4/17/70

Dear Bud,

When you phoned about the COUP content that can help Ray in the coming proceeding, I was with an enormous collection of crates I'd gathered for the lumber I need and cannot buy and had to take them apart, so I've had no real time for sitting down and thinking the matter out. I did, midst other things, make a few cryptic notes as the ideas came to mind.

Ray was denied his rights by the contractual obligations of all his prvious counsel to violate Canon 20. He was legally crippled 7/5 when Manes forced (I think the word accurate and appropriate) him to sign 100% of his possibile income away. This made him Manes' creature under conditions that precluded Manes making any real money from the case ~~mk~~ while serving the basic and essential needs of his client. It is not only that he had a conflict. This conflict was with him, as with Foreman, totally disabling to Ray, for there was no real income if Ray went to trial, all of the material then becoming public domain. This contract also forced Ray to provide Hoie with what was against Ray's interest, falsehood, for he dared not tell the truth, under penalty of death. It was against Ray's and public interest for him to have signed the contracts extracted from him by previous counsel, against his interest and a denial of his essential rights, including to a free trial (as it was against the public's need for a full and free trial) for there to have been any pre-trial publicity. This is especially true in the case of a conspiracy to murder, where one conspirator only is apprehended and charged. So, the publicity that was forced upon Ray by his lawyer precluded a fair trial, was a denial of Ray's rights and made a fair trial a legal impossibility. Could you alleged the consitions of the contract also were usury? Of course, the conflict in Manes and Foreman both representing themselves and Ray simultaneously in money matters where his interest was opposite theirs should not have been missed by other counsel. When they were so committed to their own financial gain they had to engage in procedures that made a fair trial an entire impossibility. This public domain bit is not conjecture, for that is precisely what Carlo Ponti told Foreman when Foreman was gloating over what he was getting from Ponti. Ponti said nothing now, after the minitrial. Foreman expected a ~~fa~~ six-figure advance plus 13% of the gross. So, even the minitrial precluded any financial return, which shows the result of the conflict that is so much more than an ordinary conflict.

The public defender, appointed by the judge to help Foreman, who filed a pauper's oath (this should be effective if used right, this multi-millionaire who expected $500,000 from the case and has warehouses stocked full of valuables he has taken as fees), as his very first act, 20 minutes (according to Foreman), started selling Foreman on the deal. Foreman immediately authorized exploration. Instead of conducting any investigation at all, instead of really analyzing the evidence against Ray (I have Foreman, on tape, saying it was shown to him), he did nothing, from the first, to defend his client, resting on the deal format. So, whether or not Foreman is competent counsel, he did not perform as effective counsel, his financial interest precluding it-if nothing else did. The kudge appointed Stanton to help defend him, not to make a deal. There is no evidence Stanton ever conducted any investigation, and he could not have and sat still for what transpired in the minitrial -without being part of a conspiracy to frame Ray. This, incidentally, can be safely alleged against Foreman on the basis of his having said he was shown the whole case, all the evidence.

It was, according to the present Chief Justice, entirely improper for the judge to have been a party to the deal before it was entirely packaged by opposing counsel. Yet he was, and it is he who stipulated the worst conditions.

I would prefer that it not be used, but his defense when there was public criticism illuminates the denial of Ray's rights and the utter impossibility of his lawyers actually believing they save his life or made a good deal. It is that had he not agreed to the deal, there might have been a hung jury or Ray may have been acquitted. So, the judge, aside from this great impropriety, was a hanging judge who, instead of presiding over the rendering of justice, was part of its denial to the accused when he believed there was a good possibility he would not have been convicted.

Likewise, there is no possibility Ray would have been sentenced to death, or the sentence executed. Here I'd use the words of the judge without identifying him as an appeals judge and the statistics I mustered. Especially in Memphis.

The federal government, with the complicity of a compliant city and state, took over the entire case. There was no local investigation at all (I have the cost breakdown in the book). This was entirely illegal for there was no federal jurisdiction. There was the false and knowingly false allegation of conspiracy, immediately denied by the Attorney General before it was alleged in the incompetent indictment in Birmingham. This was done belatedly to give the appearance of legality to the illegal activity of the FBI- and the illegal expenditure of public funds. Ray was entitled to be prosecuted by the jurisdiction in which he is alleged to have committed the crime, byt the competent and duly constituted local authorities, who should have had their own beliefs and independent knowledge, not that forced upon them by Washington (which should be persuasive where there is so much claim to a love of the rights of the States). Could you not try and equate this with the right to trial by a jury of peers? The prosecution was not local, for a local crime. The locals were a front for dominating and dictating Washington, to the end that the locals didn't even known what Washington didn't tell them, in effect. And Washington, faced with urgent political problems, considered those, not justice, not an impartial investigation. Thus, rather than a pre-trial investigation, there was a conscious federal frameup we will prove in open court if the new trial is granted. And we sure as hell will!

Ray's rights were prejudiced in advance by the endless FBI leaks to the press of whatever was opportune, from its selfish interest, the crime having been committed when it was the obligation of the FBI to have prevented it (new civil rights act and they did have bodyguards with King and I will produce a very reputable professional white witness to prove he was always introduced to the FBI agents when he was with King). Hoover's hatred of King should have disqualified his having any connection with an investigation of his murder anyway. Here we are looked for even a beer like Hoover. But these FBI leaks were never accurate, never truthful, always designed to make it look better and in so doing always said what was untrue. They had Ray in Mexico, for example, when he was in Canada; in Portugal when he was in England; in Canada after he had left there. They then hid the fact that when they showed pictures of Ray to prospective witnesses these witnesses either failed to identify or made negative identification, saying Ray was not the man. Here again, I'd prefer that it not be used, but it is for your understanding. From the Attorney General down, all the Dept Justice and FBI statements were wrongful and contrary to Ray's interest and a denial of his rights, aside from being untruthful.

The prosecutor violated Canon 5, which says he must seek the evidence on btoh sides. He sought it on neither. He has the obligation not to convict but to see that justice is done. Without the most exhaustive investigation by local authorities alone, for one thing, he violated this canon and this denied Ray both his rights and fair treatment, making even a fair deal an impossibility.

Ray was later denied his rights by the Lyerly letter disclosures.

I think it is important to avoid this in the documents for the court but also important to keep it in mind in their preparation.

Foreman got Ray's consent to the deal with the threat he'd be killed if he didn't accept it. I have Foreman on tape saying this. It was on the Dick Gavett show, after the mistrial. He said he didn't try to persuade him, he just told him he'd be killed if he didn't agree to the deal. When Ray in the last minute backed out, he then bribed Ray.

Foreman also came into the case improperly, knowing Ray didn't want him, while Hanes still had the case, and then he had nothing in writing from Ray saying he wanted him. He didn't get this until after he saw Ray.

Could you allege that the lawyers denied him his rights by making him an object of coercion and bribery, and demand the court force the revelation of the deal between Foreman and Hanes, what Hanes got to get him to give up his interest?

Foreman misrepresented the nature of the case against Ray, as we will also prove in open court, but give no details. Without this he could not have gotten Ray's agreement which took a long time as it is and which was, in the last minute, withdrawn.

Exculpatory information was withheld from the defendant, as will be proven in the trial sought. If his counsel were not aware of it they were incompetent, despite their reputations, or had it withheld or misrepresented to them. Whatever way it was, it amounts to a conspiracy against Ray. Prove in trial also.

We will prove in a trial, from a book already written, from evidence already collected and also being sought in another court, that Ray a) did not fire a shot; b) his counsel tried to get into the record an acknowledgement that Ray did, which served federal, not Ray's purposes, when his client had neither said this nor agreed to its being said. The national interest requires the production of such evidence, for aside from the stature of the victim and the consequences of the crime, this also means a killer is free, whether or not there are other conspirators.

The nature of the pre-trial publicity by Hanes as well as DJ had the effect of frightening potential witnesses, thus, additionally, denying Ray a fair trial. Especially that bit about him being part of a fictitious red plot. Whether or not the performance of counsel is a basis, I'd clobber the hell out of them on that point, to the point of accusing them of conspiring, with each other and Hale, to make money and against Ray's interest and that of justice. They had a responsibility over and above that to their client. They are agents of the court. They have the obligation of being justice done, not making sharp financial transactions and then suiting their court performance to their financial interests rather than their responsibilities to their client and their profession. One possible way of cracking this, of getting attention in an unwilling press, is by going after Hanes and Foreman in a more competent way than Stoner can or can have. They should be disbarred for what they did and Ray and justice should not ~~is~~ be the victim of their malpractise, misfeasances and nonfeasances. Their competence is not the issue. Their performance/possible criminal activity/ improprieties is not illegatities is the issue. But, if pressed on this charge, it is copyrighted but can be and will be produced in a trial.

There may be no time for it now, but when I first raised the question of your representing Ray if I could arrange it I also mentioned a constitutional lawyer with really extensive experience in the south. His name is Richard Sobol.

He is also a friend of Mark Reskin. After speaking to you I raiseed this and other questions with him, by phone, elliptically. I think he understood but he may not or may have misunderstood. He then said he was interested and willing to help on this and the JFK matters, but I never again got through to him after he was supposed to come up with Peter Edelman, a former RFK man with political ambitions. I suspect Edelman turned him off. But I'd try him. His phone is 659-4980. He is very able and a constitutional expert.

My mind is rebellious. Please give me your deadline, in case I think of more, for when I get up in the a.m I feel I must work on the Skolnick matter. It is not late at night.

Hale's articles saying there was a conspiracy were a denial of Ray's rights because they were so widely distributed and reported and had the effect of telling potential witnesses there were powerful conspirators free to wreak vengeance if they said anything. This also goes back to the Hanes violation of the canons and the illegal contracts against public interest and Ray's.

Ray was denied his rights in England, where the court accepted less than best evidence, evidence not subject to cross-examination, aside from any technical violation of British law. Here, bear in mind, the same US government that falsely alleged conspiracy to contrive a jurisdiction it did not have, insisted there never had been any conspiracy. If there had been, it was a political crime and he could not have been extradicted. And it would have been faced with the need of pursuing the other conspirators. This is the political problem then impelled it to exert the pressures it can and did exert and, in effect, consciously to frame the accused. Rather than document, I'd allege and say it will be proved in the trial sought, this as it relates to the admissions of the Lyerly letter and the Bow Street Court letter. Even if they are not a part of court record, they are unknown and they would be dynamite in open court. To the press and to the jury. Also, we may be able to use them more effectively in our own suit, and more to Ray's interest than in Tennessee and now. That can be a backstopping of the Tenn. proceeding. I have reason now to believe there may be some media interest in our case, major, too.

I realize I may not have been talking in terms of the law, decisions, practise, etc., but I think this is required and a certain amount of it must be alleged in a court record. It is a way of making those who will decide face up to what history may record about them and their decision and of making it more difficult for them to deny justice. They now live under on-site pressures that must be countered, to the degree possible. I think you can say in such a document what you might not in court, or should I say you are not bound as you would be in court?

Not alone is the no indication any element of public authority ever sought any other shooter, any co-conspirator, anyone who may have aided the escape in any way or who may have performed such simples chores in the conspiracy as helping in the assumption of false identities, or for one who financed it, but the opposite is true, despite the obligations imposed on public authority, esp. Canon 5, and the obligations of defense counsel. In the case of the FBI they invented and publicized alleged sources of funds for the escape, including h the ribbery of a bank in Missouri. Again, indication only an acceptable political solution was sought or one that could be made to seem politically acceptable. This is evidence of the willingness to frame-up as it is proof of a denial of rights.