

October 19, 1975

Esther Kartiganer
CBS News
524 West 57th Street
New York, N. Y. 10019

Dear Esther,

I am writing because I will be out of town until Tuesday evening. Harold was scheduled to give a speech at the University of Wisconsin--Stevens Point on Monday but he is in the hospital with phlebitis, so he asked me to substitute for him. I am ill-prepared for it, but have agreed to do it.

I have been under severe time pressure for a long time. I finally did get the Ray brief mailed off Thursday. But in the five days before that I only got about sixteen hours sleep, and the last 48 hours I had less than four.

I will be happy to talk with you after I return from Stevens Point. But you should be aware that I am just as angry about what CBS is doing (and has done) as Harold, perhaps more so.

To focus on just one issue, I am opposed on principle to CBS's attempt to examine the ballistics and windowsill evidence. Secondly, done at this time and in the manner proposed by CBS, such an examination is not in Ray's best interests, so I am compelled to oppose it. This costs me time and money which I can ill afford to spend. During the past three months May and I have nearly exhausted our savings account and we still owe the hospital \$1,000 for Jennifer's birth. I have the prospect of earning some of the money needed to support my family, but the Ray case, and now the CBS intervention in it, have delayed that, which increases the pressures upon me very much. [While it is a minor matter, I am reminded here that your colleague, Mr. Birnbaum, promised two or three months ago to pay me for a special trip I made downtown to rush him a copy of Whitewash IV. I'm sure he's just forgotten about it. I'm also pretty sure he wouldn't have forgotten about it if I had been an attorney for the Department of Justice. And I don't see why the hell I should have to write him about his obligation.]

We did talk about the evidence bullet and the window sill. My recollection is that the only talk about a CBS ~~suit~~ was one under the Freedom of Information Act for the FBI's ballistics reports, photographs of the window sill, etc. That would be a meaningful

way of obtaining basic information about this evidence. I am not a ballistics expert, but it occurs to me that the proposed CBS examination presumes some facts which I, as Ray's lawyer, am not prepared to accept without access to all of the relevant FBI materials and the opportunity to cross-examine Agent Frazier about them: 1) that the bullet in the Clerk's Office is in fact the bullet removed from Dr. King; 2) that this is the same bullet examined and tested by Frazier; and 3) that the bullet has undergone no change or deterioration since Frazier made his examination. Without these minimal facts being established, any examination is, I would think, meaningless in evidentiary and legal terms.

I do have other questions. I note, for example, that Lowell Bradford's resume lists him as a manager with Systems Sciences Company, Planning Research Corporation, McLean, Virginia. Did CBS ascertain whether this corporation has any ties to the CIA? If so, what did CBS find out?

I am sure CBS has spent a rather large sum of money to hire its lawyers. I don't know whether the lawyers gave you their frank estimate of the chances of success, but I have given them mine. I think the chances are very slim that any Tennessee judge is going to let CBS conduct its proposed examination. If the unlikely happens, I have told Mr. Allen that I will go into federal court to get an injunction. Unless something very unusual happens, this means that CBS has no way of conducting its examination before November 30th. Proceeding under these circumstances is simply a waste of time and money for CBS--and for me.

I do welcome your call. I don't mean to be personally critical of you. I think you're a fine person. But if CBS continues on its present course, the going is going to get rougher.

My best regards,

Jim