

Mr. Bill Wallace
c/o Book Review Editor (who may read)
San Francisco Chronicle
San Francisco, CA

Harold Welsberg
7627 Old Receiver Rd.
Frederick, MD 21702

4/15/98

Dear Mr. Wallace,

A Bay area friend has sent me your review. While ordinarily I take no time to write those who do reviews or those who edit them because I want to spend all I can of the time that remains to me to continue making a record for our history; you have written the first review of anything by that pig as Orwell used the word. Posner that reflects critical judgment. And you have a Posner-induced error in it.

I'm 85 now and you have a better chance of being around if and when any of this comes apart so I also inform you of the existing sworn-to truth.

I was Ray investigator for several years. I did the successful habeas corpus investigation, then the investigating for the two weeks of evidentiary hearing in an impossible (in Memphis then) effort to get Ray the trial he's never had. Not only did Ray refuse to ~~make~~ ^{make} the confession Posner attributes to him, leading to your mistake, he risked his life, as his lawyer had told him would happen, to interrupt the guilty-plea hearing to make the record that he did not make any such confession.

As that practicing and professional plagiarist knew from my Frame-Up, some of which he presented as his own work.

Your paragraph on Posner's unsuccessful effort to prove there was no conspiracy reflects good judgement and common sense I've seen in no review. Let me add to what you say there that Ray knew the man whose name he never spelled correctly, Raoul, when he saw him but he had no idea what his correct name is and he could phone him only through a cutoff.

However, I think that if he could have made a real identification he would not have. He would never give me a clue, and I wanted clues for his defense. I am not a Pepper and do not consider myself Perry Mason. I was trying to craft a defense. He told me he would not get out of jail by putting another there.

My purpose, and I got him those pro bono lawyers who in an honest judgement of any honest court would have succeeded with the work they did with the work I did, was to try to make the system work. That is a need of our kind of society as it is of justice. It did not in any of the political assassinations and they turned the country and the world around. Most people never stop to think that way but the assassination of any president is a de facto coup d'etat. (Most of my works has been on that and for that reason above all others.)

The evidence we put in that was unrefuted should have won a trial but if the judge had granted one he'd not have survived, not in that emphasis. So,

he held against the actual evidence but what we put in the record that was not refuted led him to say in his decision, and this is close to verbatim, that "guilt or innocence were not ^{material to what was} before" him. That was his interpretation of the proof that was unrefuted, that Ray had been coerced and that he had not had the ^{essential} assistance of counsel who had conflicts of interest.

Posner is a particularly despicable man. He and his wife came here and, as ~~me~~ has been my practise, to use his words in his mistitled Case Closed, gave him "the run of the ~~place~~ place, full and unsupervised access to all my work including about a third of a million pages I got by a number of FOIA lawsuits some of which were precedental and one of which led the the 1974 amending of the investigatory files exemption. In return for what he describes, among other things, as generosity, that pig made a series of niggling criticisms of me and of my work in no case with any taint of accuracy.

It was not because he is this kind of pig, I'm used to being criticized and disagreed with, that I wrote Case Open. (I give all writing in the filed full and free access to what it cost me so much to get because I think the use of FOIA makes those who use it surrogates for the people and most who have used it I know in advance I'll not agree with.) It was to make a record for our history. About a fourth of what I wrote about Posner was published, with no advertising or promotion or to the best of my knowledge, with even a single review copy sent. In it I refer to Posner and prove that he has trouble telling the truth by accident, that he is a shyster and that he is a plagiarist, having stolen the faulty work of a boy of ~~age~~ only 10! as well as that of Failure Analysis. I have not heard a peep from Posner or his publisher. Not a word.

I am now, with feebleness and as you can see with trouble typing (I have to keep my left leg with the foot as high as my heart) doing to that stinker and his King prostitution much more than I did in what he could not respod to, in Case open. I tell you a bit more about the kind of literary whore he is in what follows.

Not only do I have the evidentiary-hearing transcripts for which I did all the investigating, I also sued the DJ and FBI for a decade to break loose what has been broken loose on the King assassinatou and on King, That was in federal district court in Washington, Judge June Green sitting. What may seem impossible to believe is that at the demand of the DJ, which claimed it needed my knowledge my expertise, she appointed me to assistat the defendants in my lawsuit againt them! I have the transcript. It may never have happened before but it is very real.

In the end, although I got gypped out of my consultancy fee that the DJ promised the court it would pay me, I did get in all about 80,000 pages. Posner knew all this. He spent three days working in the files of which they are part. He copied, as you'll not see in either book, hundreds of pages. So, he uses those transcript

by crediting them to the House assassins committee, which had to practically bludgeon to accept and read and copy (and it ignored the evidence of the crime itself, having begun with the usual preconception) and those MURKIN records he cannot even cite correctly and which he credits to the kindness of the FBI heart are among those I rescued from their official oblivion, as he knew, by that hard, long and costly suit. It appears that the FBI hand-fed him what he had let it know he'd like because he uses none of the FBI's claimed evidence of the crime. Not a word of it. He merely assumes Ray was the assassin and dwells about a Midwest Tobacco Road.

The actual evidence is that the rifle said to have fired the fatal shot did not, that the crime as theorized by the FBI and the Memphis authorities was a complete physical impossibility that Ray was not at the scene of the crime at the time of the crime, that he was never identified by anybody and that the prosecution could not place him even in Memphis at the ~~see scene~~ ^{time} of the crime.

All it is ~~were~~ sworn and unrefuted testimony to which Posner had access, those evidentiary hearings.

All that I got under FOIA is ⁱⁿ a ~~in~~ out basement and for about four years it has not been safe for me to use those stairs. My work for those hearings is down there but the transcripts are in my office. I have no gofer. If I can get one I'll include some of that evidence and some of the FBI's records in what I am now writing. I will, God willing, quote those unrefuted transcripts.

Do not assume from this that it will be a ~~hot~~ book that some published will want. I did the first on the Warren Commission, Whitewash, got more than a hundred rejections internationally, without a single adverse editorial comment, and I've had an even worse ~~same~~ history because I made a success of it without a penny spent on advertising. The official side, as Posner perceived, can be published, and the crazy stuff can be from time to time, but solid work most publishers seem to regard as what it might be, a danger to them. So, and I can't tell you how many agents would not touch the subject or me, I am again writing what I'll leave as a record for history. As I did recently with Sy ⁱⁿ ~~er~~ ^{er}sh ~~with~~ what could be ~~published~~ because it has nothing on the assassination in it but, I have no agent and I, with my record, might be a liability to one.

Do not misunderstand what ^{mean} ~~is~~ by liability. In the three decades since my first book appeared, with the most serious criticism of so many, serious criticism to which my later books added, I have yet to get a call for a letter complaining that I was unfair to any of them, or inaccurate. The actuality is that the most conservative member of the Commission, Senator Richard Russell,

had a high opinion of my work. He disagreed with the most basic Commission conclusion, that single-bullet monstrosity, and he got screwed in what he was misled to believe was a compromise that incorporated his views. And those of Republican Senator Cooper of Kentucky.

Which you never read in your history books or favority newspapers. I have all this documented and the Russell and Cooper part is from not only my word and contact, but the Russell archive at the University of Georgia, at Athens. (If he has not retired, an informed member of the law faculty there named Wilkes has written of the above for the local papers there and none of it got picked up.)

I did not intend to run on at this length but I hope that in the future you can have some use for it. If you are ever near here, come take a look at the archive I leave that will be a permanent public archive at a fine, small local college, Hood College.

Thanks for what is missing elsewhere, an honest review.

Sincerely,

Harold Weisberg

Harold Weisberg