

Dear Jim, Committee/Ray situation

3/5/77

From your voice last night I know what was in your mind and emotions. From long and disagreeable years of having the same thoughts and feelings I offer some advice.

First you have to decide for yourself what is most important to you. Then what to do or not to do. If you believe you should make efforts of some kind then you decide what efforts and how to go about them. Whatever you decide, remember that this is not the end of everything and that with what you or or no not do you will have to live for a long time. This means do not do what seems to be expedient at this moment. Do what you believe is right and necessary, however, you evaluate necessary. That is and must be a personal decision.

These terrible people doing terrible things will not go away. My belief is that we should confront them. It is also that we may not be entirely alone in it when we do it. The opportunity for confrontations is not just in the immediate. The immediate is only the present problem.

While I have not had time to think it through carefully I have given it a little thought. My belief about what to do comes from long experience of which you are aware enough. It begins with the certainty of being right and intending to do right. You will find that in time of adversity and particularly when facing seemingly overwhelming odds this means much. This includes an important emotional consideration - there is no defeat, no failure in not succeeding.

What I think you should do will not require a great amount of time or a great amount of thought. This is not a time for elaborate legal briefings. It is a time for the stating of simple facts and basic beliefs. You need research neither.

First I think you should postpone the depositions in 144B. If you do not you will now go into them unprepared. We have waited this long a couple of weeks more will make no real difference. I suggest you seek to set them for the week after the Williams date.

You may want to consider us both speaking to Preyer or your speaking to him yourself. If you decide that it would be better for me to be with you then I suggest considering asking two members of the staff to be with us, perhaps a third. If you do I think it must be done by Preyer asking them to be present, not us. In order, Brooten, Gay and Walsh. These three I believe will be honest. From those of the press I have spoken to I gather that Preyer is longest of the Members on principle.

I have no reading on any other Member sufficient to permit a recommendation. I do believe that it would be embarrassing to some to be included, particularly Fauntroy. No seems to have a good relationship with Dodd. I might talk to him. Belling also seems to be of serious mind but I do not know.

Aside from this there are other statements you should be preparing. We talked about one, going into federal court with an injunction. If you do this there are some points you should not omit. One is that Congress does not have the right to investigate the murder except in pursuance of a legislative need. This committee has made clear that it regards its function as solving both crimes. This is not a legislative purpose. We can both supply affidavits on this going back to the summer of 1975. Another is that the committee has not even begun to establish the body of the crime and is engaging in a desperate media event to save itself from the consequences of its own wrongful act, that with a half year in which to do so it has not begin serious work, has degenerated into a national disgrace with its petty bickering and commercializations of these great tragedies, and now seeks to save itself by further denying the rights of a man whose legal remedies are not exhausted. I would add at a time when his defense is close to not the nebulous "threshold" the committee pretates to the press but definitive and irrefutable answers. Here you can make a general reference to your prior letter to Bell. (Here I suggest that you temper your Deayfus reference by making it clear that Jimmy

is a petty criminal but that our system of justice is based upon the indivisibility of justice, that the rights of all are established by the preservation and defense of the rights of the least of us.)

I think it would not be a bad idea to include a direct charge that in addition to saving itself some of the members of this committee are in ~~the~~ cahoots with a notorious commercializer who without your permission and by subterfuges demeaning to the bar if not prohibited to it has obtained access to your client and tricked him in various ways. To help with this I am sending you a copy of the PW add for Lane's book. You already have the promotional piece from an earlier edition in which they say April publication. So these people have to continue the committee to keep from making themselves look foolish in the book that is part of a reported six-figure commercialization. The language of the add my source unfortunately annotate lends itself to this as does the promotion I sent you. "...have already sparked the formation of a new Congressional committee. ... certain to capture the imagination of anyone interested in conspiracy..."

I think you should also write O'Reill, with a copy of your request for an injunction if you file one, earlier if necessary with the promise of sending it. You should tell him that from your years-long representation of Ray and other work it is apparent that in the times of these great tragedies and thereafter the failure of all of societal institutions, all responding to external pressures, perpetuated the trauma and led to the current failure of the legislative branch of government. What is involved is not merely internal bickering, it is a media event in which there has been no serious work from the outset and in fact the enactment of the resolution was procured on the basis of disinformation fabricated by two of the most notorious commercializers of these tragedies. While you write him because of your lawyer's obligation you want him to be aware of the disrepute all of this is bringing upon the Congress. This will become more malodorous if the committee, in its desperation, seeks the cheap sensation of ~~pressing~~ taking testimony from any Ray, particularly at this juncture, when there is nobody on the Committee or its staff in a position to question him about fact, not the fabrications of Mark Lane and Dick Gregory. (Give him copies of both PW cheap shots by P-H.) Tell him that at the outset Ray's defense offered the committee all the help possible and that what the committee had was only that which could be forced upon it and having it then proceeded to ignore it as part of the Lane commercialization. You really have to go after Lane now and now the time is right for it. Tell him that immediately the committee sought to violate Ray's rights even when no purpose was served by it except perpetuating the official explanation of the crime, that after vigorous protest Sprague wrote and apologized and in writing and in personal meetings continued to assure the preservation of Ray's rights. That you had never opposed Ray's appearance before the committee if the preservation of his rights were assured. That it has to be obvious that if the committee believes Ray has knowledge of the crime itself even though he has already sworn he was not at the scene and did not commit the crime the committee has to establish the body of the crime prior to being able to take meaningful testimony from him. There is no way of not jeopardizing Ray's rights if he is now called and questioned by those not knowing what to question him about and not having any basis ~~for~~ for either questioning him or really knowing anything about the crime. Tell him also that in its report, based on no investigation at all, and in many irresponsible public statements members of the committee have already ordained Ray the assassin, leaving open only the question of conspiracy. This in itself precludes any possibility of Ray's appearing before the committee without irreparable damage to his unexhausted legal rights.

Add that all of this will be magnified if the committee hears him in executive session from which prejudicial selection can then be made. Extend this to Jerry, who can be relevant only with the preconception of "impy's guilt."

Offer the opinion that there should be a Congressional investigation of both crimes but not as murders, that you favor such an investigation and will help it in any proper

way. Make that we. Say that doing this properly not only preserves Ray's rights but enables the establishing of truth as a proper part of a proper legislative function. Here I'd quote from two court records, the DJ's certification of my credentials and the C.A. on "nation's interest." You might want to tell him that I offered to Sprague, and I'm sure Broten will remember it, to join him in all my suits to save him time if he was refused what I seek ~~fixix~~ by the executive agencies and that I offered the committee all of my work. I think that with the present situation Donovan Gay will probably be truthful and say he had planned to come here with his own xerox machine to copy my files and that as part of his function on an earlier committee he had knowledge of their definitiveness and authenticity.

After you tell him there is no possible way in which this committee can succeed or now can fail to bring more disrepute upon the House that we do favor his establishing of a new committee in which its legislative responsibilities are set forth explicitly and it is limited to what will avoid media events and fishing expeditions against those agencies that must be looked at in connection with both crimes - that there simply is no way of avoiding them.

Add that you represent me in this as in those litigations by which I have obtained some of the records I have and that from your own knowledge I can provide any proper committee with the basis of both investigations if the Congress will but begin with what is required by legal considerations, establishing the body of both crimes. This will save great sums of money, enormous amounts of time, limit what the committee can feel called upon to look into - and say specifically that as one example there is no question but that the FBI did not kill Dr. King, the only possible meaning of the misinformation that turned the black caucus on. I'd go farther and say that while there has been serious failings in these agencies they did not commit original sin and ~~as~~ there must be an end to ~~ixix~~ the irresponsible blaming of them for every imaginary fault - that if they are held to account what what they actually did this will strengthen not weaken them and at the same time avoid Congressional irresponsibility which has tainted all on this subject going back to the beginnings of the resolutions of 1975.

Tell him that if he has any question we will satisfy him in confidence through anyone of his election, that if he wants testimony in support of such a new resolution we will provide it and that if he does not agree and elects to continue this committee we ask to be head by the Rules committee in opposition to it. He will know that we can approach those members of Rules who are opposed and that this can make quite a stink, one of the reasons for the enclosures on Lane.

Ask him to ask himself where you use the court quotes why the committee never asked me for any of this material even after I offered it and after its research director had said in October that he was coming up for what he knew I had and all else I could give him when these are all formerly suppressed official records. He'll know that those opposed, especially Republicans, will clobber him and the Democrats in Rules and on the floor for this alone on a number of correct issues including cost. If you say this is up to 20 files cabinets of material it will get through to him harder. You can add that it is all already committed to the public through a university system so there is no possible commercialization and that besides, the request was from the research director, his initiative, not mine.

Somewhere include that although Sprague knew you had spent seven long years on this case he never asked you a single question about the crime itself and told us that when his staff had failed to pick up the briefings of both sides in the litigation he said he had ordered them not to read the briefings of both sides on the spurious ground that this would prejudice lawyers. Ask what kind of lawyers he hired!

The right letter to O'Neill can turn this around now. Do it in haste to get it done and tell him that you have to hasten to prevent another national disgrace and the perpetuation of these great trauma and in the interest of the Congress and popular attitudes toward it. I think even Bud would help now and can. We went into this without knowing what was afoot yesterday. Good luck!