

Dear Jim,

3/3/76

Here is a draft of a tough non-lawyer's letter to finking Freeman's counsel. I suspect Freeman has misgivings or has felt the flack.

I may not read it before I mail it in the morning so I can clean up today's work because I'll be gone part of tomorrow and I can't now let it accumulate.

You and Bud remember that I'm going to signing this, not one of you, so don't be afraid of toughness. With his record Freeman is not about to do this voluntarily. If he is aware that he can be hurt more by not doing it, and if his lawyer is, he may be more willing to be cooperative.

I do not think he will want any publicity telling people he gives his files to the FBI. I think if his lawyer is half a lawyer he'll see this.

My understanding of the contents is that all in all it is quite favorable to Jimmy.

In some ways it was quite extraordinary, the whole thing.

His opinion is that Jimmy is not a violent man and did want to better himself as straight society sees bettering.

Kabak phoned at this point. He'll do some hotel checking for me.

Best,

Draft of alternative letters to Marvin Greeney loeb and Loeb

Dear Mr. Greene,

of February 17, 1976

Your letter to Mr. Bernard Fensterwald, chief counsel to James Earl Ray, reports that Dr. Mark O. Freeman will not "divulge any information with respect to his professional consultations with Mr. Ray" without Mr. Ray's notarization of the request.

I am the investigator in this case. I presume counsel made the request because of what I reported about this:

That Dr. Freeman had divulged precisely this information ^{to the FBI} /without any statement of any kind, notarized or otherwise, from Mr. Ray;

That Mr. Gerold Frank displayed a copy of ~~the~~ ^{the} FBI report or reports to Dr. Freeman when he interviewed Dr. Freeman;

That more recently in speaking to the press Dr. Freeman commented freely on both these matters and added much from his recollection and files.

My source is, I believe, unimpeachable. He had ~~discussed~~ ^{sought} my opinion of the kind of person Mr. Ray is and found that Dr. Freeman completely confirmed it. I have probably spent more time with Mr. Ray than anyone besides his captors.

The disparity between refusing Ray's counsel and defense privileged information freely made available to his prosecutors is, I think obvious. So is talking when writers who are publicly known not to be friendly toward Mr. Ray and in fact do not want him to receive a trial. (He has had none.)

If you will also discuss with Dr. Freeman what he thinks Mr. Ray's reaction would be if he were asked ~~to authorize this~~ to authorize this I am confident that if his records are full and his recollection clear he will say it will lead ~~him~~ ^{Mr. Ray} to mistrust his defense. However, the defense owes Mr. Ray the obligation of the best defense possible.

I personally know what Mr. Ray's reaction will be from having broached a similar proposal to him. I believed that there would be efforts to break Mr. Ray's will once he started appealing seriously with a pro bono defense willing to make a vigorous effort. Because I have a friend who is a psychologist who runs a clinic I thought it would be good to have a dependable examination before this campaign proceeded farther. Mr. Ray would have nothing to do with it. However, my fears materialized. There was never any

basis for it but Mr. Ray has spent most of the past more than seven years in solitary confinement. The last period was in a cell so small in which he could not take three steps. It had a single 10-watt bulb in it. During this period, again illegally, the State of Tennessee and the Department of Justice combined to shift Mr. Ray to the federal Springfield institution. Fortunately I learned about it in time to prevent it. (I believe the purpose was to have federal psychiatrists report two months later that Mr. Ray was not able to stand trial.)

If we succeed in getting a trial it had been my purpose to ~~xxxx~~ recommend to counsel that Dr. Freeman be considered as a witness. I know what he reported and I know it could be helpful to Mr. Ray and that Mr. Ray's counsel should have that information. Particularly after it was made available to ~~xxx~~ prosecutors and the unfriendly media.

And

There simply is no case against Mr. Ray. ~~xxx~~ the pressures to prevent his getting a trial are incredible. Because I did the investigating, the Assistant Attorney General of the State of Tennessee threatened me openly. He used language that I have traced to CIA files I have obtained. In my own actions under the Freedom of Information law, in two suits, I have obtained from the Department of Justice what in court would be totally exculpatory evidence. I do expect more from the case on which there will soon be a calendar call but as of now this has given me formerly suppressed FBI evidence proving it could not connect the fatal shot with the so-called Ray rifle, which is an understatement of the reality. It could not have been fired by that rifle and was not.

I could go on and on. If you would like to read the brief on appeal to 6th circuit, where some of this is included, we'll be glad to send it to you.

My own belief is and always had been that the closer Mr. Ray gets to a trial the greater his danger. I also believe that anything relevant to his defense not in the possession of his defense adds to this danger, particularly when it is possessed by those who want him not to get a trial and will be mortified by the results of any trial. Believe me or not there isn't enough to go to a jury. Why else do you think in a political

case of this nature government would not rush the case to a jury and try to quiet the great dissatisfaction on this subject and end Mr. Ray's efforts once and for all?

If you doubt my credentials on this I'll be glad to send you a copy of the Department of Justice's certification to federal district court in Washington that I know more about this sub^{ject} than the FBI.

Superficially your letter states a proper legal and medical position. Actually, Dr. Freeman has already breached that confidential relationship with the result that everyone except Mr. Ray's defense knows whatever he has said and his records show.

In addition, while getting out of solitary has made some improvement in Mr. Ray, to my observation, while his unconscionable conditions of confinement did much less harm to him than the NIH study on this subject would lead one to believe, it has had seriously adverse effect on his way of thinking and his attitudes. These are the kinds of things I am confident Dr. Freeman will tell you he is entirely unaware of ~~xxx~~ and can't safely be discussed with a man who by nature is not trusting.

So, I hope you and Dr. Freeman will seriously consider what I report and that, subject to the confidentiality those to whom ~~Mr~~ Dr. Freeman did not keep (if he asked it) you will make all possible information available to the defense.

If you do not I'll have no choice but to amend my current suit, if my lawyer tells me it does not include it. If you are familiar with this law you will know that any use constitutes a waiver of immunity. I would rather not having to consider this course, particularly not because it might attract public attention and the document or documents would also be available to all/ if, as I believe likely, I get it by court action.

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February 17, 1976

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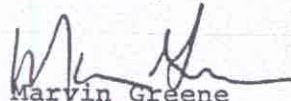
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Dear Mr. Fensterwald:

We are counsel to Dr. Mark O. Freeman who has referred your letter of February 5, 1976, to us. Before Dr. Freeman will divulge any information with respect to his professional consultations with Mr. Ray, he must have a written statement from Mr. Ray authorizing Dr. Freeman to discuss Mr. Ray with you. Because of Mr. Ray's incarceration, I would request that such statement be notarized or otherwise authenticated.

Cordially,


Marvin Greene
of
Loeb and Loeb

MG:dm

cc: Dr. Mark O. Freeman