

Draft of proposed letter to Les Midgeley

MS

On the CBS morning TV news of Friday, September 12 you described James Earl Ray, my client, as "the assassin" of Dr. Martin Luther King, Jr.

With CBS now preparing a "special" on political assassinations, this can be taken as an advance indication of partisanship and bias, as can other recent CBS reporting.

Factually and legally Ray is not "the assassin." He did enter a technical plea under enormous pressure and threats that he would be killed if he didn't, as CBS covered and reported twice. That plea was not to being the killer and Ray made it clear during the guilty-plea hearing that he was not admitting this. More recently there was an evidentiary hearing at which Ray publicly denied having been the killer and with CBS constantly present his defense put on an uncontested case that Ray could not have done the shooting.

There is more potential harm from this kind of inaccurate and not biased reporting right now because, as CBS also knows, Ray is appealing to the sixth circuit court of appeals. The drafting this appeal has delayed my writing you.

Dan Rather is conducting ~~the~~ interviews for this "special" on assassinations. On his ~~Saturday~~ Saturday, September 13 Evening News show, not by him personally, in reporting of President Ford's visit to Dallas, Lee Harvey Oswald also <sup>was</sup> described as the JFK assassin. The exact language/was "the building where Lee Harvey Oswald accompanied a picture of the Texas School Book Depository Building waited for JFK 12 years ago." This represents a CBS News conclusions in advance of the completion of what is represented as an impartial investigation of its own.

Where there has been ~~no~~ no trial - and neither of your accused was tried - and where there is an appeal, limitless variations of traditional references to those accused of crimes were possible. I regret that in both cases CBS elected to report conclusions as fact when in one case it certainly is not and in the other is at least subject to the most serious questions. I regret this even more because these are issues on which the country has been torn apart and because they are consistent with my personal experiences in CBS' preparations for its coming "new look" and supposedly impartial reporting on these assassinations.