Mr. Stephen S. Rosenfeld, editorial
The Washington Post
1150 15 St.,
Washington, DC 20071

8/2/98

Dear Mr. Rosenfeld,

Please do not take this personally, for I do not intend it that way, but I believe that if all the knowledge of the Post's entire editorial section were to be combined it would not be qualified to write an honest editorial on what it mistitled as "The King Reexamination." It is not that. It is not intended to be that and with the kind of help you give it in today's editorial, it will be helped not to be that.

I do intend what follows to be a lecture.

The more prosperous the papers get, the more highly educated their staffs, the farther they take the papers from the great and original concept of those I regard as the greatest political thinkers of all time and from their obligations under the system those great men created.

Representative society can thrive and continue only when it is genuinely representative society, a society in which the people can be informed enough to let their wishes be known. To a large degree the papers are not doing that and instead they not only argue rather than report, the protect and defend malfeasance, misfeasance and nonfeasance.

The have made themselves part of or defender of government when that is not their intended role and they defend and protect the government over some of the most serious offenses against what our system is supposed to be.

What your editorial is really about is intended to be and will be a non-investigation, as Lardner's yesterday's Friday's Suro's story makes clear.

You may not know it but I wrote the first book on that case. It made out a case, from what had been reported, that Ray was framed. Then I arranged for Ray to have counsel with no conflict of interest and not motivated by money, which he did not have. I becamwe his investigator. Not because I loved him but because I wanted to make the aborted system work. I did the investigating for the habeas corpus petition and it succeeded. I then did the investigating for the two weeks of evidential hearing we got, to determine whether Ray would get the trial he never had. Jim Lesar, junior counsel and I had two days to exercise discovery and with senior counsel, Bud Fensterwald overseas, we had to prepare for the hearing between the two of us. He took the law, I the fact. The fact that I put together led the judge, who knew very well that he could not continue to live and sit on the bench in Memphis if he granted Ray a trial in the climate of the early 1970s, in denying it actually said that guilt or innocence were not before him.

That was the impact of what the lawyers used of what I developed, the witnesses I located and prepared.

With the basis for seeking the trial ineffectiveness of counsel and voluntariness of the plea, it is not easy to believe that guilt or innocence were not material, especially when there was no rebuttal to what we put in, no questions but that there was coersion, no question but that Percy Foreman intended to throw the case. He had a history of putting people wa away. In a case in Connecticut he put an innocent man aaway so the government could seem to have solved that case. Stephen Duke, a member of the Yale faculty, undertook the appeal and the man was freed. The most recent case of which I know is the one in which by an accident Foreman got caught. I have the documentation if it interests you. He was going to put a wiretapper away for the sons of H.L.Hunt. Their lawyer was in touch with me. He gave me copies of the proofs. Foreman was convicted but the grateful government allowed him to spend the rest of his life outside the jail he belonged it.

How could we show ineffective assistance of counsel when counsel was the then most fampus criminal lawyer? I decided by trying enough of the case to prove he did not make any effort to prepare it. We did that and the judge ignored it. We ineffect exculpated Ray, under oath and subject to cross examination.

There was no refutation even attempted.

The state depended on the prejuduce and the justified fear of it. (But it even threatened me!)

While as with the JFK assassination, the crime itself was never investigated, and enormous amount of information and misinformation is available. Available because I then filed CA 75-1996 for that information. The government stonewalled the case for years, failed to comply with the law and much else, but in the end I had about 80,000 pages of once-withheld information.

They prove that the government suborned perjury and filed that lerjury to get Ray extradicted and that his then counsel had the conflcit of interest he could not eliminate, he did not get a penny from Bill Huie, who paid him for the exclusive rights he wanted, until he had Ray back in this country. No conlfict, the judge said.

What I did forced the attorney general to hold the King case a ~~has~~ historical case, that in theory meant maximum disclosure (but only in theory) and then to have the OPR investigation in anticipation of what I would be able to use of what I could turn up.

The official evidence is that the prosecution could not even place Ray in

at the time of the crime, leave alone at the scene of the crime- and the actual official evidence is that he was not -and it could not prove the remnant of bullet removed from King's body was fired from that rifle. it said the specimen was not good enough. The forensic expert I produced told me the speimen was better than he usually had and he testified, under oath and subject to cross examination that given that rifle and allowed to test fire it, the specimen enabled him to state with certainty that he could testified that it had or had not been fired from that rifle. (As it had not been.)

He also proved that it was physically impossible for that rifle to have been fired as officially alleged with the but out of the rifle and the body of the one using it being inside the wall!

There is more but this is, I think, enough for me to get to a graf of the editorial:

"That may be the reasonable approach, one that could put an official stamp of certainty on the matter without calling into doubt in the process and larger conclusions about Mr. Ray's guilt. But there is a fine line between this strategy and one that would recklessly reopen questions about which the historical record is clear and justifies no serious argument."

I challenge you to give me a single such question!

Only one!

Of the hundreds that do exist.

I also ask what puts the author, indeed, the entire editorial staff, in a position to claim the factual knowledge necessary for such conclusions, which amounts to recommendation, which amounts to another whitewash.

When I was able to travel and speak to collegiate audiences the two greatest causes of disenchantement, of alienation from the government, which means separation from our system of government, were Viet Nam and the political assassinations.

Our system can't work as it is supposed to work if the people are turned off and have nothing to do with it.

You are encouraging more disenchament, more disillusionment, and that is particularly hurtful to the young. Those who are alienated often turning to crime.

I've never known of a paper to retract an editorial and I do not expect the Post to, although it should and if it cares about the system and preserving it and making it work as intended, if it cares about itself and about the consequences when it does wrong it will try to find some way to under this serious harm.

I do not know how much Paul Valentine remembers. He covered that hearing. I

have the transcripts and much else. The Post might consider having one of its just-honored black reporters look at some of this material and copy any of it desired.

Not entirely irrelevant, and I phoned Suro, who was not in, and have written him, he was lied to by his source(s), I believe at Justice.

Ray never"confessed" to shooting King" and he was not "later convicted of the murder and sentenced..." He enterrd a technical plea and when Foreman tried to extend that Ray interrupted the voir dire to object to it and not agree with that (I have the transcript) and there having been no trial he was not "later convicted" and then, later, sentenced. He was sentenced in the deal Foreman coerced and the governmet lied to the King family to get its agreement.

If there is nothing to be investigated (there not having been any investigation of the crime itself it cannot be any reinvestigation) why does the government lie? And if it has the proof that Ray was guilty, why does it not make that proof public and end this disenchantment, this lack of confidence in the government and in the system of justice?

Is not the answer obvious?

Sincerely,

Harold Weisberg

If the Post was influenced by Posner's newest endeavor in shilling for the FBI, I have a book-length manuscript there is no chance of getting published in the climate today but will be a record for history. It is titled Whoring with History: How the Gerald Posners Protect the King Assassins." After his Case Closed I did Case Open proving him a literary whore. I referred to him as a man who has trouble telling the truth even by accident, as a plagiarist and as a shyster, and I heard not a word of complaint from him or Random House. A Post reporter boght a Case Open and gave it to the book review section. It would not even mention it. The Post has yet to review any of my books and they are all basic and after all these years, severe as some of my criticisms are, I have yet to get a call or a letter from any of those of whom I was so critical complaining that I was unfair or had made an error in my criticism. This also says a bit about the press because my first book was the first on the JFK assassinatio and that should have been a subject to which the media gave attention other than as defenders of errant government.