

HAROLD WEISBERG

7627 Old Receiver Rd.
Frederick, MD 21702

4/27/98

Hon. Albert Gore, Jr.
Vice President of the United States
Executive Office Building
Washington, DC.

Dear Mr. Vice President,

When you were a reporter on the Tennessean you wrote a story on April 23, 1973 that included James Earl Ray's complaints about being kept in solitary confinement. I was at that time and for several years thereafter Ray's investigator. I came on my copy of your story while making some of my records available for copying for two colleges. Coming on this copy of the (fair) story you wrote is coincidence but it suggests to me that I ought convey to you concerns I have about what may in time reflect badly on this administration and in the end, very badly, on the country.

I am aware, in general at least, of the current position of the King family and in general of the basis for their position. I can see how the FBI can cast enough doubt on that to lead to the administration's dismissal of their request.

The existing record that is little known, and ^{is} ~~mean~~ official records and court record, are more than enough to justify, belatedly, another look at the official investigation of the King assassination. However, if it is done as President Johnson did when President Kennedy was assassinated, it would be better not done. *(Please excuse my typing and writing. They can't be any better.)*

The dissatisfaction with the official investigations is one of the greater causes of disenchantment, particularly with the government. If there is another unsatisfactory official investigation, that would make this lamentable situation worse.

However, and this should be understood, there can be ~~a~~ no genuine, no honest investigation that does not reflect on the FBI and Justice Department in particular. They extradited Ray in violation of the extradition treaty, procured it by perjury and its subornation, and they were not able to connect Ray with the crime in any meaningful way. They could not place him in Memphis at the time of the crime and the large fragment of bullet removed from King's body could not be connected with the Ray rifle. That rifle, from other evidence, could not have been used in the crime other than as part of a frame-up. It was dropped to be found before the shot was fired.

Your news story reports that Judge Morton had held that Ray should not be given a trial because his coerced, no question about it, coerced, guilty plea was voluntary. His then famous lawyer, Percy Foreman, who got his kicks from

hurting people, was crooked and stayed out of jail by doing favors like putting innocent people in jail. Like Ray. I enclose a letter from a lawyer I was helping. His client was put away by Foreman for \$100,000! The law professor to whom I referred him had taken up an appeal Foreman had refused to handle for an innocent man Foreman had gotten convicted to "solve" a drug case for the government.

I conducted the successful investigation for the habeas corpus petition. That got us an evidentiary hearing which lasted two weeks. I conducted the investigations for it, located and lined up and prepared witnesses, and I have, as the Justice Department should have, copies of the stenographic transcripts. They are part of a permanent and official record. The evidence I produced, only suggested above, was not refuted. No effort was made to produce refuting testimony. The situation was such that no judge could hope to continue to live in Memphis, if he could have hoped to survive, if he granted Ray a trial. And as you may know, judges can and do decide contrary to the evidence. Judge Robert McRae's decision against Ray getting a trial included his statement that "guilt or innocence are not material to what" was before him. That was literally true but it also indicated that what I did, what I gathered and we presented, under oath and without refutation, was exculpatory. The issues were effective assistance of counsel and knowingness and voluntariness of the plea.

No matter what the government does or does not do about this it will be subject to criticism. Those within the government to whom the administration can turn for information have their own involvements, their own records to live with and to protect if not to hide, You can't get the truth from the FBI or any involved part of the Justice Department and they'll malign anyone else to whom the administration might turn. Me in particular. I have a large collection of official lies, libels and inventions that ordinarily cannot be answered. But if there is any interest I certainly can and can document. That is one FBI way of answering criticism, as I know from, among other things, its records I have obtained in a long series of FOIA lawsuits by means of which I obtained hundreds of thousands of pages of its and other records.

I seek nothing from this and I do not write it for any later use or misuse. I want to be helpful while that is still possible for me. I am 85 and have been on borrowed time for some years, I can't offer to go to Washington to be seen or questioned by anyone you might want to do that but I am willing to be questioned, with whatever kind of record might be desired, and I assure you that I can document what I'd say.

Philip Hirshkop of alexandria (at least in those days) ^(knows about) kept Foreman out of jail when he, Hirshkop, represented Hunt. I doubt he could talk to you ethically about this but the ^{news} papers at the Library of Congress will confirm that Foreman did not go to jail.

And ^{the} ~~the~~ lawyers he succeeded were little better.

In the rhetorical question Senator Kennedy was ~~not~~ asking to see to it that the legislative history was clear, ^{my} case he refers to was against the FBI. It was for the ~~same~~ results of the scientific testing in the JFK investigation, imagine having to ask for that, that it was not all disclosed voluntarily! Worse, I not only caught the FBI in perjury, I put myself under oath to allege it to the court, to make perjury the issue. The FBI's "defense," and I can provide it, is that I could make such allegation ad infinitum because I knew more about that assassination and its investigation than anyone working for the FBI. And they got away with it, judges knowing full well what they can do and do do to those they do not like.

So, they will have nasty things to say about me and I will, if there is the occasion, respond to them.

Whatever the administration does or does not do can give it problems. It is not my intention to add to them and I will not. But I do think that before the administration decides what it will do it should be as well informed as it can be. There I can help and I do offer to.

I do hope, too, that the administration can see its way to doing what I think can do much to restore confidence in government.

Sincerely,



Harold Weisberg