failed - it has refused. Now it is pulling publicity stunts to con the House and the people.

I have personal knowledge of this going back to the summer of 1975 when the staffs of several members asked me to outline a proper and responsible approach. This was one of a series of meetings with Mr. Downing's staff, in his office and here, where I showed them once-suppressed official records I had obtained. Last September I received two similar requests on behalf of Mr. Downing, one from his choice for chief counsel and one from a member of his staff who holds one of the committee's more important jobs. I was then told that Mr. Downing had agreed with my position papers, that the committee's first responsibility was establishing those basic facts that can be established. To this end I offered all my files. Then Dick Sprague asked me to meet with him for the same purposes. I spent the morning of October 20 with him and several of his assistants, the afternoon with others of the staff. Sprague agreed to the same approach. The research director, who know of my files from service to another committee, told me he would be taking a room at a motel near me, would have his xerox machine with him and would start copying the official records I have that are basic in any real investigation. I have not heard from him since.

So far as I know I am the only investigator James Earl Ray has had. For a short period his first lawyer used a man in Memphis he did not pay for his work. In fact he did not use that work. In the course of this and work for my own writing I have obtained much information and knowledge of this case, countless thousands of records. A staff lawyer who was assigned to the King case did come to visit with me. He stayed into the night and left with a box of records he did not ask for. I told him they are basic in the committee's work. For a serious committee they are. His purpose in seeing me was to get advice on what subpoenas to serve. Only recently has the committee gotten around to some of this, again timed for a cheap shot at TV, which it obtained. Those records I gave him include what the committee now pretends, again for headlines, it needs. At the very least pursuing them is prerequisite to what the committee is now doing, again for headlines, not as part of a properly conducted investigation. They are records of the only testing of the official allegations in this crime under oath and subject to cross examination. This includes James Earl Ray's testimony, testimony repeated but not added to recently when it was pretended to be all new and therefore exciting.

Because this committee does not warrant trust or faith and because you are in open support of it rather than exercising the options available to you I am less specific than I can be in order to avoid helping a committee that is engaged in serious misconduct. I am, in fact, astounded at the abuse the House has accepted in silence from the arrogant Sprague. I understand this extends to abuse of you personally, too.

Superficially it may seem that it is now right and proper to test-fire the rifle. I believe otherwise. The one reason I offer now is that it is possible to alter the characteristics of the marking imparted by the barrel in repeated firing. In any event, doing this now and without foundation for it is an obvious publicity stunt. Considerable preparation is necessary, prerequisite. I have done this and have not been asked for it even though the committee knows I have done it and offered it.

This committee and you personally on the committee's representation have assumed Ray's guilt without any investigation. The committee has said this in many ways, including in its shabby report. You have on TV. Ray's has not fired his Washington counsel, Jim Lesar. Lesar sought to undertake the preservation of Ray's rights with the committee, not to foreclose the committee. I suggest that the observance of Ray's rights also served the interest of the Congress. Instead of working this out Mark Lane, who has stated publicly that Sprague owes his job to Lane, went to see Ray and worked on him. Conned I think is not an exaggeration. There is also the dubious matter of the lawyer Lane seeing a prisoner without even speaking to counsel about it. This is even more dubious when they are not strangers. It stinks to high heaven when it is combined with the reported six-figure deal Lane has put together over all of this. And so it came to pass that the anxious and desperate prisoner, isolated from reality and suffering the consequences of all those years of unwarranted solitary confinement, longed for public attention in the hope that somehow it could help him. The Congress can not free him or give him a trial. The media can't either. Then this new and obviously publicity-seeking lawyer Jack Kershaw, on whom I have heard only the unflattering, is hot to get himself in the headlines and his client in worse legal shape than he is, all by bypassing the one lawyer in the world who has most knowledge of the case and the facts of the crime, the lawyer who wanted everything to be right and proper.

Were none of this ~~not~~ true, and the truth is understated here, there remains the fact that the committee, having played games for six months, is not in a position to question Ray properly. This converts the questioning into another media event in the survival campaign. This parallels the questioning of Trafficante in public for headlines without establishing any basis under the committee's mandate for questioning him at all. Moreover, if there had been this basis then the committee had not conducted the necessary investigation so it could question. Instead it exploited a combination of popular paranoia and its knowledge that he would, as obviously he had to, exercise his Constitutional rights. But the mere calling of Trafficante represents another prejudgement, a conclusion not based on any investigation at all. This illustrates one of the reasons for establishing the basic facts in both crimes. It is fundamental.

I leave to you, the committee, the Congress and the civil libertarian Shattuck to understand how all of this now shows the committee is "sensitive to civil liberty concerns." I think it is not by running roughshod over his only lawyer who knows anything about the case. I think it is not from its prejudgement of his guilt, which should be enough to force any decent and concerned lawyer to oppose his being questioned at all. I think it is not because the committee conducted no investigation and refused to accept evidence from his defense months ago. I think it is not because Ray is not going to be represented in this by counsel who understands the seeming contradictions publicly attributed to Ray. I know it is not because the committee does not know better because I saw to this last year. And I can see no way in which the committee is "sensitive to civil liberty concern" in contriving to obtain a waiver of his rights with regard to the man he says coerced his guilty plea from Ray. It surely is not because I told Sprague last November that Ray was no longer completely rational and was doing the irrational.

cc: Congressman Bauman

Sincerely,

Harold Weisberg