

Dear Jim, House committee/ Ray-King

3/12/77

Early this morning I heard an item on WAVA to the effect that Memphis evidence had been turned over to the committee, including the rifle and seath slug; and that Griffin Bell had directed that it have access to FBI material.

So maybe after six months they are looking toward our heels. I pointed them this way in October, when Akers was here. That I had to tell them and that they even then didn't do it caused some of my doubts about Sprague but not him alone. Remember, I gave Akers all the transcripts. Not even a dolt can read them without having taken the step they have, not having done it earlier. Why it took six months is the real question.

I also prepared Akers for subpoenas. This was the reason he came here. I volunteered the rest.

What I want to be pointed out may not be necessary but let us take no chances.

It is not easy, especially when one is close, to perceive the need for a change in concepts of what is and is not right. I have in mind your objection months ago to the test firing of the rifle. Each firing does make the most minute changes. The evidentiary values can be ruined. But I think it now would be unwise for you to object.

First and most important, with what I now have it is not as important as it was. I believe that if there are changes then we have preserved the essential testimony and evidence through Herb McDonnell. While Cunningham's comment on his pictures was basically true this comment also was not that the pictures are incompetent and in fact they are not. They are good. The negatives will take considerable enlargement. The conditions of the photography were adverse, that is all. The content of the film is OK.

The changed situation may make what the committee's needs dictate what Ray needs. Moreover, with this changed situation any complaint no matter how legitimate will look bad and is certain to be misinterpreted. Months ago we knew the committee had not laid any basis. Now, whether or not it has, we can't say it has not. If you take the same position now it will look bad for Ray and we will appear to be obstructionists not those interested in strict adherence to the right course. I would not object. I would say nothing or that after six months it is not a bit too soon.

Survival is the committee's motive now. It can be strong. With some of the staff it is. If it knew what I know there would not be any survival question. I doubt they will begin to duplicate what we have done but they may do enough to get continued. If they do, perhaps even if they do not, there will be still another changed situation. We will be back to what Bud refused to see and exploit, the quest for sacrificial goats. The Memphians can make out a case against the FBI, one that they can claim exculpates them. The FBI's defense is past. It has always depended on secrecy, improper secrecy, to hide its sins. No more. Whether Bell is ware of this or has faith in the OPR report we can't know but the effect is the same.

It will be quite a testimonial to us if they can't do more than we have already done. We have opened up the FBI for them and we have our own meaning in those records now and before now. We have done the basic ballistics work for them. In fact it is in Frame-Up. I'm confident they will not add to what we have done, pretty confident they will not fully duplicate it. This means that if they goof we have opportunities and if they succeed we have done it for them.

It will not be a bad idea if the Memphians and the FBI are at each others throats. I wanted a similar situation in 1974. Bud goofed to chicken out. We now have that political situation again and it is important, can be constructive. I can help either side. Neither is innocent, both guilty. I have just learned for example that Carlisle told the FBI not to bother with a grand jury witness, they wouldn't need one! Not a lab expert. They they authorized Jensen for second-hand testimony.

So I suggest we stay aloof and do some of our multitudinous own things. Best,