

noted about 10/26/74, after Wayne was subpoenaed. Bud did nothing about it, Wayne sat in the witness room until night 10/29, when he went to Nashville to get his lawyer's license. His note to me in regular Chastain file.

Dear Bud,

I strongly recommend that you take Haile's subpoenaing of Wayne Chastain up with vigor. Quite forcefully but with the politeness that is your natural way. If you do not right here and now it may well plague you for the rest of the trial and the consequences may be serious.

nothing
He is reduced to ~~negotiating~~ but smears and he'll be practising them to the end.

Psychologically Jimmy needs this lift right before his testimony. And Henry needs to be put down hard and I think in public. The judge has winced a number of times recently at some of his dirty tricks, only infrequently making a polite suggestion.

The actuality is that Wayne can give no relevant testimony on the issues before the court. Unless Haile wants to call him as a witness to the inadequacy of the investigation because he was one of the few local reporters early on the scene. I doubt Henry wants him for this purpose.

The actuality is that for any purpose for which Henry may have wanted Wayne as a witness he could have subpoenaed him long ago and not interfered with his attendance upon a legal seminar or our presentation of our case. I would refuse to change our sequences of witnesses again. He could and should have done this as he did with De Mere. His purposes, therefore, are to try to inject some kind of smear right before Jimmy testifies to shake Jimmy up and make him uncertain and that I think we have to oppose with vigor. Probably his more serious intent is to smear Bob, where he has other intent.

I would tell the judge that if he is going to call all the reporters who through an interest in justice have in various ways helped the defense (as by supplying clippings) he'll be sitting for a long time.

And that we strongly oppose any involuntary calling of any reporter. It amounts to an effort to intimidate the free press.

If Henry goes into Wayne's getting the Stephens file for me, it is a public record and he is as justified in calling the local lawyer who told me about it and more. You might consider then asking if the judge wants us all to be in the position of calling this lawyer as a rebuttal witness.

I'd make strong reference to Henry's long record of ex parte false accusations against us that amount to smears and I'd also use this occasion to inject a suggestion that we have reason to believe that we have been the subject of surveillance and that when these kinds of things go on - even when there is only reason to believe them, - justice is impeded and precisely that which the 6th circuit addressed with such vigor is again the practise.

Harold