

Dear Jim,

9/22/75

Enclosed is a copy of my today's letter to Herb McDonnell.

As you know, the only reason I agreed to be interviewed by CBS on any level is because I feared not doing it would be adverse to Jimmy's interest. As you also know I did not see Leiser the first two times he asked me to see him. I reported to you that when he did come here, ostensibly to prepare himself to prepare rather to question me, he didn't bother to take any notes and didn't ask me the kinds of questions my own professional background tells me he should have asked.

The CBS move in court of which you learned only by the service of court papers only yesterday, a Sunday, in my belief is diametrically opposite the interest of Ray's defense.

It also confronts me with other ethical questions for which I will not now take time.

The combination of these and other factors - one of which is CBS' total disinterest for eight years and now an interest that aside from any political content it may have is clearly commercially motivated - also makes me have doubt about the intentions of many involved.

So, I am writing to tell you that I will be writing CBS and declining to appear on the show for reasons I will specify.

While there is no letter that those with the disposition to do so cannot misrepresent, I will make some of the reasons a matter of written record.

Had I declined prior to CBS' making of this record that would have risked endangering Jimmy's rights. However, with this record CBS' misrepresentation of my reasons will have to be deliberate.

They have you on tape already. You are not in the same position. They do not have me on tape.

When there is time I would like to go over all the papers served on you. Some of the items you told me about give me still other questions. But there is no rush on this. We both have other more important things to do now. Only if you have to make any further presentation to a court before you finish the appeal and send it off would I want to study this file sooner.

Sincerely,

Rt. 12, Frederick, Md. 21701
9/22/75

Mr. Dan Rather
CBS News
2020 M. St., NW
Washington, D.C.

Dear Mr. Rather,

The week before last I agreed to be interviewed by you for the King/Ray part of the coming CBS special on assassinations.

I write you ask of all the CBS people I could because I want you to know that my refusal to be interviewed has nothing to do with you, personally or professionally. As you know, we have never met or spoken to each other.

What CBS has done confronts me with a conflict of interest and doubts about the motives and purposes of others, not you.

I am Ray's investigator. My primary obligation is to serve his interest as I see it. To date I believe I have, and at personal cost. I have never exploited him, have refused to when it would have helped me and I am not going to change now.

Forty years ago I was a professional investigator and a reporter. I have professional experience as an intelligence analyst. And I have spent thousands of entirely unpaid hours on this case. The combination of these and other experiences is what forms the beliefs that determine my decision. I think you know that when I am a very small and unfinanced publisher appearance on CBS would be commercially beneficial to me. From this I hope you can understand that my decision is based on principle, on ethical grounds, not self-interest.

CBS has initiated a move in court that I believe is seriously adverse to Ray's interest. I will discuss these with you off the record, if you want, but I'd prefer that this be after the airing of your show. I also regard the conditions under which CBS took this move with some doubts and questions. This alone would be enough to cause me to have nothing further to do with this project.

Of what preceded this there is one incident of which I think you should know. Ernest Leiser came here to see me ostensibly to prepare you for interviewing me. He did not conduct what I regard as either an interview or a preparation for an interview and he did not engage in what I would regard as an effort to learn what kind of person I am, what my background and experience are - anything I regard as proper to the represented purposes of his coming here. Martin Waldron was here for most of the time Leiser was and I have no objection to Martin's telling you anything he may want to of what he heard between Leiser and me. This ranged from Legler's misrepresentation of what I said to arguing the prosecution case and not as devil's advocate. I consider him a partisan, not a dispassionate reporter or unbiased seeker of fact.

Prior to that, if subtly, Leiser had undertaken to blackmail Jim Lesar based on an inadvertent error in the interview with you in an effort to get Lesar's approval for a CBS interview with Ray that Lesar, as Ray's counsel, believed was not in Ray's interest. Consistent with this when he was here Leiser actually argued with me that in the evidentiary hearing we should have done what we regarded as improper and irrelevant to that proceeding and have thrown away evidence I am preserving for the trial we seek. With Leiser the writer, I have to have doubts about what this show is going to be and what it can mean to Ray's defense.

Sincerely,
Harold Weisberg

Rt. 12, Frederick, Md. 21701
9/22/75

Mr. Herbert McDonnell,
Laboratory of Forensic Sciences
Box 1111, Corning, N.Y. 14850

Certified-Return Receipt

Dear Herb,

Your appearance in the Ray case as a defense witness was based on my investigation and analysis, which your examinations confirmed. It is I who first asked you to be this expert witness, based on my confidence in my own work and the reports I had received of you.

I now find that whereas you would not give me a set of prints even though I am the investigator for the defense in this case that you have made them available for commercialization by CBS.

I find this unethical on several grounds, one being that what CBS has already done is diametrically opposite the interest of the defense.

As a criminalist you should know that yours is but one part of a case and that cases are often decided other than they should be and without regard to what should be the controlling factors.

However, I am shocked at this kind of professional attitude and conduct and that you would do what could jeopardize a man's rights and the case. One of my purposes is to be certain the facts as reported to me are true, as they seem to be without reasonable question. Another is to let you know how I feel. Still another is to remind you of the protective order of the court.

If after all of this you are willing to do what I think you should have done to begin with, give the defense investigator a copy of those prints, I would like one.

Sincerely,

Harold Weisberg