

Dear Jim, Jackson & Abernathy on new King investigation 4/6/75

This may reach you too late to make any difference but for the future it can be a suggestion on what our position should be.

WETA read wire copy this morning saying that both Jackson and Abernathy had called for a new investigation and as I recall it saying Ray is not guilty. This is not consistent with the Jackson quote in this a.m.'s Post, "James Earl Ray said that he did not act alone and I believe him."

This UPI copy quotes Jackson as saying he will ask Levi to reopen the investigation.

Should we now be asked about this - and Jackson says he believes both FBI and CIA were involved in the assassination - there is a way of addressing this without causing a split with Jackson for the future, wild and irresponsible as his statement is. On this alone our position should be, I think, that nobody investigates himself, that the Department of Justice seized jurisdiction from local authorities and framed our client, so we have no reason to believe they will now confess guilt. One whitewash is too many; one coverup requires another or criminal charges against itself.

On who killed King I think our position should be that we are Ray's defense and our responsibilities are to defend him, not solve the crime. The defense of Ray does not require theorizing about who did it. It does require proving that we did not and we are convinced that any reading of the transcript of the evidentiary hearing - which the judge deliberately made impossible for perhaps a year by using a court reporter ~~he~~ had already overburdened - will convince the reasonable that we established he is not guilty and the State didn't even try to prove otherwise.

I would lean on the judge this way. He anticipated that the case would go up on appeal and he could have had other court-reporting arrangements. At this point we could not care less what he likes or dislikes. And it is unconscionable that he has so many prisoners rotting in jail simply because he has seen to it that there are no transcripts for appeals.

There is no reason not to wonder whether Jackson is taking a page from Gregory's book. His public record indicates it would be in character, as has his total detachment from the case even after Conyers interested him in it when "Frame-Up" came out.

There likewise is no reason not to assume that he and Abernathy are not in real sympathy with each other. I would assume that Jackson gets and will continue to get more attention and that Abernathy now has a small mass following. However, if he is the one of the two who has less mass influence, he remains the one who can be more helpful to us because our need is not influencing what people in general think. Rather is it in reaching the minds and understandings of others who can be of help. With the black establishment and particularly with the King family and closer friends there is little doubt in my mind that Abernathy means more.

We need do nothing except not make a mistake in what we say. If we are asked, now or later. There is no need to curry Jackson's favor nor to disagree with him publicly.

If and when there is a trial we can have some use for him, and I mean as a, seriously-intended witness. There are things I know he can testify to but I don't want to make any mention of them to anyone, including him, in advance on interviewing him on tape in order not to run the risks of what can happen on cross with a witness so publicity-prone and especially after this irresponsibility.

Best,