

Mr. Phil Moss
P.O. Box 4805
Memphis, Tenn. 38104

6/14/76

Dear Phil,

Reur 6/10, from tje top:

I am sure not all Ray's lawyers said or believe that he no longer has need of criminal counsel. I'm sure Jim Lesar does not believe this and he has done virtually all the real legal work.

Jim's status: Ray has relieved him and Livingston of any further criminal responsibility. He thanked them and did not fire Lesar, with whom he has remained in touch.

My background: reporter; investigative reporter; Senate investigator and editor; intelligence analyst. I've written more and published more on political assassinations than anyone else.

I do not disagree with what Fensterwald really said, that the appeals decision is discouraging. I do disagree with Livingston, that there is no point in anything.

On the shot: The unquestioned evidence is that it did not come from the so-called Ray rifle.

Extradition: Ray was not extradictable under the treaty with Britain, which does not include political crimes. If he were the assassin, that is a political crime. Arthur Hanes' deal with William Bradford Huie required the delivery of Ray to the Memphis prison as a precondition of payments to Hanes. Hanes talked Ray out of appealing the magistrate's decision, delivered Ray and Huie paid him. If thereafter Ray testified whatever he said become public domain. There was no "exclusive" for Huie to sell, not percentage for Hanes or Foreman. Foreman had the contracts rewritten to give him 60%. Ray never received a penny.

Livingston's opinion that Ray should "talk" presumes what there is no reason to believe, that there is proof Ray has. If Livingston had done any work on the case he'd know better, unless fact means nothing to him.

On political decision: In no court has justice been the primary consideration. Battle dictated the terms of the guilty plea after telling Ray he would not be able to fire Foreman. The sentence was the maximum possible, hardly a compromise or any kind of deal. There was nothing in it for Ray. It was a wrongful effort to close the books on an unsolved crime. Judge McRae totally ignored the defense case that in fact destroyed every allegation of the prosecution about how the crime had been committed and Ray's alleged part in it. His decision reflects an initial preconception and a determination to stretch all prosecutorial claims to their limit to make this ~~same~~ preconception appear to be reasonable. The appeals court selected from McRae's decision what enabled it to pass the buck to the Supreme Court. It also ignored every bit of exculpatory evidence and while admitting that Ray was denied the testimony of Huie and Foreman nonetheless did not return the case to McRae for them to testify. Worse, it invented non-existing testimony and ruled on that.

If there is any kind of case against Ray as the killer, why does every element of every government so fiercely resist a trial? There has, to this day, never been one. Why do they not try and convict him if they have a case that has any chance of convicting him? The effort to deny a trial is enormous and costly, taking more time and money than a trial would.

It is shocking to me that in a major political crime of this nature there is no trial; that the system of justice has been circumvented; that there is only official opposition to letting the system of justice work; that nobody gives a damn about justice; and that the widespread discontent throughout the land receives nothing but justification from every official's every act.

Think that covers it. Best,

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June 10, 1976

Mr. Harold Weisberg
Rt. 12
Frederick, MD 21701

Dear Harold:

It was enlightening and exhilarating talking to you Monday.

In the article I mailed to PNS Tuesday, I quote you only briefly, once about Jerry Ray and once about a possible animosity among Ray's lawyers. Although your quotes were among the most interesting I got, I limited mentioning you because: 1) the article is mainly about LAWYERS; 2) I had run up my 1,000 words; and 3) I want to try a SEPARATE article on you alone.

Maybe you'd be willing to fill in, by mail, some of what you sketched out on the phone. Along these lines:

A contention by James Earl Ray's lawyers that he no longer needs criminal counsel is disputed by an investigator who has worked on the case since 1969.

Harold Weisberg, of Frederick, Md., has assisted Ray's legal team--Bernard Fensterwald Jr., of Wash DC, recently fired by the convicted assassin of Dr. Martin Luther King Jr.; James H. Lesar, also of Washington, whose status is; and Robert I. Livingston, of Memphis, who said, "He (Ray) has no need for a criminal lawyer at this point."

Weisberg's previous background is

Weisberg, a non-lawyer, said, "I have no doubt about criminal (defense) potential in Ray's case." In stepping down as chief counsel, Fensterwald said that, in view of adverse decisions by a Memphis District Court in 1975 and by the U.S. Sixth Circuit Court of Appeals this year, "the outlook is not very encouraging." Ray is seeking a new trial. He was

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