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Dear Joy,

After speaking to you this morning about Herbert MacDonnell I was reminded of an interesting and amusing incident when as Ray's investigator I asked him to be our forensic expert at the evidentiary hearing of I think 1973. I have the stenographic transcripts and they will be at Hood.

As also happened in the "Bloody Harlan" case when the DJ borrowed me from the Senate to assist in that prosecution, where there was no field office, hotel, and motel rooms were used for the conferences.

When MacDonnell arrived in Memphis I left the courtroom and took him to the office of the clerk of the county court where all the case records were stored. He examined what I asked him to examine, the remnant of bullet removed from Dr. King's body and a few other items of evidence of which I remember the windowsill on which the rifle allegedly was rested.

As of that time in his remarkable and oft-honored career most of MacDonnell's consultations ^{and} as use as an expert witness were for the police. As the police developed their own forensic evidence staffs the percentage of his work for police decreased but it remains close to half. However, he knew enough about the police to have well-developed suspicions.

To interfere with his concentration on his microscopic examinations and picture taking, efforts were made to engage him in conversation. I was able to come close to eliminating that by engaging the clerk of the court and the assistant state attorney general in conversation.

When MacDonnell finished, he put the roll of 35mm film in his pocket and excused himself to go to the bathroom. I told him I'd lead him there. When we got there he said "I'm not taking any chances" and with that withdrew a roll of lead foil from his jacket pocket and wrapped it around the film so that nothing like X-rays could be used to ruin them.

As we left to walk back to the courthouse, as soon as we ^{were} out of the building, he said, "I wish I had specimens this good in most of my cases." As he knew, the FBI had sworn that the bullet fragment did not have sufficient marks of identification and on that false basis made no effort to determine whether it had come from the alleged "death" rifle. And the next day his testimony ^{was that} given this bullet fragment and the rifle with which to fire bullets for recovery, I can positively testify to whether or not the bullet was fired from the evidence rifle."

Back at the courtroom he sat in the audience and I returned to the counsel table for the rest of that afternoon's hearing. I passed a note to the lawyers reporting the

results of his examination. After supper that was as I now recall in the dining room of the Albert Pick Hotel in which we were staying we went to my room to plan his testimony out, to ~~be~~ hear what he could testify to and for him to hear the questions he would be asked. He had asked to see the crime-scene pictures I'd collected, I showed them to him, and he immediately exclaimed what was obvious and I'd said in Frame-Up, that for the rifle to have been fired as in the official explanation of the crime it allegedly was Ray with part of his rifle would have had to have been partly inside the bathroom wall. It was alleged that he had fired from the communal bathroom of that flophouse.

Because the sole purpose of that hearing was to get Ray the trial he'd never had I disagreed with his testifying to the above because I believed it would not be necessary and I wanted the focus on the evidence to be limited to what, one of the issues being ^{ed}litigation, whether Ray had had the effective assistance of counsel. But all the others. MacDonnell included, and he was the forensic expert, decided to have him testify to the impossibility of the shot because the body would have had to have been inside that wall. And ^{it}was effective testimony. But there were two problems from it. One was that it tended to obscure the ^{of}most basic of all evidence, that the bullet had not been fired from the so-called Ray rifle. And the other was what was amazing, the extent to which the assistant attorney general was prepared for it. He knew all about

the discussion in my room and he engaged in lengthy diversions and digressions ^{about} ~~about~~ cameras and lenses and ~~rifles~~ and the like. MacDonnell did testify with my picture as his basis for that testimony.

Or, my room was bugged. We not only expected that and ignored it but when a local criminal lawyer came to speak with me he made a cursory examination and although finding no bugs he took me outside for our conversation.

MacDonnell was well able to withstand the onslaught of the State lawyer, Henry Haile, whose customary personal attacks on adversaries soon led to his being fired, but all the attention was to that and the proof that the bullet could not have come from the rifle allegedly used in the killing was largely ignored by the media and it was entirely ignored by the judge.

Remembering how well MacDonnell survived that uninhibited personal attack on him I look forward to his coming session with Marsha Clark, who is ^{passed} ~~passed~~ of the same skills and a disposition to use them as much as she can bet away with.

MacDonnell's involvement in the Robert Kennedy case, as I told you, was as part of Greg Stone's ultimately successful effort to force the police to disclose the actual evidence and all their case records. It then turned out that the police had destroyed the most controversial of the physical evidence. I used a leaked transcript of their ex parte conferences with the case ^{judge} and chief judge on how they would allegedly preserve all that evidence in Post Mortem. I have that transcript, too and it also will, of course, be at Hood. Please excuse the haste and the greater number of errors from it;

Best, Harold