

Mr. Ken Brooten
c/o Congressman Henry Gonzalez
House of Representatives
Wash., D.C. 20515

3/6/77

Dear Ken,

For the time being the enclosed carbon of my today's letter to Jack Kershaw is only for your information and so that you may be aware of its contents in the event they can assist you in counselling Chariman Gonzalez.

If you'd like make a copy. I'd appreciate the return of the carbon because my machine is extraordinarily slow and my time is limited.

I am confident you will recall that the situation that has come to pass with Ray is precisely the one I sought to protect all interests against when you were present and I met with Dick Sprague and others on about October 20. I know you will recall the vigor of my protests over the deliberate attempt to violate Ray's rights a little over a week later, perhaps two weeks or so.

In my belief any Congressional committee is bankrupt when it even considers the violation of or even intrusion upon any rights. In the King case what the committee now intends is at best an obfuscation and at worst will make more difficult any Congressional investigation, now or in the future. What this is calculated to hide includes the chief counsel's persistent refusal to address the basic facts of the crime and under his direction the deliberate deception of the Members by Ozer at the September session of which a partial transcript is available. My having detected these deceptions of the Members is the reason I asked you last week if there are any other transcripts I can examine, so I might inform the Members through you.

For the above-stated purposes only I tell you that in my belief Ray is now flipped out and that this was the purpose of his long sessions of solitary confinement.

What is not explicit in what I have written Kershaw, whose interest seems to be entirely limited to the exploitation of the sensational in self-promotion, is something you may have occasion to need to know. About Xmas 1973 the DJ and State of Tennessee contrived a cozy and totally illegal arrangement to transfer Ray to the Springfield medical facility. Ray feared this was to toy with his mind via drugs. He did not consult counsel. Instead he filed a frivolous pro se allegation of left-wing conspiracy. When I learned of the planned shift I broke it up by priming several reporters to ask several questions of both the State and DJ. One had to do with the admitted illegality of the transfer, the other with the 1970 offer to Ray. My belief is the knowing Ray is an obsessive-compulsive personality the plan was to have a battery of federal medical experts testify he was not competent for trial. This was during the habeas corpus period.

In some areas Ray is clearly not in contact with reality. I can give you many chapters and verses. One of immediate relevance is his foolish letter to Tony Lewis. Ray has his own obscure manner of writing so it was misunderstood. What he really wanted is for the committee to call those writers who really have treated him badly, dishonestly. He also believes it is not known that he has sworn he did not kill Dr. King and did it in open court and subject to cross examination that was futile. There is no doubt in my mind that he was not at the scene of the crime when it was committed. He thus cannot give testimony relating to who did the killing. My personal investigations of years ago produced many proofs of this and no disproofs. Subsequently I obtained still further confirmation. This, of course, is included in what you heard me offer Sprague upon receipt of his assurances of the protection of Ray's rights. I now will not give it to this committee. I remain perplexed that Sprague refused to begin the investigations with what I would have assumed any experienced prosecutor would regard as basic, the corpus delicti. Essentially I had this done for him and offered it. By his avoidance of this although Downing had agreed to it he made possible a shabby report that finds Ray guilty without even a pro forma hearing. It is incredible to me that the Members would sign such a report without any investigation at all. Hastily, Harold Weisberg

Ken Brooten 3/6/77 P.S.

There are several other matters I did not want to mention without first having discussed them with im Lesar. He is my lawyer and after he asked to be relieved of any relationship with James Earl Ray was directed to continue to pursue Ray's rights by the sixth circuit court of appeals.

Please understand that I seek nothing for myself except time to do my own work. I have no book contract although I have come to the point where I will ^{seek one} I have had my second book on the King assassination two-thirds written since long before there was any committee. Other work has precluded my resumption of the writing of the draft.

If this committee is continued I will have nothing to do with it. As I said I will not give it my work. My position on this and what I regard as my rights ~~precedes~~ predates the committee's existence. Aside from what you heard me tell Sprague when I did offer him this work this is recorded twice that I can recall on behalf of Mr. Downing. The first was about 9/15, on Rick Feeney's request, I presume in the committee's files now.

From long before there was any committee to now I have kept a low profile on this. I have made but a single request of a talk show. That was for the right to respond to a personal attack on me by Mark Lane. (In Los Angeles on 2/26, on the KABC Mike Jackson show he also called Congressman Gonzalez "vicious.") I have no desire for personal attention now. I will soon be 64 years old. I have had a health impairment and I do want to spend all the time I have on the work on which I have engaged.

Mr. Gonzalez has offered his resignation. To the best of my knowledge it has not been accepted. He thus remains the committee's chairman. If he should desire to take testimony from me that does not require the breaching of my confidential relationship with Ray as his investigator or that I waive my first-amendment rights, which I will not waive, I would be willing to testify. I have in mind that while he is still chairman he might want to perfect the record of the committee's life and work, particularly as it relates to the chief counsel, my relationship and correspondence with him and his refusal to accept evidence that in my opinion is basic to the committee's work. I do believe I can go farther and offer the opinion that it was essential to both the committee's work and its survival. Aside from my considerable work in this field I believe I qualify as an expert from prior employment as a Senate investigator, which included the preparation of hearings, and from having been an intelligence analyst.

Because of the committee's financial condition I would be content to waive a court reporter. I would be satisfied with a tape recording the chairman could have transcribed by anyone he considers competent. I would not now demand a transcript although at any later date convenient for the chairman I would want a transcript if it is made and the tape or a dub of it for ~~my~~ deposit in the archive of all of my records on this subject that will be within a university system. Because I seek nothing personal of this I would also undertake not to initiate any contact with the press over it. These to me are tragic events. While I believe that they are amply recorded in my own records my desire here is to provide the chairman with an opportunity, should he desire it, to make a record of the first-person testimony I can provide in the records of the Congress as my knowledge of what I regard as a national disaster is in the chairman's judgement relevant thereto.

Should the chairman, particularly because of the reports about his health, desire that this be an executive session, should he designate himself a subcommittee of one, this would be immaterial to me because my purposes are limited to offering him an opportunity to make a record of my knowledge relevant to what has happened to the committee. If he does not accept my offer I will have nothing to say about it. But I do not want any record I leave to be misleading. I therefore want the chairman to understand that from my personal experiences, observations and knowledge if Dick Sprague had taken his post and dictated his terms with the intent of wrecking this committee he could not have succeeded in just that better than he has.

Sincerely,