

Mr. Leonard Downie, Jr.  
The Washington Post  
1150 15 St., NW  
Washington, DC 20031

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Dear Mr. Downie,

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Today's "The King Verdict" editorial <sup>underscores</sup> one of the Post's major failings of my long life as a Post subscriber and it repeats that failure in writing without the knowledge required if the Post intended to serve the <sup>once</sup> real purpose of the press in a society like ours.

That editorial also confuses two quite separate things: did Pepper make out a case for a conspiracy and was there, in established fact, <sup>and before Pepper</sup> a conspiracy.

The <sup>effect</sup> political assassinations, of which that of King was one, without the observation by the Post, turned the country around.

The assassination of any president is, in our society, a de facto coup d'etat.

Which the Post also did not tell its readers.

There was an earlier testing of a number of elements in the King assassination that the Post did cover. I am confident that Paul Valentine, who covered it, still has some recollection of it.

Wanting our system to work, as it did not when the President was assassinated, I was able to arrange, without having seen or spoken to Ray or to any but one member of his family, to provide him with counsel other than those of the extreme right he had used, in an effort to get him a trial. I was the investigator who did the work that got him a habeas corpus victory when earlier efforts had failed. I also did the investigating for those two weeks of <sup>int</sup> evidentiary hearing in Memphis in about 1973.

Jim Lesar, then junior counsel, and I exercised two days of discovery and with senior counsel abroad, <sup>we</sup> prepared for that hearing. Lesar took the law and I took the fact. The argument was that Ray had not had effective assistance of counsel and that his plea was not voluntary. With the lawyer who coerced Ray into agreeing to the plea the country's then most famous criminal lawyer, Percy Foreman, I could think of only one way to prove that he had not rendered effective assistance as counsel: try the case in miniature and exculpate Ray with what was available to Foreman. In abbreviated form this is what we did and we did it so effectively that the judge, in his decision, felt compelled to say that guilt or innocence were not before him. Had he held other than he did in denying Ray the trial he never had he would have been lucky to survive in Memphis in those days.

Truth is- and I can document this <sup>d/</sup> all I say with official proofs- that

the prosecution could not even place Ray in Memphis at the time of the crime. The official proof is that the Ray rifle did not fire the bullet that killed King. There is more for which I do not take your time.

The Post had so little interest in the official fact of the crime, the official fact that could not be avoided when a real investigation was avoided—was never of any interest to the Post. There must have been close to fifty status calls in that FOIA lawsuit, CA 75-1996, and no reporter was at any one of them. Not even when the judge agreed to a DJ request and appointed me, the plaintiff (and ~~not~~ a lawyer) to counsel the defendant! The defendant <sup>having</sup> claimed that I knew what it and the FBI did not and thus needed to draw on my knowledge. Nor was it news that when the DJ promised the court to pay me for my time, after I turned my consultant's report in it refused to pay me. The DJ actually argued that the assistant division chief did not have the <sup>authority</sup> he told the court he had, to authorize paying me. *And the judge had not a word to say.*

But I did get in that litigation, aside from my own work product, about eighty thousand pages that had been withheld. Even withheld was what our government gave the British courts, <sup>used</sup> publicly and reported in England, to get Ray extradicted. That was actually classified Secret until I got it disclosed.

All of these unusual things and many more like them and other things that were even worse, more anti-American, were, because there is, and this is the literal truth, no case against Ray at all!

It was all made up.

The FBI ever withheld it from the Memphis prosecution until that district attorney general complained to DJ. The FBI then let the Memphis prosecution have only a fraction of what I wound up with when there remained major and wrongful withholdings from me. But that the FBI had refused to give its case to the prosecution is a dependable evaluation of that case: none at all!

Yet the DJ got the King family and friends to agree to the plea by telling them they had Ray dead to rights, So they agreed to the plea because King and they did not approve of capital punishment. And that DJ lie, and a bigger lie is not easy to conceive, is why the system of justice was not allowed to work.

And why there was such fierce and not infrequently dirty determination not to let Ray have the trial that, without any doubt at all, he was coerced <sup>acceptably</sup> into by his lawyer who had done similar favors for the government before? (Foreman fled a TV studio when he <sup>learned</sup> he was to confront me.)

There is the official transcript of those two weeks of hearings in federal district court in Memphis. The unrefuted evidence is that the crime, as attributed to Ray, was a complete physical impossibility. *Literally.*

Hard as it may be for you to believe it, there is nothing at all that can be called evidence that makes Ray guilty. It is all made up or imagined.

Yet despite the history since that assassination, the editorial refers to Ray as "the real killer" when the actual evidence is that he was not.

It says "there was no government conspiracy" but aside from the actual killing it was all government conspiracy. They all knew better than what they said and did,

The editorial says truthfully that "The deceit of history, whether it occurs in the context of the Holocaust denial or in an effort to rewrite the story of King's death, is a dangerous impulse for which those committed to reasoned debate and truth cannot sit still." This is why, at 86, frail and unwell and still wanting to do what the media should have done and did not do, make that record for history, I now take this time knowing that if you look at it you will pay no attention to it. The Post, and not it alone, has a long history of this.

But who among you knows what the truth is? Who engaged in any "reasoned debate" and with whom who had any real factual knowledge?

Not one of you know enough to justify most of this editorial. Not one of you made the slightest effort to learn. And the Post knew very well that all I have I make available to all. In the past this often included the Post. It also knew that I had conducted the habeas corpus and evidentiary-hearing investigations and had filed the FOIA lawsuit that broke so many suppressed pages free.

As one example of what is in those records, the FBI did not even test the so-called death rifle to determine if it had been fired since the last time it was cleaned. This is a simple inexpensive and usually automatic test of passing a cotton swab through the barrel to pick up traces of firing. But it did that with a rifle it knew had not been used and which could not have been fired-ever - because the firing mechanism was frozen by an excess of <sup>Cosmoline</sup> grease.

In this, and I mean no personal insult, you have started on the path that earlier was taken by Pravda and the Volkische Beobachter. You did that with the JFK assassination, too. The stories on that, Post stories, I spare you.

How can our society function as the founding fathers intended when a major element of the media, typical of it all, misleads the people as you do in this editorial and have done so often and for so long on this subject? How can representative society work when it is so overwhelmingly misinformed? Do any of you ever think of this and what you do to representative society in it?

Sincerely, *Harold Weisberg*  
Harold Weisberg

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## The King Verdict

**N**ORMALLY, A JURY verdict—even one that seems uncomfortably at variance with the public record—is due a considerable amount of deference. The decision last week by a jury in Memphis, however, that the assassination of Dr. Martin Luther King Jr. was the result of a vast governmental conspiracy should alter no one's view of the assassination. It's not that the jury misbehaved; based on the evidence presented in court, it was an open-and-shut case. Rather, the problem is that nothing approximating the real history of the assassination was ever presented to the jury.

The King family, having publicly embraced the claim of innocence of the real killer, the late James Earl Ray, was represented in the litigation by Mr. Ray's lawyer, a conspiracy theorist named William Pepper. The supposed defendant, Loyd Jowers, was the peddler of a long since discredited tale about being a part of a conspiracy to kill Dr. King. His defense was not based on historical truth—that there was no government conspiracy—merely that his own involvement in this alleged conspiracy was limited.

In other words, the King family sued for \$100 in damages a man who did not even contest their false thesis. The litigation in Memphis, therefore, involved no party that

would go to bat for history. Meanwhile, the judge admitted a pile of hearsay evidence, even some "testimony" that had been given in a mock trial staged a few years back by HBO. Both judge and jury are reported to have nodded off during the proceedings. The inevitable result of such a sham trial is a jury verdict that—to those who have not studied the peculiar circumstances that gave rise to it—may give to a wild conspiracy theory the imprimatur of a legal finding. It should not be allowed to do so.

The deceit of history, whether it occurs in the context of Holocaust denial or in an effort to rewrite the story of Dr. King's death, is a dangerous impulse for which those committed to reasoned debate and truth cannot sit still. That it has, in this case, been perpetrated by Dr. King's nearest family in a court of law makes it, in addition, a mystifying act of self-deception and an abuse of the legal system. That the King family has a movie deal with filmmaker Oliver Stone gives the whole affair, to add insult to injury, a commercial feel. The case, in short, had nothing to do with law, and it had nothing to do with truth. The more quickly and completely this jury's discredited verdict is forgotten, the better.