

HAROLD WEISBERG

7627 Old Receiver Rd.
Frederick, MD 21702

Rep. John Lewis (Georgia)
House of Representatives
Washington, DC 20515

6/16/98

Dear Congressman Lewis,

The request of the King family that something like the Warren Commission be established to assess alleged new evidence supposed to relate to the assassination of Dr. King may be an invitation to a disaster. A different inquiry is needed. Most of that supposed evidence does not stack. The FBI will have little trouble wiping that out, which will also mean more disillusionment.

Please excuse my typing. I'm 85, feeble and in impaired health and it can be no better.

Right after the King assassination I wrote the book Frame-Up. After it appeared I was able to arrange for James Earl Ray to have pro bono counsel who would have no conflict of interest. I was the case investigator. I alone conducted the investigation for the successful habeas corpus petition and then for the two weeks of evidentiary hearing in Memphis in 1974. The evidence I developed and the lawyers presented confronted the judge, who wanted to continue to live in and sit on the ~~bench~~ bench in Memphis, with what led him to say in his decision in which he denied Ray the trial we sought that guilt or innocence were immaterial to what was before him. The bases for seeking a new trial were that the guilty plea was not voluntary and that Ray did not have the effective assistance of counsel. With the country's then most famous criminal lawyer Ray's lawyer, how to prove he did not render effective assistance fell to me. I decided that the only way was to, in effect, try the case alleged against Ray. That is what we did, and it was without refutation. We presented what Percy Foreman, the lawyer who coerced Ray to enter the guilty plea, could have produced that was exculpatory and Foreman did not.

The inquiry that is needed, at least the initial inquiry, is into the evidence the government alleged and based on which Ray was coerced by his lawyer to agree to the plea. None of it stacks. Not a bit of it. There was what I believe was perjury and its subornation to get Ray extradited and that extradition was in violation of the treaty with Great Britain on extradition. Neither the FBI nor Tennessee authorities could even place Ray in Memphis at the time of the crime. The unrefuted testimony we produced is that it was physically impossible for the crime, for the shooting to have been as officially alleged. In addition, there was no proof that the fatal bullet was fired from the Ray rifle and the actuality is that it was not and could not have been.

There is more like this ^yhit I do not want to take your time for more unless you want more. "hich I hope you will while I am still alive and can help do what can be done about that monstrous injustice.

I have just finished going over a little of the evidence in writing a book that has no prospect of publication but will be a record for our history. The title is Whoring with History: How Gerald Posner Protects the King Assassins.

After we failed to get Ray the trial no Tennessee judge of the early 1970s would have given him, I filed C.A.75-1996 in federal district court in Washington for the Department of Justice's and the FBI's relevant information. They stonewalled that lawsuit but I nonetheless wound up ~~with~~ with about 80,000 pages that ~~has~~ been secret. Most of that is FBI records, what it refers to as its MURKIN records, of headquarters and of ~~five~~ six or seven field offices, including Atlanta and Birmingham.

What presents a real problem is political survival of exposing the FBI and exposing it is essential if there is to be an honest inquiry. I've had some experience with it and it can get pretty dirty and it can hurt those who can be subject to hurt, ranging from Members of Congress to Members of any Presidential Commission. (I have an FBI record from a different lawsuit in which it records that as soon as the Warren Commission was appointed it prepared, its word, "dossiers" on the Members and on the staff twice- once when appointed and again when the Report was issued.

Even with Republican control of the Congress I am inclined to believe that a Congressional investigation, in which there is no executive session, might work better. (When I worked for the Senate in the 1930s I prepared hearings.) There will be those who will want to protect the reputation of the FBI in every possible way but with any coverage, and with a stenographic record, much can be accomplished and I think that without question it can be proven that Ray was not the assassin. I think I have that evidence, in part under oath in the 1974 hearing, which the FBI boycotted and did not appear to defend itself, and in the FBI's own records.

We had a reputable criminalist who has since become more famous. His testimony was not only that the crime was impossible as alleged but that, when the FBI alleged that it could not determine whether or not the fatal bullet was fired from the rifle that Ray bought, that the specimen he examined, when I took him to the clerk of the court's office to examine it with his microscope and to ^{take} the ^yepictres of it, was that by test firing that rifle and recovering specimens he would be able to testify unequivocally that the bullet had or had not been ~~seen~~

fired from that rifle. In the affidavit used to extradite Ray, the FBI's Lab's ballistic expert attested that he could not say that it had or had not been fired from that rifle. As we left the office of the clerk of the court, our criminalist told me he wished he had specimens that good ⁱⁿ ~~get~~ most of his cases, it was that good a specimen.

There were those who sought benefit from making stories up and giving them to the government. One got away with that before the House committee on assassinations in the 1970s. But the FBI had some good leads it did not follow up on.

One was that with Ray in Los Angeles, he got a phone call from a man who gave the name James C. Hardin, first from Atlanta and then from New Orleans. He left the message at the ~~last~~ hotel in which Ray was then living for him to phone Hardin. Then Hardin showed up and it was right after that that Ray left on the trip east that ended with him being framed with the King assassination.

According to records I got in C.A. 75-1996, Hardin was a symbol informer of the Atlanta FBI. He was supposedly involved in the violence at the integration of the University of Mississippi where he was allegedly known as "Ashmore." These are the FBI's own records I have and while there may be some question about Hardin, the case agent told me he was a symbol informer, as the records states.

Those records reflect no questioning of Hardin by the FBI!

You can send anyone you'd like to search them and to copy anything wanted.

It is not possible to avoid the suspicion that Hardin was part of setting Ray up. This does not mean for the FBI and I do not believe that line for a minute. Hardin had an Atlanta criminal record and he served other interests, not only the FBI's. I enclose a few samples ^{from the FBI's records.}

There was a man who had been sent in by the international union who left it after the assassination, became a drunk, and in a drunken lament said he had advance knowledge. I developed this without knowing that the FBI had it but the FBI did and again, it made no effort to locate and speak that man. He used the name "Harris." When I wrote the union seeking to learn who they had sent to Memphis its general counsel, named Zwerdling, referred me to the FBI! And sent it a copy or my letter and of his.

From my work as Ray's investigator there may be some substantiation of one of those he, Harris, said was behind the assassination.

If you are interested and send anyone (I can't offer to go there because it may be too much for me) all ^{freely} have is available and I am willing to be taped and to attest to anything I say.

What follows is not intended as boasting. Rather is it to give you reason to believe what I tell you.

Most of my work has been on the assassination of President Kennedy. I've published about ten books, beginning with the first on that subject. It is severely ~~anti~~ critical of many in the FBI and who were on the Warren Commission staff. In those more than 30 years I have not had a single phone call or letter from any of them complaining that I was unfair to him or inaccurate about him. When I put some information in the hands of Senator ^{Richard} Russell he encouraged my work for the rest of his life. Copies on request. He and Senator Cooper did not agree with the basis of the report, the so-called single-bullet theory. I showed Ruseell, with official records, how he and Cooper had had their trust impinged upon in what they had been led to believe was a compromise and wasn't.

There is no conspiracy theorizing in any of those books. They come from the official evidence only.

Recently the Department of Justice inspector general, in the course of making a few criticisms of the FBI's lab, did say that it did not perjure. That was not much of an investigation! When I faced its perjury in ~~CA 156~~ CA 75-226 I put myself under oath rather than hide behind immune lawyers' pleadings and I swore that it had given that court perjury. Its farout "defense," which the court actually accepted, was that I could make such charges ad infinitum since I knew more about the assassination and surrounding matters than anyone working for the FBI.

Thereafter I repeated the charge against other agents, under oath myself, and while the courts ignored it, no charge was laid on me.

If I said what I could not prove they'd have had me in jail so fast!

This is the record of my books.

No significant error has been shown in any of them and several federal agencies sure tried and wanted to find errors in them!

Congressman, I ask nothing for myself in this but I do hope that what can succeed can be tried, what cannot be defeated as easily as the efforts to solve the case. That can't be done easily when there was no official investigation of the case itself.

There is reason to believe my phone may not be private any more and there has been theft of some of my files but I use the phone without regard to eavesdropping, but the possibility of it I want you to know. My phone is 301/473-8186.

With all best wishes,

Sincerely,

Harold Weisberg

Harold Weisberg