

## HAROLD WEISBERG

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Mr. Raymond C. Fisher, Associate Attorney General  
Department of Justice  
Washington, DC 20530

8/1/98

Dear Mr. Fisher,

Implying that you are its source, yesterday's Washington Post states that "What the department wants to avoid is an investigation that would set out to reexamine the fundamental question of whether the late James Earl Ray was solely responsible for the assassination" of Martin Luther King, Jr.

This is a decision motivated by political and policy <sup>considerations</sup> decision, not fact as the Department possesses that fact, not as I offered it that fact. It is a decision to avoid correcting the grossest of injustices, to avoid a belated investigation (one of the crime never having been made) of the lynching of one of the greatest Americans. It is a decision that long will live in infamy, that infamy clinging to all of you who were part of it.

While I have no reason, based on the past, to believe that you or anyone else in the Department will even read this, leave along what will be with it, I do intend to make and leave a record that will be available in the future to any who have the interest.

I have, as the Department itself once attested, unique credentials for this. I wrote the first book on that investigation, the only one still that does no theorizing or conjecturing. I then became Ray's investigator in an effort to make the unwilling system work. I did the investigating that led to the success of the habeas corpus <sup>petition</sup> and then for the two weeks of evidentiary hearing that resulted. The evidence I prepared for the lawyers to use led the judge to state in his decision that guilt or innocence were not before him. What was before him was the voluntariness of the plea and the effectiveness of counsel and with those the issues based on which Ray sought the trial he never had, they were, in fact, very much before that judge. But he wanted to continue to live and sit on the bench in Memphis, so what the hell, Ray was a man with a criminal record anyway, wasn't he?

Thereafter I filed an FOIA lawsuit to obtain withheld information about the assassination in particular but including other information. That lawsuit led the attorney general to hold that the King assassination was an historical case and it then led, with their fear of what might come out in that case, to the OPMIR supposed investigation which was little more than a sanctification of the second lynching, that of the so-called system to justice.

Then, and this is the literal truth, as the existing transcripts of the case

and related records establish, the department persuaded the case judge to have me act as its consultant in my lawsuit against it! It claimed that my unique knowledge was necessary for it! The Department that includes the FBI.

The FBI that, along with the Department, suborned perjury to get Ray extradicted and to do that in violation of the existing treaty with Great Britain.

It suborned perjury and it filed that perjury and that is how it prevailed, the only way.

The department and the FBI knew that they could not <sup>place</sup> Ray not at the scene of the crime but even in Memphis at the time of the crime. It knew his rifle did not and could not have fired the fatal shot. It knew that the firing of that shot, as alleged, was a complete physical impossibility.

In fact the FBI's evidence, which I have, is that Ray was not at the scene of the crime at the time of the crime and that the shot was not fired from that bathroom window.

It could not even place Ray in that flophouse <sup>even</sup> and pretended to with what it knew was perjury that it prepared for a ~~very~~ violence-prone alcoholic to sign, an affidavit it knew was perjurious.

All of this and much more is in your files and you now meet your responsibilities by stating to the press that it must now be ignored!

You took an oath too, did you not? Did not the attorney general and those in the FBI and the Department who contrived these lynchings in defiance of the evidence the department and the FBI then had ~~and I, now have.~~

The department's public pose is that it wants to clean the FBI up but the actual record is that it wants to do no such thing, perhaps fears trying. But if the department were genuine in this, an honest investigation of how the FBI and parts of the FBI performed when King was assassinated provides an excellent opportunity.

The department claims that its inspector general could find no perjury by <sup>me</sup> the FBI's laboratory. ~~He~~ <sup>It</sup> did not look very hard because, faced with the FBI's perjury in my FDA lawsuits, I put myself under oath rather than take protection in lawyer's pleadings and I swore that the lab was filing perjury in that case. (I later did in other cases, without a single refutation and I, having made myself subject that the charge ~~was~~ was not so charged.) The FBI's "defense," filed by the department, is that I could make such charges ad infinitum because I knew more about the assassination of President Kennedy than anyone working for the FBI.

(That was in CA 75-226, the case over which the investigator's files exemption was amended in 1974. My King records case was CA 75-1996.)

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Rather than denying it the FBI admitted its perjury, forecast more perjury, the department filed that as a "defense" and the court accepted it! As did other courts before which I made myself subject to a perjury charge if I lied in what I attested to about the FBI.

But inside the department the FBI has no monopoly on untruths.

And with your responsibilities you depend on others in the department for information, information that is untruthful in the Post's story. I do not believe that Roberto Suro made those untruths up but they are untruths ideally suited to a department public relations effort in this, to make itself look better:

"Ray... initially confessed to shooting King but recanted three days later, ...He was later convicted of the murder and sentenced to a 99-year term."

Ray never "confessed" and he interrupted the voir dire to make that clear. That judge, who knew better than to throw the deal out and set a date for the trial, ignored Ray's lawyer's effort to extend the technical plea to which he had gotten Ray to agree. (That lawyer had a record of putting people away for the government and for others. In a Connecticut case a Yale law professor got a reversal in a case much like Ray's before the assassination and he could not interest the then deputy attorney general in it. I have the correspondence. More recently he got caught agreeing to put a client away for the sons of H.L.Hunt, he was convicted, but the department paid him back by letting him live the rest of his life outside of the jail in which he belonged.) It likewise is false that Ray "was later convicted and sentenced to a 99-year term."

How do you get a conviction in this country without a trial? And my the trickery of the department to avoid a trial!

My work for Ray was to try to get him a trial. In order for the corrupt deal to be possible the department misled the King family and associates and got them to agree to the deal because they <sup>and</sup> King opposed capital punishment. As of that time nobody had been electrocuted for any crime for a great length of time and there was no possibility that Ray would have been. There also was no possibility he would have been convicted if there had been a trial. In fact, the abuses of his rights were such that the case could have been thrown out of court, as was the Sam Sheppard case. The department told the local authorities to violate Ray's right in guidance for his captivity of which we obtained a copy under discovery. The department told the locals to intercept his mail even with his counsel! And the FBI accepted copies of that intercepted mail the interception of which was not only improper, it violated the order of the judge! And the FBI undertook to influence

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potential jurors in advance. When Ray, aware of this, wrote the judge that if he did not stop such prejudicial pre-trial publicity he might as well walk over and be sentenced, Ray's letter to the judge was intercepted and copied before it was placed in the mail as well as after it was, and we got copies of both under discovery.

There is more, much more, but this should be enough to provide motive for your desire to avoid an investigation that would be the wrong investigation but which would seriously embarrass the department, "to reexamine the fundamental question of whether the late James Earl Ray was solely responsible for the assassination." The actual fundamental question was and remains, was Ray the assassin, and it is because the department knows he was not that it took all this time to cook up the evasion after the King family request for a real investigation.

You may wonder why I write you, having written earlier letters and gotten not even an acknowledgement of them. Well, there is no possibility of personal benefit of any kind. No possibility of a book (other than in support of the official assassination mythologies being published so there is no possibility of selling a book. I do not, like you, have the legal responsibility of trying to make our system of justice work but I do have and I do seek to meet the responsibilities of a citizen in our country. Besides which I am past 85 and it is two years since the third time my doctors gave me up. I am feeble and in impaired health but I continue to try to meet those responsibilities.

During those FOIA lawsuits I had to sit in court with a leg elevated and it <sup>they</sup> was already unsafe for me to drive to Washington, so I used the bus. When it became impossible for me to continue those cases (under which I did get about a third of a million pages of withheld records, about 80,000 related to the King case), I decided to use what time remained for me to perfect the record for our history. Mostly I have done this in rough drafts of book-length manuscripts copies of which have been provided to colleges and universities, including one abroad. I have debunked both sides in the JFK assassination, in detail and documented, and the enclosed chapters are from the manuscript titled Whoring With History: How the Gerald Posners Protect the King Assassins. I had just written the attorney general when I got these retyped chapters to read and correct but I then decided against sending them because her office had ignored my letter. (Copies of this also have been distributed for the future, for the record for history.)

The department's decision to continue to evade its past will alienate more people, particularly the young and minorities, and it should. Little could do more to earn confidence and respect than facing the past and being honest about it with both assassinations but with all you have to face there is no real chance of this. I feel sorry for you, sincerely, Harold Weisberg

*Harold Weisberg*