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Mr. Courtland Milloy, *news*
The Washington Post
1150 15 St., NW
Washington, DC 20071

6/1/94

Dear Mr. Milloy,

If you were not a black writer on whose word other blacks depend I'd not take this time at 81 and in impaired health. Which explains my typing, for which I apologize.

Are you as a concern^{ed} black willing to allow the assassination of Dr. King to be regarded as solve^d without any trial at all and with the accused man claiming he did not do it and was coerced into accepting a guilty plea?

Have you any basis in fact for what your diatribe in today's Post really is?

Have you made any effort to learn what fact there is, fact that is established in the American way, in open court and subject to cross-examination?

I presume that you wrote your column off the top of your head, without seeking any information. You would have found it in the Post's morgue. Check it for 1974. Or if Paul Valentine is still with the Post in Baltimore, call him up. He was there and if his recollection is clear enough he'll tell you that in those two weeks of evidentiary hearing Ray was exculpated and the phony liberal judge held that guilt or innocence ~~was~~ immaterial on what was before him - whether Ray would get a trial.

You refer to a "new trial." He had none and he seeks one.

I wanted our system to work. I did not want a legal lynching when a man like ~~King~~ King was assassinated. So I arranged for Ray to have pro bono counsel and I was his investigator. I conducted the habeas corpus investigation that succeeded. I then conducted the investigation for the hearing that was to determine whether Ray would get the trial he never had. Jim Lesar (375-1924) was the junior member of the legal end of the defense. He also did most of the work at the hearings. He and I both have transcripts. You are welcome to read mine whenever you may want to.

Jim and I had two days for discovery before the hearings. Chief counsel was abroad. He has since died. With what we got in those two hectic days we divided the preparation for the hearing this way: Jim would do the law and I would do the fact.

Percy Foreman, then the country's most famous criminal lawyer, was the one who did coerce Ray into the guilty plea. It fell to me to prove that Ray had not had the effective assistance of counsel, one of the two bases of his claim to a trial. How does one prove that the country's most famous criminal lawyer did not do his job? I decided that the only way to do that was to in effect put the case on that Foreman failed to do. And, subject to cross-examination by the State of Kentucky, whose assistant attorney general threatened me in the presence of another for what I was doing, we did exculpate Ray. Under better conditions he could have done it more effectively. Jim sometimes had to question witnesses

he'd never laid eyes on, based on suggestions I typed for him during the wee hours when he had to be working on something else. But despite that we did put on so persuasive an exculpatory case the judge had to say that guilt or innocence ~~was~~ immaterial to whether or not he would order a trial for Ray. and in the face of all the evidence he held that Ray's counsel had rendered effective assistance and that they did not have the very ~~any~~ obvious conflicts of interest they all did have. (His earlier counsel was Arthur ^{by Bull Connor,} ~~Manes,~~ Birmingham's mayor when those dogs and firehoses were turned on demonstrating blacks.)

In all the months Foreman representtd Ray ~~he~~ spent only 10 hours with him and he spent much of that little time trying to persuade him to ^{agree} to cop a plea for the crime Ray insisted he did not commit. He finally got Ray to do it by threatening his family. The State~~s~~ and the FBI could not place Ray at the scene of the crime at the time of the crime. I proved he was not there, with witnesses who withstood cross-examination. I also proved that the crime could not have been perpetrated as the State and the FBI claimed it was.

At the time I made the effort I did there was only one way to try to solve the King assassination so that the people could be satisfied and that was to get a trial for Ray. It remains the only possible way, only now he must produce "new evidence."

Under Tennessee law he could invoke the "new trial" provision within 30 days if he entered a plea but he could not do that if convicted by a jury. So, knowing that he had to get rid of Foreman, who had his own complications to worry about, he finally did agree to the plea and as you know, as soon as it was physically possible did notify the judge of his intention to seek a "new" trial. If the judge had not dropped dead of a heart attack while going over those very papers Ray would have had a trial, automatically, from the course he opted. The law was rewritten in court later when a new judge held that the law could be invoked only by the ~~trial~~ judge, who was safely dead.

Later I sued the government under FOIA for its records. I got about 60,000 pages that not a single black has ever come here to look at. I make them all available to all writing in this field or about the JFK assassination, relating to which I have many more records.

Lawson knows about that hearing and what we ^adduced at it. You are quite unfair to him.

There could be one helluva book in what I ^{material} have. The main reason I've devoted myself to the work I can do on the JFK assassination is black indifference.

You have also been unfair to your trusting readers and I believe to yourself.

Valentine knows me from the past. So does Gardner, who is off writing a book. Of those on the Post now who can give you an idea of what I have and do, I think that on Outlook Jeff Frank and in research Anne Eisele may be willing to.

Sincerely, *Harold Weisberg*

Harold Weisberg

COURTLAND MILLOY

Post 6/11/94

No Sympathy For a Murderer

I couldn't believe my eyes: James Earl Ray was up for parole last week. The man who pleaded guilty 25 years ago to assassinating Martin Luther King Jr. actually had the gall to ask to be set free.

And if that wasn't shocking enough, civil rights leader James Lawson showed up at the hearing to speak on Ray's behalf. Lawson was the strategy chairman for the strike among sanitation workers that prompted King to make his fateful trip to Memphis in April 1968.

With a news photographer capturing the obscene moment for all the world to see, Lawson walked over to Ray and affectionately shook the gunman's hand.

What is wrong with our people? How many ways can we come up with to make ourselves look totally stupid?

Hosea Williams, another associate of King's during the 1960s, also showed up to testify on Ray's behalf.

"I know in my heart that Ray didn't pull that trigger," Williams told the parole board.

In his heart? What kind of evidence is that? If Williams knows something about the assassination, he ought to give it up. Or just be quiet.

In 1969, Ray admitted that he killed King. Before sentencing Ray to a 99-year sentence, Criminal Court Judge Preston Battle repeatedly asked Ray if he understood that his plea precluded appeals. Ray said he understood.

That should have been the end of Ray. But three days later, he tried to retract that confession and began seeking a new trial. Ray, 66, now contends that he was pressured to confess and says he just wasn't "assertive" enough to resist.

That is ludicrous. Here is a man who was assertive enough to live the life of an armed robber. He was assertive enough to elude

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No Mercy for Assassin

MILLOY, From D1

capture for 14 months after King's assassination, assertive enough to escape from prison after being convicted of the crime.

Moreover, a House Select Committee on Assassinations concluded in 1978, after a two-year investigation, that Ray killed Martin Luther King. There may have been a conspiracy, the committee noted, but Ray was telling the truth, the first time, when he admitted pulling the trigger.

Lately, however, there has been a steady parade of black civil rights activists acting as if Ray has been as wronged as Nelson Mandela.

"If Dr. King were alive, he would be appalled that a person could be imprisoned for 26 years having had no trial," Lawson said. Never mind that people who plead guilty don't have a need for jury trial.

Jesse L. Jackson, a longtime aide to Martin Luther King, even wrote the foreword to Ray's autobiography. The book was a blatant attempt to cash in on the killing. It was titled "Who Killed Martin Luther King?" As if Ray did not know.

Meanwhile, Hosea Williams has been going around talking about evidence hidden in his heart.

The fact is, a new trial for Ray would do nothing but give the convict a chance to wriggle free on a technicality. For all of the talk by Ray's lawyers of a conspiracy that a new trial supposedly would uncover, some of the first words out of Ray's mouth at the parole hearing last week were: "I wasn't involved in any type of collusive activity to kill him. In other words, I wasn't some type of accomplice."

Therefore, Ray's lawyers would have no reason to link him to a conspiracy. They'd simply try to confuse a jury by raising the possibility that someone else did the shooting.

Memphis District Attorney John Pierotti seemed to be the only one making sense about the case when he said Ray's

supposedly new evidence is either fabricated or unprovable.

"I could be doing a lot of other things that would be more productive than baby-sitting this senseless case," he said. "The whole thing is garbage."

And it's a stench that is going to be with us for quite some time.

Although Ray has been eligible for parole before, last Wednesday was the first time the Tennessee Parole Board agreed to hear arguments on his release. In the past, all of Ray's requests were denied without oral presentations.

This time, the vote was 3 to 4 against parole. Ray needed four votes. One of the seven board members had investigated King's assassination and disqualified himself. The remaining three decided not to vote when it became clear Ray had lost his bid.

But two of those who voted against Ray last week said they would favor his release when he comes before the parole board again in 1999. The very thought is nauseating.

Did Martin Luther King Jr. have a chance to explain why he ought not have been assassinated? Did he get to call witnesses to say what a good father he was and how much his children loved him?

Did he get the opportunity to speak before a panel to say how much his people needed him and tell what a loss it would be to have us deprived of his leadership?

No, he did not. And the man who shot him down in cold blood on a balcony that day in Memphis shouldn't have another chance either.

I could understand Williams and Lawson showing some compassion if Ray, having confessed, had expressed great remorse and sorrow. You could shake his hand on the way to the gas chamber.

But to offer a hand of support to an unrepentant sinner? Come on, Rev. Lawson. Sometimes we bend over backward so far to appear forgiving that we end up kissing our own behinds.