

Mr. George Lardner
Newsroom
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Dear George,

You are correct in this morning's story in describing the show staged for you by the committee yesterday as a media event. However, do not for a minute believe that what it has does not include essential evidence. I went over all of that, in extraordinary haste and under considerable pressure, including personal threats from the State A.G., in early October 1974. I doubt the committee, including its former police investigators, will fathom the meaning of that stuff.

(The threats is no joke. I had to ~~engage~~ engage the best Mafia lawyer in Memphis. The surveillance was such that before he was in his office the next morning he'd had three calls from the Oreo assistant AG to ask why. He said he'd had me out to a pleasant dinner of ~~game~~ venison and - the guy is a good cook - and we'd talked, that he'd found me an interesting person. No more overt threats.)

First the part that interests me, and I'll explain why. In my FOIA case I've been seeking the evidence relating ~~him~~ to cigarette butts found in the car. I did not recall my source after all the years. The FBI has sworn to the judge, literally, I mean, that no butts were found in the car. They may be telling the truth, I don't know. I do know where other butts were found and I did examine those you write about in 1974. But if you recall your source for "three cigarette butts found in Ray's White Mustang" I'd like to know. The committee will not give me a transcript. I'd like this particular one before the record is printed to get a reading on how much homework it has done.

The letter from Ray waiving his rights with Foreman is merely the newest sign of the committee's intent not to behave decently, particularly Sprague's, and what I ask you to hold in confidence, Ray's irrationality. I have been telling Jim for more than a year that Ray has flipped out. Only recently has Jim come to agree. He now also is without doubt. This business with Foreman was the first occasion for my fighting with Sprague because it breached the agreement Sprague made with me. Immediately thereafter Jim made an issue of it. Sprague agree it was wrong and that he would not go to Jimmy on this and related matters except through Jim. I took Jim to a conference with Sprague afterward, I think 11/17 and Sprague reiterated this. That was the last time I saw Sprague and I then warned him against making any plans of taking meaningful testimony from Jimmy so reasons that included rationality. I'll come back to this.

Your suggestions about the delays in subpoenas is valid. About 10/22, already a late date in the committee's life. Jeremy Akers, a staff counsel, was here until about 8 p.m. His purpose was help in subpoenaing, who to and what for. I did a thorough job with him. In fact I gave him a box of relevant records. But with all of this from the beginning I made clear that my cooperation was predicated upon seeing to it that they did not confront me with a conflict of interest. Sprague said he saw this and agreed, as the others also did. Then the departer Ozer is after Jim for a waiver on Foreman. Jim wants protections for Ray, they are promised, repeatedly, including by Sprague on 11/17, and to this day not provided.

About 11/5-7 Ozer calls Jim from Dakota. it turns out he is going to batter down those grim walls and fuck the law and law get a Foreman waiver from Ray. That was a weekend. That was also crazy and unnecessary and at best premature. The next day Ken Brooten calls me for help on another matter and I raise hell about this. Brooten, who was in on my conference/agreements with Sprague on 10/20, is shocked and agrees with my protest. The next thing I know he has phoned Sprague, who is out of town, and Sprague phones me with an apology and a half-assed explanation. He called Jim, too, I believe. He may also have written Jim. I know he wrote me and I can show you the letter in which he said my position was correct and he agreed with it and with me "totally and completely."

That crazy authoritarian-minded Ozer actually told Jim they would break the case and solve the crime through Foreman! This could only mean a whitewash, especially of the FBI. It is as insane as it is impossible.

Aside from the question of legal rights, which could not be more basic, there was another fundamental question I asked of Brooten, could they begin to consider themselves ready to question Foreman then and in fact could they, if they came to consider it right and proper, before they were at or near the end of their investigation? Ken and Sprague both agreed they would require much time to question Foreman and that it was very premature at best.

I hope it is not lost on you that Foreman is really on trial in this case for what he did and that he has already sworn to not having a single scrap of paper on the case. In any event, what does Foreman have to do with the crime? He would not even appear at the evidentiary hearing to deny that he coerced Ray into that 99-year deal and even Hanes testified that Ray had rejected Canale's offer of a ~~20~~ 20-year deal. More, the ^{ing}questioning of an able scoundrel like Foreman requires considerable preparation and knowledge. I have not been asked a single question about him by the committee and I do have one hell of a Foreman file. It would make a movie.

(Hanes also testified that he opposed any deal because he was confident of acquittal and I gave the committee that testimony. It promptly lost my copy of it!)

With all those lawyers on that committee, and I'm shocked at Freyer, they put that kind of letter into the record without their correspondence with Ray's lawyer on just that legal point, without even talking to him?

Of course if they did talk to Mack Kershaw, that would be a different and I think significant story. Jim has not been fired. In confidence, he ~~has~~ has again told Ray he can do it if he wants to but until he does Jim has to look out for Ray's rights. Jim is the only non-governmental lawyer in the world with a real command of the fact of what has become an extraordinarily complicated case. As a lawyer it does impose extraordinary obligations on him. They have been a real problem for him. Ruinous, really.

I believe this is a real reading on the committee and on Sprague in particular. There is no doubt that he knows this is legally improper and will become prejudicial to Ray and to establishing truth in the case at some point. The offense is especially grievous because of the past record and because Sprague is aware of Ray's psychological condition. I think I have time for a comment on this before the mailman is here.

I have spent more time with Ray than anyone except prison mates since he was picked up in London. I have my own and time-consuming ways of conducting interviews. They have lasted for days on end. In the course of it I evolved my own psychological profile on him. A little over a year ago Crewdson worked on some ^{or}scabbies, as you may recall. He came here and we had many long phone conversations. He asked me for my reading on the Ray mind and personality and I gave it to him. Afterward he called me from Los Angeles one night in some excitement. He had interviewed a legitimate shrink to whom Ray had gone out there and lo! the shrink told him exactly what I had. I know at least part of at least one James Earl Ray very well.

I could make other comment on what you describe as a media event but I will not, at least not now.

If you can fill me in at all I will appreciate it. In the end it may help establish truth and reality, which is my objective.

A minor suggestion. Now that you have a clear picture of the rifle, one of the better one and a finely-machined one. Imagine holding it to fire and see if you could avoid leaving a single fingerprint anywhere you'd have to touch the rifle to fire it. There was not one. I obtained that data by a 1970 FOIA suit. You'd have your left hand like Fauntroy's is but more to the front. If you want to try it for yourself Bud has one of that model I got originally for court use. Hastily,



James K. W. Atherton—The Washington Post

Del. Walter Fauntroy examines rifle turned over to probers as Reps. Louis Stokes and Robert Edgar look on.

Inquiry Panel Takes Custody Of Evidence in Slaying of King

By George Lardner Jr.
Washington Post Staff Writer

In a hurriedly-arranged "photo opportunity," for the press, the House Assassinations Committee yesterday took custody of 10 boxes of documents and evidence in the murder of Martin Luther King Jr., including the rifle that is supposed to have killed him.

Shelby County (Memphis) court officials turned it all over, item by item, as the cameras clicked and whirred at a hearing yesterday afternoon in the Rayburn House Office Building.

Del-Walter E. Fauntroy (D-D.C.), chairman of the subcommittee investigating the nine-year-old King assassination, gingerly took the Remington .30-06 Gamemaster rifle out of its original black cardboard case and inspected it at length.

A latent fingerprint from the rifle was one of the key items that first led the FBI to identify James Earl Ray as the assassin. Ray pleaded guilty and is serving a 99-year prison term in Tennessee although he has been claiming in recent years that he was just a "fall

guy" in some thus far unexplained conspiracy.

The showing, scheduled after Shelby County Criminal Court officials flew into town with the just-subpoenaed evidence yesterday morning, took more than two hours. It included everything from three cigarette butts found in Ray's white Mustang to a bloody handkerchief and shirt King was wearing when he was killed April 4, 1968.

Asked by a reporter why the "exercise" was conducted, Committee Chairman Louis Stokes (D-Ohio) took exception to the question.

"It's not an exercise," he insisted to reporters. "This is some of the most important evidence in the history of this nation. The committee has the function (of taking custody), not the staff."

The hearing, however, was an apparent effort to win support for continuing the committee's investigation beyond March 31 when its present charter runs out.

The House instituted the inquiry

last September, but the committee has been bogged down almost constantly in disputes over its budget, its investigating techniques and its personnel, culminating in the resonant resignation last week of Chairman Henry B. Gonzalez (D-Tex.).

Appointed Tuesday, Stokes said the committee was still undecided on whether to seek public testimony on the King assassination, as some members have suggested, before the March 31 deadline. But at yesterday's hearing, he did put into the record correspondence from Ray indicating that he might be willing to appear before the committee one day and waiving any attorney-client privilege standing in the way of testimony by Percy Foreman, who once represented him.

Stokes and other committee members met earlier in the day with Attorney General Griffin B. Bell to re-establish the committee's access to FBI files. It had been cut off last month as part of Gonzalez's unsuccessful attempts to fire the committee's chief counsel, Richard A. Sprague.