

April 7, 1998  
2079 Delaware St.,#23  
Berkeley, CA 94709

Cynthia Tucker  
Editorial Page Editor,  
*Atlanta Constitution*  
72 Marietta St., N.W.,  
Atlanta, Georgia 30303-2804

Dear Cynthia Tucker:

Though I've frequently read columns of yours that I've both enjoyed and agreed with, the one entitled "The King Family's Unseemly Behavior" was not one of them.

Almost from day one of King's assassination there have been formidable critics of Ray's conviction as the lone assassin. Foremost among them, I think, is Harold Weisberg, whose *Frame-Up: The Martin Luther King James Earl Ray Case*, ends by posing four pages of questions which if answered instead of evaded—by the prosecution, the courts, the press etc.—would have overwhelmingly pointed to a conspiracy. I ask you to look over these questions then judge for yourself.

Recall that Ray did not have a genuine trial where adversary procedures would have been in effect. I think Ray would have been acquitted—that is the prosecution would not have been able to prove beyond a reasonable doubt and to a moral certainty that Ray was guilty; Such evidence that there is—and it is neither impressive nor massive—points to Ray having been used as a decoy. If he had been charged with being part of a *conspiracy* to murder Dr. King, he undoubtably would have been found guilty.

Recently, I think around March 31, a former FBI agent, Donald Wilson, turned over some new information apparently backing up Ray's story about a Raoul using him in the conspiracy. When I saw this my first reaction was that the FBI would immediately deny its validity and trash Wilson in some way. Predictably they did and I'll bet without even examining the evidence Wilson proffered. They speak *ex cathedra*.

Nor am I impressed that the court's have upheld Ray's guilty plea seven times. On the contrary, I find it appalling that Ray, who recanted his guilty plea three days after he made it, firing his lawyer, Percy Foreman, who browbeat him into pleading guilty by arguing that Ray would be executed if found guilty and who made money out of the fact there was no trial, has not been accorded one. Also Judge Battle was privy to the guilty plea worked out between Foreman and the prosecution, something entirely contrary to legal ethics. But just to put a little polish on this whole sad episode, the Judge also said that it was just as well the case didn't go to trial because Ray might have been acquitted! Some Judge. Some lawyer.

All this is carefully documented in Weisberg's book.

I leave you with several questions. Have you ever seen Ray's case presented to us reasonably—that is an honest presentation of the pros and cons with or without a judgment as to guilt or innocence—by the mainstream print media? Is a government that has given us Vietnam, Watergate, conspiratorial CIA involvement in the overthrow of legally established governments, J. Edgar Hoover and his FBI, the use of the Mafia to attempt Castro's assassination, and the notorious School of the Americas right there in Georgia *necessarily* in the clear—so much so that you ridicule the very idea that it is not—when it comes to murdering King?

I think not and further would argue that one of the reasons there is so little reputable reporting—of all the assassinations involving major figures for that matter—is precisely out of the fear that one or more branches of our government may have been involved.

Sincerely,

James Fairley

2079 Delaware St. #23  
Berkeley, CA, 94709  
May 28, 1998

David J. Garrow  
c/of *Atlanta Journal and Constitution*,  
Atlanta, Georgia

Dear Mr. Garrow:

After reading your article "ANALYSIS: New 'leads' in the King case invariably go nowhere," (*AJ&C*, 3-29-98), I think you might be interested in a letter I wrote Cynthia Tucker responding to what I thought was a heavy handed piece on the Kings.

A few comments: Seems the FBI can't resist the chance to enhance their long record of less than reassuring statements: They trashed the credibility of Wilson's proffered evidence without even looking at it. No interest. Then FBI spokesman Frank G. Scafidi is quoted in *The New York Times* (3-25-98) as saying that Wilson, if what he says is true, might have obstructed justice. Well, yeah, he might have, but how are they going to find out unless you look at the papers?

Gerald Posner? Shortly after he published *Case Closed* in which he presumed to a have disposed of any possibility of conspiracy in the Kennedy assassination, Harold Weisberg, acknowledged almost universally as one of the foremost researchers of that case, wrote a devastating critique of it, *Case Open*. Weisberg is now writing a rebuttal to Posner's *Killing The Dream*. If Weisberg survives the writing of this book, he is now quite elderly and ill, I'm sure Posner will not come out unscathed.

Note that Ray said he had no recollection of the notes Wilson had or any knowledge of Ruby. One might expect that he would say otherwise. (*AJ&C*, 3-27-98)

What he did say was that he would like to see the classified records of his case revealed. (*AJ&C*, 3-27-9) Now what might these records be? Why are they still classified? For some of that unbelievable story read Weisberg's book about Ray. And today the Memphis prosecutors are still behaving exactly like they did then.

I think Ray was involved but not as the shooter and quite possibly was ignorant of his role in the plot. I don't think much of Mr. Pepper, Ray's lawyer. But I do think there was a conspiracy, though not one as described by Mr. Posner, or Mr. Pepper. But it wouldn't take a great deal to persuade me that the FBI of Hoover's day was involved.

And for once I'd like to see a main stream media person—not agree necessarily with a conspiracy theory—but simply take seriously the fact that there are many serious, intelligent and concerned people out here who think this matter has not been handled with integrity.

Surely it's not asking too much that Mrs. King's request for a reopening of the case not be denied. We as a nation owe her that. But, Janet Reno, by saying the matter must be handled by the FBI, makes this very unlikely. . .to say the least.