

3/3/71

Mrs. Dolores Danaka
The Bandy Show
WNEW-TV
205 E. 67 St.,
New York, NY. 10021

Dear Dolores,

Here are the things you asked for on Foreman and a few more.

The transcripts are from two sources: court hearings where the lines are shots, and so identified, and a deposition (identified by the copying of its first page). I will bring the full transcripts of all with me and several tapes of his appearances.

As I put each into the envelope I'll make a few notes for you.

One question this wily man has always been fortunate or skilled enough to avoid is of ambulance chasing. He gets away with talking about saving this man's life when there had been no electrocutions in Tennessee for at least 8 years then (none since). He told the judge what you will see, that it was only his nobility of spirit. But the real fact is that he did what is improper: he went to see Ray, without a letter from Ray asking him to and with no direct word of any kind from Ray when Ray was still represented by another lawyer, Arthur Hanes. He left Ray with the letter he got Ray to sign. The jailers did not let Ray's brothers go to Ray with Foreman. They were alone.

There remains no sign of any investigation he conducted. In the deposition he talks of professional investigators being no good, that he used and prefers law students, who are fine. But if they conducted any real investigation of the potential witnesses against Ray, there is no sign of it. I think it would be good if he could be gotten to describe his investigation (not that of the public defenders' office, which didn't come into the case for about three months) and what it produced. He did place its cost at something like \$15,000, including his travel, etc.

I will want this back after the show, please.

The names Dwyer and Beasley are of assistant DA's. Both are now judges. All the local judges in Memphis now are former prosecutors, save one.

To speed your reading, I have marked some things in red. Hearing of 2/7/69, pp 20-1, he is to get nothing.

Hearing 12/18/68: I have three excerpts stapled separately and then together to identify the source for you. The first, pp. 1-3 begins with his duty to his profession, mentions the 360 witnesses he should have investigated and interviewed, a rather touching expression of his refusal to pander, (vis condemning his client in LOOK, which I'll bring, and on every radio and TV show that would have him) and the repetition of no compensation (p. 3).

FP 22-6: He condemns Hanes (22) for taking the case to trial to meet a publication deadline and when unready.

23- "But I don't practise law for money now". I have clipped an AP story to this page quoting him as having given away \$300,000 that year. (I am satisfied this was not in cash.)

(In the book you have the quotes "and 60% is all mine", and of his estimates of the value of his contract to about a half million dollars.)

25- The judge shows his awareness of the properties and money involved and he knew Foreman took over that 60%.

26- The judge's understanding is ~~shif~~-given as "Now, Mr. Foreman has volunteered and donated his services to Mr. Ray." Foreman did not correct or amend this in any way.

28 and 33-4: appoint the public defender to be co-counsel with Foreman, even over Ray's objection, was pre-arranged but contrived to seem spontaneous. On 28 the judge says, "I see Mr. Stanton here", like ~~to~~ just happened by accident. (And he is to get all the help he needs and the taxpayers foot the bill). But Foreman blabs (33-4) and says he had already spoken to Stanton, before court met.

(What is incomplete here but is in the transcript is Foreman's effort to get the judge to let him hire the court reporter and sell transcripts to the press!)

Deposition, 16- he had all his deals with the judge directly. Note in the book the quotes from the ABA standards, drawn by now Chief Justice Burger, that this is improper. The judge is to come into it only after the negotiations and in court. (FRAME-UP 89)

Here the ego comes through and he says the arrangements were his idea, not his client's. ("what I decided was proper and what I would like to do and what I thought my client would like to do", but he knew Ray was set against copping a plea.)

The United States Law Week report on the Singleton case, which he was handling simultaneously. This decision was handed down after the book was done. The summary gives you the pitch. Foreman lost. I've marked a few parts of the decision. One of the interesting things is that while he made out-of-court arrangements in the Ray case, he got violent at the prospect of the same thing with Singleton. This is consistent, not inconsistent, for in each case he insisted upon the court that could yield him more money.

I would hope it is not common for such decisions to be handed down vs. attorneys.

Partial transcript of the Wavett show: You should have seen that smiling, shining face, turned full camera, when he told the joke about telling Ray he'd be electrocuted if he did not do what Foreman told him. Jerry's representation is more graphic. Good joke, huh? And, of course, good subject for joking. But the judge himself is authority for this not happening and for the possibility of a hung jury or acquittal (FRAME-UP 118-20 and 91).

The character of the "public defender's" investigation is indicated by the investigative report on Solomon Jones ("Jones seems to be a good Negro). (He just got 8 yrs.!)

My unanswered 3/16/69 letter to Foreman is enclosed to show that I sought his aid, anything he would say, and a direct answer to the accusation that he went into the case to pull what he did. I sent it certified, receipt enclosed.

The two pages transcribed from the Merv Griffin Show are to illustrate that in the very month (February 1971) that there was to be a hearing in the Ray case in criminal court and while a civil action against him was pending, Foreman discussed the case in public, which lawyers are not supposed to do. He has never stopped.

I have and will bring my own pictures of the scene of the crime, taken from that bathroom window and the position of the victim. 8x10s. The originals of all the documents in the book the publishers have and I will, unless they have loaned them to you. I have disarmed five bullets, in the event it is possible for me to bring the rifle. It was not possible to send that and this by hand, as I'd hoped. If there is anything else you'd like, I'll be home Tuesday and onday and Tuesday nights.

Sincerely,

Harold Weisberg