

Dear Dave,

7/8/97

Your Priority mailing of the card got here close to suppertime ~~today~~ yesterday. Sorry you did not tell me your planned use of it.

Page 2, line 2, for many if not most possible uses, eliminate "vicious." Pasttime is one word.

Last graf, eliminate two minutes. Just or barely after six. Same said at 6:01. But don't give pickers something to pick on. At the bottom of the page make that Ray fled, dropping his rifle, which did not happen, ^{that} comes from the officials. And of them the prosecution was local, not by the FBI.

Canipe's was a second-hand record shop.

Then you have to have more, like after capture in England an extradition in violation of the extradition treaty, facilitated by Ray's first United States lawyer who did not get a penny from the writer who bought the exclusive right from him until Ray was back in the United States, Ray finally fired that attorney, Author Hanes. His next lawyer, famed Percy Foreman, assumed the same book contract, which required Ray's conviction, then pressured him into an involuntary guilty plea. There was no trial and the plea Foreman accepted and gave Ray no real choice but to accept was not any compromise. It was the maximum then possible.

Page 3, Ray was linked to the rifle by having bought it and by a few prints on it. The point on the prints is that none was there the rifle was held for firing. Eliminate "The Court refused." Did not happen before the hearing. It was at the hearing. Bud did not ask for time for that twisting.

The swabbing is to determine whether the rifle was fired after it was last cleaned. Oil is used in cleaning. I'm not clear on the source of 28 swabbings. I know many other rifles were test fired. Why would one rifle be swabbed 28 times? Gets confused with "second rifle." The rifle Ray bought and then returned could not be fired because of the encrustation of cosmoline on it. The FBI removed that cosmoline, making it possible to fire that rifle for the first time, and tested it as it never tested the rifle it claimed was used in the killing!

It was the State that "explained" the ~~rip~~ alleged dropping of that package. All the "personal items" were not Ray's, like a bobby pin.

I'd not say that witnesses said the drop was before the shooting. Better to say we established that at the evidentiary hearing, where it was not refuted.

Drop the "proper angle" and say that for that rifle to have been fired at King with the muzzle resting on the windowsill, as the FBI alleged, as we also proved at the hearing, the shooter and the butt of the rifle would have had to have been inside the bathroom wall.

That windows was partly closed, partly open, but not open enough to accomo-

date the rifle and its sight. *not enough to fire rifle.*

The FBI was not a party to the minitrial. It was a local proceeding so the FBI did not have to produce any witnesses. Eliminate this line. And I think one SA did testify. They were used in what the prosecutors said to that court.

I'd follow with an account of what the effort to offset the plea and get a trial required. That the plea was not voluntary and that Ray did not have "effective assistance of counsel." We proved that Foreman spent very little time with Ray and conducted no investigation and prepared no case, that Ray was not at the scene of the crime at the time of the crime, and that the rifle and bundle were dropped when Ray could not have dropped them had he been in that flophouse bathroom with it.

Rather than getting ~~paid~~ paid by that imaginary St. ~~Louis~~ consoiracy, Ray had little money. *He* got out of Canada by a robbery there but when he got to Portugal he was a hundred dollars short of passage to Rthen Rhodesia, which had no extradition treaty with the U.S. He robbed but a single bank in England, with a Condoner. His share was enough for fare to Brussels. They got little, *about \$200 US*

In Memphis Ray was not in a very small cell. They took an entire cell block over for him and covered all the windows with steel plating. All the time Ray was in Memphis he had no way of knowing what whether it was day or night. He was covered by microphone and TV even though there were guards inside that cell block with him and outside it and those windows were steel-plated.

Foreman did not have a contract for a large fee for the book. It need not be repeated again.

The judge who did not give Ray the trial when we represented him could and did ignore the evidence. He'd not have been welcome in Memphis if he ~~was~~ granted a trial because we had already exculpated Ray and that would not have been acceptable to those who then counted in Memphis and in the entire area. With the country's most famous criminal lawyer the one who put Ray away, the only way we could show ineffective assistance of counsel was to try some of the case and show there was no case, which is what we did. The judge ignored all that and all the other evidence to hold that guilt or innocence were not material in what was before him, whether Ray had entered his plea voluntarily and whether he had had effective assistance of counsel.

I'd drop the ~~not-for-them~~ on next to the last page but would use it against the media, which never conducted its own investigation and didn't even when they had innocence demonstrated at the evidentiary hearing.

The evidentiary hearing lasted two weeks, morning and afternoon sessions, and the case we put on for Ray was never refuted. The media accepted that, too, and it was there. *In haste,*

Recall

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**Talking to Orwell:
Martin Luther King, James Earl Ray, & the Politics of Assassination.**

On March 27, 1997, in a dingy Tennessee prison anteroom, Dexter King, the son of the slain civil rights leader Martin Luther King, Jr., shook the hand of James Earl Ray, incarcerated for his murder. Dexter King told Ray that he believed him when he said he had not shot his father. His act stunned the nation. What goes on here?

Clarity can only come if we address three basic elements.

First, we must rid ourselves of the powerful clouds of confusion that have collected over the subject of Dr. King's murder that cloud our vision. Over a score of writers have speculated on who shot him, the theorists, and have driven the evidence to fit their preconceptions. Their poor scholarship and irresponsibility infects the public mind with falsehoods and misconceptions. To turn away from their attractive and simple resolutions of the crime is difficult for an average person to do. We are mired in theories and the attempt to answer "who" shot this celebrated figure, arguably one of the most important Americans in our history.

Second, a social syndrome of the Sherlock Holmes approach to the death of King must be removed from your thinking about the crime. This belief that the job of any

inquiry into the murder or any reading about it must be to solve the crime, to find out "who did it," is a vicious force without any redeeming features. Among the general public it turns the crime into a past time of imagining who killed him; among the professionals and writers it becomes a force to block a proper approach.

Theorists seek fame and immortality by being the one who solved the crime. Instead of being Holmes or Perry Mason or some other Walter Mitty figure from popular culture what we must do is find out the facts of the murder. This is hard, unrewarding work, but nevertheless necessary to establish the base where rests any resolution of the murder and a fulcrum out of which we wrest social regeneration and a better world.

Third, after we have shaken ourselves of this delusional matter and problems of self-importance, we must turn to the original facts of the murder. They alone must be critically examined, and see if we can draw a conclusion about why the King family is so adamant about this grisly topic. Any candid inquiry will also show why the media is so opposed to the comments of Dexter King.

In April 1968, Dr. King visited Memphis to address burning race issues. He stayed at the Lorraine Motel. At two minutes past six o'clock in the evening of the fourth as he leant on the railing of a second floor balcony, a .30-06 slug ripped into his lower face and throat. He died almost immediately. After a long investigation, federal and local authorities concluded an escaped white convict, James Earl Ray, shot him out of an open bathroom window on the second floor of a rooming house across the way. Ray fled, dropped his rifle in front of Canipe's amusement hall, and drove off. He turned up in England where he was apprehended, extradited, and held in jail until ^{trial}. At a brief

? hearing, ^{not} called a trial, Ray pled guilty and was placed in prison for the rest of his natural life.

But what are the facts? The bullet in King cannot be linked to the rifle found at the scene of the crime; Ray cannot be linked to the rifle or the shooting from the bathroom window. The FBI experts stated the bullet taken from King could not be matched to the rifle; it was too deformed. At the time of a rehearing for a new trial, moreover, Ray's experienced, professional criminologist swore that if he had a test bullet fired from the alleged assassination rifle he could prove the bullet taken from Dr. King did or did not come from that same rifle, so well defined and preserved were its characteristics. The court refused.

The FBI failed to properly examine the rifle found at the scene of the crime. The barrel was not swabbed to establish that it had been in fact fired, a standard procedure performed by the most rustic of police departments. The same FBI lab that handled that rifle performed 28 swabbing tests on another rifle Ray had purchased days before and had returned in a few hours in exchange for the .30-06. The FBI swore their tests proved that rifle had not been fired. That second rifle was new and unfired. It still had the original cosmoline packing and shipping grease stuffed in its barrel.

The FBI stated Ray's fingerprints were found on the .30-06 rifle. But no press report mentions if they were found on the trigger housing. They were not. To have your fingerprints on your own property cannot be incriminating.

Like Medieval alchemists the FBI baldly invented reasons why in a public place a fleeing murderer would conspicuously abandon his rifle wrapped in a blanket with other

night, shone bright lights twenty-four hours a day into his cell, recorded everything he did on television and sound systems, while the Sheriff covertly passed all his mail, including letters to his attorney and to the judge, to the prosecuting attorney.

Ray never had a trial, only a judicial farce. His attorney, Percy Foreman, did not search for or make studies of the evidence; the proof is irrefutable. In addition he had a book contract with a writer that would pay him large sums if Ray were found guilty. With extreme forms of pressure Foreman told Ray that if he went on trial he would "certainly" be convicted and get the death penalty. His only hope was to plead guilty. There is much more to add to the way Foreman coerced the plea.

Ray has no relationship to the actual murder of King. The current agitation by a theorist does not appear to have any merit and alike all theorists ignores the central issue of the facts of the crime.

What is at issue here is the adamant, indeed one hundred percent refusal of the major press and media to address properly the facts of the murder, not to be Sherlock Holmes and solve it, not to knight's errant and theorize about it, not to praise or damn. They have happily accepted the official statements of the nature of the evidence and will not question it. In thirty years they never have. Not for them is the corruption of the physical evidence, the refusal to swab the rifle, the refusal to search for, define, and produce the many, many witnesses who would eliminate Ray as a suspect, and the barbaric torture of Ray. Not for them is the fact persons dropped the .30-06 rifle on the public street in front of witnesses ten minutes before the crime. Not for them is to question the FBI for tampering with, lying about, and hiding evidence in the murder.

of Ray's personal items. The witnesses to the drop, not investigated and not called to the hearing by the FBI, told critics the drop came ten minutes before the shot was fired.

The physical layout of the bathroom made a shot of King impossible. The position alleged to have been used required the shooter to stand spread eagle precariously balancing on the rim of a bathtub, the barrel resting on a solid wood window sill, both impossible. Moreover, to obtain the proper angle to line up with King's body to the right the stock of the rifle would have had to be pushed into the wall almost a foot. Further, photographs taken immediately after the shooting depict the window closed. Officials and the FBI took much later photographs with the window open. Finally, no evidence at all exists to say a rifle was fired in that room.

The FBI produced no witnesses for the mini-trial; it had none. Not one. But on a later appeal Ray's new attorneys and investigator found numerous solid witnesses, who the FBI and the police did not bother to seek out in their casual limited investigation, that establish Ray's alibi, clearly put the shot outside the rooming house, and offer other critical information exculpating him.

Ray had no motive and none was produced. Without any evidence, whatsoever, officials said Ray killed King for money; yet he was so broke he could not flee England for Rhodesia for lack of \$100. He had turned to robbing banks to get the funds for a ticket. Ray had no race motive and no evidence was ever produced to that fact.

Officials treated the incarcerated Ray worse than an animal and wrecked his ability to reason properly. For months Memphis held him in ways that could not be designed better to destroy his sanity, which it did. They isolated Ray in a very small iron cell, walled it with battleship steel, sealed out daylight so he could never know day from

No the task of the major television stations, the New York Times, Washington Post, and Los Angeles Times is to blindly and nobly sustain the official doctrines on the murder of Dr. King. The FBI is sacred. The Congress is sacred. In George Orwell's picture of a future totalitarian world Big Brother controlled the future by controlling the past. The media, the pundits, the learned commentators, the editorial writers, and the hack historians writing for them discussing the King assassination are talking to Orwell. Does anyway care? Is there no shame? Is Dr. King a crow among eagles to be discarded as vermin?

All that is required is for one major television network or newspaper to do its duty.

It will never happen.