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Greetings

At 2 a.m. In the convoluted life I lead mostly from sleep ~~apnea~~ apnea none of the treatments for which is safe for me I was up and around a bit four times in the course of getting less than six hours of total sleep. When you phoned I'd been asleep about a quarter of an hour. I dozed off once when speaking, as you probably noticed. I'll wakened by almost immediately, so perhaps you did not notice. However, I think I recall fairly clearly what I may not have made as clear to you as I wanted to.

While I knew only the format of the trial of James Earl ~~Ray~~ show when Bill Pepper tried to hire me for it a year ago from the Thames TV side of that joint production, what you phoned about is the kind of thing that prompted me to decline that fee and to decline to be on the show. <sup>It's</sup> The net effect was to mislead and confused the people even more.

From what I've been told the use of Ed Redditt that had the same effect. He was a black Judas. He was not in the firehouse for King's protection. He and Willie Richmond were there to spy on King and to <sup>spit</sup> leave and record who saw King while in Memphis.

You said that the Ray defense produced two city detectives who were present at the autopsy and they both said that they saw the coroner, Jerry Thomas Francisco, cut a full and not severly damaged <sup>bullet</sup> (out from underneath King's shoulder. And you also referred to the recovery of three fragments and of the dispersal of a path of fragments from King's jaw down into his body.

I told you that I had examined some of the autopsy pictures and remember one quite clearly. It <sup>is</sup> shows the back of King's body, from about the waist up, <sup>only</sup> and a single bulge down on the back, below his left shoulderblade. One of the means I have of remembering that particular picture is that your pisspoor apology for a man <sup>or</sup> a human being, Judge Robert R. MacRae, refused to let Ray's defense have a print of that picture to consult with and show <sup>to</sup> an expert witness for his testimony. That <sup>AG</sup> Oreño, assistant state ~~at~~ Haines, actually represent <sup>ed</sup> to the tolerant Mac Rae that we really wanted a picture of human nakedness and that is what MacRae decided on <sup>at</sup> the spot. Haines interrupted a trial to take that issue to him. I could not say a word.

Each time I was up after we spoke this came to mind. I have to sit for about 10 or more minutes when I am wide awake before returning to bed and prompt sleep, so I thought about this each of those times.

I have very serious problems crediting those two detectives. I do not mean to suggest that they had reasons for lying, not that they had been paid or anything like that. But I do believe they were not correct and may have, after all these years, confused that autopsy with another one. I know there were police who believe Ray was not guilty. Through a ranking police official I'd still better not identify I had a number of Ray's guards in that specia

jail ~~tr~~ak in which he alone was confined who were willing to testify at a trial as character witnesses, some on tape, each saying that after ~~being~~<sup>being</sup> confined with him for all those months they were certain that he was ~~not~~<sup>not</sup> capable of the crime charged.

The problems I have crediting these two detectives relate to what we have reason to believe and the impossibility for other reasons of what they alleged.

There is unanimity from many witness that there was but one shot. The picture of King's back that I saw, taken on the autopsy table before he ~~was~~<sup>was</sup> cut, showed no blemish at all and no cut, of course, with but a single raised place on it, where the fragment Francisco said he recovered came to rest, just under the skin. One such place only. With witnesses to the removal of the fragment in evidence, the fragment I examined and then had the criminalist I asked to be our expert witness to examine in Pubba Blackwell's office. He examined it with his microscopy microscope and photographed it ~~will~~<sup>while</sup> I kept that last clerk of the court appointed by Boss Cramp as occupied with other things as I could so there would be no interference.

From the autopsy report and what other information there is going along with but a single shot being heard there is but a single entrance wound. <sup>"</sup>his seems to mean that for these ~~two~~ detectives to be correct there were two simultaneous shots impacting at the same time and at the same point, with part of ~~one~~<sup>one</sup> recovered officially and the entire other ~~was~~<sup>one</sup> unofficially seen to be recovered. Not very likely.

My recollection of the details of the autopsy protocol are not clear after all these years but I am clear that the mandible was the point of impact and not clear on impact on any other bones. But I believe that unless a bullet with a hardened jacket is what those two detectives say was recovered it would have had to have been severely mutilated from impact on that bone. This is not the description of it I recall your giving me.

The fragment recovered was of a Remington ~~40~~ Kore-Lokt, hollow-nosed hunting round. I have the catalogue and if you'd like I'll dig it out and send you the manufacturer's description of it. Remington described it as the greatest mushroom of ~~them~~<sup>them</sup> all, referring to how it is designed to expand like a mushroom and thus inflict a more ~~certainly~~ fatal wound on the animal hunted.

You said they ~~grferred~~<sup>grferred</sup> to copper-jacketed bullet. The jacket on the one part of which is in evidence is silver colored, not copper colored. It had a very thin jacket so that along with its hollow nose it would rupture and expand more readily. That kind of bullet ~~cannot~~ impact and be undeformed, even without striking bone, I am certain. So it could ~~not~~ have been that kind of bullet that the detectives ~~show~~<sup>show</sup>. Moreover, why would an assassin ~~use~~<sup>use</sup> a less ~~fatal~~ fatal bullet, one that does not deform? Inconsistent with intent to kill.

Then there are the ~~fragments~~. Where could they have come from with these two detectives saying that the bullet they saw was intact and relatively undeformed? It could not have deposited the fragments that were along the bullet's path in the body, could it? Intact and

yet depositing fragments? The one in evidence is about a third of a bullet, the part not intended to mushroom and fragment, the butt end.

Moreover, as I told you after asking how many wounds were alleged in the jaw and throat, the fatal bullet did explode, so to speak, the very instant of impact, as intended by design, with some of it causing the severe separate wound in the neck. As it exited it literally tore the tie apart, taking tissue with it. This could not have been done by the bullet the two men say they saw removed.

That it was metal causing the tie to be torn apart, not bone, is established by the FBI's spectrographic analysis of the edges of the ~~torn~~ tie and I think the shirt collar. I have those test results.

For the bullet these men say they saw removed to have left metal deposits on the tie it would have had to have hit that tie. Had it done that it would not have been in the body to be recovered from it. And there was the quite visible hump of the skin at the point from which the fragment was recovered. This would have had to be the point from which the alleged entire bullet was recovered, so it could not have exited the throat to blast the tie apart. And if it had, what accounts for that visible hump and whence came the remnant ~~of~~ <sup>in</sup> official evidence?

Perhaps there is more but I'm not trying to recall it. I believe this alone reflects what I feared to begin with. Pepper has destroyed what value his project could have had by using this most dubious testimony. If officials ever have the need to respond, have I not ~~given~~ <sup>given</sup> you enough to see that they'll destroy what he presented?

I do not attempt any amateur shrinkery on Bill Pepper. He is, without question, at least a competent and experienced attorney. I think much better than an average lawyer. He knows there was an evidentiary hearing and that we have the transcripts of all of them. They are also in the office of the clerk of the federal court in Memphis. So I think I told you I got an intelligent college senior to do the searching and copying of any of my records Bill wanted. I did not supervise or observe in any way what she did, what she retrieved and sent him. He had unrestricted unsupervised access to anything I have.

You were at the evidentiary hearing, as I'd forgotten. I did remember Kay there. You saw and heard the evidence I got and Jim Lesar did so good a job of <sup>with</sup> under the most trying circumstances. We did exculpate Ray and I did not begin to use all I had gotten. The sole purpose was to address effectiveness of counsel. That was my idea of addressing how the country's then most famous criminal lawyer did not render effective assistance to his client. It was unconscionable of MacRae to hold in the light of the evidence I gathered and Jim presented that Foreman had rendered effective assistance. (That was the part I handled. Jim handled the law in our preparations. Fensterwald was on vacation in Europe!) You know we destroyed pretty much the entire case and that in order to deny Ray the trial, after we literally exculpated him MacRae held that guilt or innocence were not material to

what was before him. To make the case it was not necessary to disclose all my investigation turned up. There was more being saved for the trial in the ~~event~~ <sup>event</sup> that by some of the omnipresent corruption the evidence used at the hearing could have been negated at trial. But is it not reasonable to ask, and to wonder why, with this solid evidence already tested under Wigmore's remarkable engine of cross examination freely available to him Pepper went for the tinsel that tarnished as soon as the fresh air of examination touched it?

Why if his sole purpose was to defend Ray and try to get him a trial did he not use what was proven to be solid and had been tested? Do you not remember that we proved even that the shot could not have been fired from that window under the officially alleged conditions? And that Haile did not make much of an attempt to deny that with the remnant of bullet and the rifle to test rfire our criminalist said under oath that if he were permitted to recoved specimens for testing yhe would have attested unequivocally that that particular rifle had or had not ~~if~~ fired the remanant recovered from the body?

Remember how I proved that Jimmy was not even there when the shot was fired? What is wrong with that kind of evidence for Pepper's alleged purposes?

Of course I can make a guess that is not reading Pepper's mind. As I understand it the only way Jimmy can get a trial now is by the new <sup>route</sup> evidence route. ~~We~~ <sup>He</sup> can pretend that those two consititute new evidence. He won't get far with it, though.

Nor is that likely to get Ray a pardon.

So, was this program really in Ray's interest? Or had it other purposes?

Was it in the interest of belated justice?

I'm sure the audience was excited and that the "jurors" were really impressed.

But this does not provide the basis for getting Jimmy a trial when the law has to be met for that to be ordered.

I have no address for Bill <sup>P</sup>epper in this country. I have his British addresses. I'd like a copy of the script for archival purposes. Would you please phone him and convey this request to him?

Of all the many impedimets to doing something about the dishonest official treatment of the assassinations perhaps the greatest of the many curses has been all the theorizing substituted for fact and reality. I have seen many FBI records in which it makes its selection of these theories and destroys them and then circulates memos inside the government saying you ~~will~~ <sup>will</sup> see, all these people do not know what they are talking about and ~~times~~ <sup>times</sup> proves that only we were ~~corrc~~ <sup>corrc</sup> correct. That is very effective inside the government. Pepper's using Redditt the fink and these two detectives is all the FBI, for example, needs to wipe out any ~~benefit~~ <sup>benefit</sup> from the show ~~and~~ <sup>and</sup> the government.

Then, too, is not hope raised when there is no basis for hope that is raised? Does that also not further disillusion those who care? Thanks and best wishes,

*Heath*

In reading and correcting this I am reminded that I asked you last night why these two men had not come forward when it might have made a difference, could have had some significance, at the time of the evidentiary hearing.

I refer to a source high in the police department. I also had as a source the brother of one of Canale's assistants. Canale was not the AG then, Stanton, Jr., was. But this man and I spent a little time at lunch one day and he told me that the AG, I presume through the police, had Foreman's suite at the Peabody bugged.

You also said that Pepper used Earl Caldwell, whose room was just north of King's, to testify to what he regarded as a louder noise than he expected from a bullet. If that has any meaning, and I do not think it does, it cannot mean that the one shot was fired from other than in front of King and the two detectives did not testify to any extraordinary bullet on the <sup>show</sup> ~~show~~, did they? Why would a normal bullet require a powder charge greater than standard for a shot so much shorter than the range of a bullet in all the stores? Besides which, those rooms had only one door, facing the direction from which the shot came about 200 feet away only. The sound that entered Caldwell's room had no where it <sup>could</sup> go. That might have magnified the sound a little but not as much as you indicated Caldwell indicated.

I do not see any purpose in having Caldwell say anything like that and would have edited it out.

Whether the alleged threat against Redditt, which was from the Senate Internal Security which said it got it from a source in Mississippi, <sup>was real</sup> ~~was~~ actually reported. This being the case, what was wrong in insisting by the police that their threatened spy be placed where he would be safer? They had the other spy, Willie Richmond, there anyway.

This is some of Mark Lane's crap. He made a hero of the informant Redditt who made his living informing on his fellow blacks with a community relations assignment his official police role. All the blacks knew it and disliked him for it. He was at the airport when King landed and the complaints were so many and so strong the high-level police (instead of young and able cops) who were the official guard had to send him away. The King party also did not want them, either, and in the end they left.

Pepper may have pleased and excited his audience and the show may have been good p.t. for Ray but I do not see how it can do him any good.

It can, however, have persuaded those officially on the case that the Ray defense has nothing at all new and that there is no reason for a trial. Which has to be a judicial decision in any event. ... Maybe my attitude toward the good from TV is prejudiced. I decline to appear with some regularity, most of the time. I did last week. CNN phoned and asked me to be on what I take is a Jesse Jackson show. (We do not have cable.) I declined. They said they'd send a limo. I explained that did not alter the danger to me in any travel. When the woman persisted I told her I'd be in Baltimore that morning and could be driven to a studio in that city if they like that. She said she'd check and I'm glad not to have heard from her. There are, of course, times when I can see good in the proper use of TV. With a book to sell, or when the format persuades it will be good and serious, not the trivia and trash.