

2/15/71

Dear Bud and Bob,

Renfro Hays phoned me last night, which was a very nice thing for him to do, and I enjoyed it. It is one of the two reasons I got up earlier than my usual early this morning (the other to get more time in on assembling my papers in 2569-70). I write you and Bob about it for several reasons, one being the potential value of some of what he told me, the other potential booby-traps.

We are all somewhat subject to the Perry Mason syndrome, perhaps the man on the spot more so. And in too many ways, what Hays said is his third version of the same things, which is not encouraging to trust in his work, since these are the most basic things.

Another troubling aspect is the undercurrent that lingers, of pinning something on black militants, the contrivance that crippled Hanes. (Not that Ray didn't).

Still another that is less serious and more human, but makes me a bit wary, is his formulation of why he called. Bob had loaned him the proofs of FRAMES-UP and he'd stayed up all night reading it. He wanted to tell me of some mistakes in it. Of the "mistakes" he single out, only one, even in his terms, can be, and it is not essential to the defense. He now says the second white car was a Fairlane (and when he also tells me that the so-called Ray Mustang is his property, registered in his name, I cannot but wonder if commercial considerations intrude upon the factual with him.

However, in his enumeration of my errors, where he says exactly what I said, he adds what could be quite helpful to the defense if it can be proved, and for me this means by something more than his word. "Even Hanes" at this point.

One is my mistakes on the sequence of the wounds, these again his words. "He says now what I wrote, but the Mistake" is in the nature of the facial wound, which I didn't go into except for its size. He says that from a source he cannot use because it would cost him his job, one Benny Thornton, he learned that the fragmentation of the bullet at this point was such that it was like shotgun pellets. I think this unlikely from the bullet allegedly used, but I have dependable sources and I'll check this out for you and Bob to see first, if it is possible, and second, if it is probable. The significance, to me, has nothing to do with my writing but with what the prosecution was up to, and on this he said more that, without his giving it such meaning, is consistent, if true. All hunting bullets have a certain fragility built into them. However, I think that that kind of fragmentation is not the intent of the design of the Lekt-Core. Now I use this phrasing because if I am correct in saying it is not the intent of the design, it is not to say it couldn't happen. However, he now says he is certain this was a hollow-point bullet, which the Lekt-Core is not. Consistent with what he now says is some of the ~~spurious~~ opinion attributed to the police at the time, but not necessarily so. What I am saying is that the initial police opinion, which could have come from police no more qualified than you or I, was that it was a dum-dum type, and that can also be said of the Lekt-Core.

I would hesitate to recommend any immediate Memphis inquiry into any of these matters now and I would recommend strongly against any local inquiry that is not essential to your most immediate legal needs, which, I assume, means none. I think otherwise you'll sponsor more clandestine interest in the form of opposition that will turn people off, and if you win in court, it has a better chance of turning them on. You can be sure that as of the past six weeks, the Indispensable Man has had greater interest down there than he has for a while, and I assume he never lost the self-preservation interest (at least) that he always had.

If this allegation is true, then inevitably it will be in the facial A-rays of the autopsy at the very least. I'm assuming, without checking, that they were made. It is

as close to impossible as anything can be that there was the kind of fragmentation he describes without some single fragment, no matter how minute, remaining at some point in the adjacent tissue. And it is impossible for the tiniest, dustlike fragment not to show in an X-ray. It would be fluorescent.

But what Hays is really talking about is a lot more sinister than this would indicate, for to this point it addresses on the coroner. However, he adds two things to it, and I have no independent knowledge of one, but there is a kind of confirmation of the other. He says there was a casing found or said by the police to have been found in the bathroom, which can't be the case with a single shot if one remained in the package. And he says that the slug shown Hanes is not the one they took from King, but larger, which, assuming Hanes was a) truthful and b) knew what he was talking about, would make sense of his claim that the markings were sufficient for identification. While I feel that this kind of dishonesty is a bit excessive, given even the known dishonesty of those we are dealing with, and their needs and motives, nonetheless regard it as something that ought not be cast aside out of hand. I think it is something that should be kept in mind but entirely out of mouth until there is preparation for a trial.

His story that the bushes were cut down on the 29th is interesting in that it can be an indication of local conspiracy. What he now says of the black firemen and his sympathetic comments on the black police is irrelevant except as commentary on his own attitudes, and they can be crippling.

What interested me most of all, for I regard none of these things as of real value to the defense and all of potential harm to it, at least as of this moment, is that he said the DeSoto Motel is on the road to New Orleans, not near or on the road on which the New Mabel is located. That can have considerable significance, if developed properly, and can be a meaningful lead. You will recall my deep doubts about the time reconstruction, for they are explicit. And we have both shared the New Orleans interest. Here I digress for a moment. I have reestablished a kind of New Orleans contact, one of the few immediately approachable that can provide some of the answers we need. Or, certain kinds of help. But he'll be off the scene for several months. It is Louis. You know, I've always had a good relationship with him, he trusted me when he trusted no others, and I've also liked him. The overall situation there, however, is entirely unchanged. Now he needed a big investigative favor, in a hurry, involving his own reputation and future, and I accomplished it for him in half a day and at a cost of just under \$25.00, so he is happy. And even he made it clear that the favor was for him, personally, rather than for the office, its immediate beneficiary. The check for repayment of my nominal costs was his personal check. If and when it is necessary to do any New Orleans work (and I am aware of the hazard any presents), I now think that Louis will help me. And if anyone there can and is dependable, he is that one. He is not an ordinary "cop" in any sense of the word, personal or professional.... And the bit about the laundry is consistent with the DeSoto thing. Now the checking of the DeSoto Motel registration, if it hasn't been done, is in a different category than other local investigation. If it hasn't been done, I recommend that Bob, personally, rather than Hays (who told us that Bob is now his lawyer) do it, and very openly. The FBI may have been there already, and this could be more important than getting it. Because this is in the book and because Bob is the lawyer, it would not attract under interest were he to make the inquiry. It is so obvious a thing to do it might, in fact, attract interest if it isn't done.

There is great hazard in some of his story, for even if true no jury will believe it. As you know, I believe the package was planted, not dropped by the in-flight assassin. But that it lay there for 15 minutes, the story he attributes to Canipe, and that at least three people, not including passers-by are silent on this is beyond belief. He now insists that the shot was fired from that bathroom, and I certainly can't refute it. But that is too inconsistent in too many ways with setting the frame in that building. His test, with the blocks of wood, is sensible and reasonable, but it is far from enough to get me around the Dealey-Plaza syndrome involving the reporting of eyewitnesses.

It seems to be-but may not be-inconsistent with the story about the advance cutting down of the bushes (his timing here contradicting his earlier story, as I remember that). That. This sounds much too much to me like clever feeding of the unsophisticated, of a would-be Sam Spade who has the wrong accent. I am not personally critical of Hays nor do I intend to be. However, where his judgement is involved, he and Warren Smith did an enormous amount of work. They did almost all of it in the wrong places, with the wrong people, getting the wrong or essentially useless answers, and missed the most obvious, which didn't even require being in Memphis. What I am saying is that their investigation, save for the nasty business of Gracie, which is minor compared to what the police did, amounts to nothing. I therefore lack confidence on two scores: basic flatfoot investigation, which, especially with his local contacts, should have been Hays' strong point; and concept or overall understanding and approach. Hays has so many contacts he can trust that it is childishly to feed him what anybody might want to, and about how many people ought to be developing such interests, if they haven't already.

He tells me, and I have no independent knowledge, that Hays' defense was to use to defense witnesses only, one in cross-examination: Gracie and Canipe. I can't believe this, but for the moment I take his word. He says that Canipe gave Hays a statement the details of which I omit but including what I reported above. If true, this is important, if only because it is a) withheld and b) entirely contrary to the one used by authority. But, if he was truthful, Hays' local investigation seems to have missed all that is essential for court use. For example, while saying that Lt. Gormley was at Canipe's in time for his reporting of the find to be on the police radio at 6:04, which is very valuable information and I hope true, he also says he has no knowledge of what photographers took what pictures there and when!

I have no personal anti-Hays feelings, and I have no resentment at his calling mistakes that are not. This is not my point in taking this much pre-dawn time when I have such pressing things to do under a deadline. It is because of my apprehensions that I take the time, first on approach and next on timing. And I am satisfied that however good he may be in his own mind of investigating, this is not the kind of a case for that kind of touch or investigation. I fear the influence on your and Bob's thinking.

This is one on which whoever will be really up tight, and I think it would be a serious mistake to underestimate the two things above all: what this can mean and what he might do. Hays is ripe fruit for him, an easy mark. You'll run ragged on the trivial. Maybe I am reading too much into this, but if I am now, I fear the hazard may be great in too many ways. With no prospect that your client's stay in jail can be immediately influenced by anything, my strong encouragement is that you be real cool and infinitely patient, taking first things first and to the degree humanly possible avoiding the rest. I think the essence in these kinds of things is timing, and where I've been able to get what others couldn't and where I've been able to turn on those others couldn't, a large part of it was proper timing, meaning not doing it at what seemed to be the wrong time and doing it at what seemed like the right. This ranges from Hall, Howard and the like (and everybody talked to them and they'd even gone to court and won) to Kleindienst. Besides a few in New Orleans. So, don't let the taste of solution that is merely anticipation of the taste jeopardize the feast.

I realize Hays may have given me the wrong impression, but I also feel I have to express these fears. Right now you ought to be no more than lawyers doing no more than straight law work, so far as anyone anywhere can tell not interested in any investigation. Besides DeSoto. Besides, for your client, you now need nothing else. It is only for the solution of the crime that investigation is now needed, and the timing is way off on that. There is no prospect there until you have a court victory, and effort in that direction now can ruin the prospects for the future. And, skid row produces the least dependable witnesses. After you have a court victory, there are many conflicts that will

make the kind of intellectual judo that is essential possible. The best time to flush rats from a ship is when they think it is sinking. The most obvious conflict will be between the federals and the locals, and you will, with patience and luck, find the locals will have to come to you. Who down there is going to slit his own throat for Washington or Hoover? Or, as some may see it, for Clark?

When it comes to the future, one of the best sources will be black. There Hays will be counterproductive, for his hatred can't hide itself. They'll never talk to him and his presence may be enough to keep them from talking. When you get to the point where local investigation can be useful and move things forward, he'll have to be what I'd estimate to be difficult for him, obscure in all of this, or you'll not open the right mouths. You'll keep them closed, for fear alone has kept them closed to now and that will not be relieved. The other level is one requiring a certain amount of sophistication and will involve the kind of people who would not seek out a flatfoot and would not talk to any but a peer. Where Hays can be of great value is in stuff the lower-level police can supply. He and they can communicate.

That he would and did phone me I do appreciate. But that after reading so much that very obviously, he hasn't ~~known~~ already known and out together for himself and then could feed me back so little does not build my confidence in him. He yielded no inkling of essential new information on any level and even less of the ultimate source of any conspiracy, not a single thing that could point that way or to anyone else. The closest thing to it was his ill-hidden hatred of black militants. And who he might consider militant is another matter.

I have taken two steps toward turning blacks on. Both have, so far, worked. Both have ~~written~~ phoned in response to my letters. Both hold some prospect. I'm waiting, not trying further. One in particular has a great idea that he doesn't connect with anything that can be of value to you, but if he does what he is going to try and do, you'll have a black open sesame. There is no rush. Wait for it.

And, perhaps more important than anything else at this juncture, especially with all the legal work there is to do, I think you should await the impact of the book. With commercial distribution, it might do so good in Memphis and that area.

I've written McEachran twice, with no response. The second time I sent him a copy of the Publisher's Weekly review. Silence in response to that indicates no present interest. Silence on the subject is not encouraging.

Right now I think much can depend on the attention the book gets and on any appearances I can make locally. In the past, I've found my appearances in talk shows, for example, very productive. Some, in other areas, continue to produce things after many, many years. This includes areas in which you gave no interest, but Jim has an idea about one and what it has given me. I think it wise to wait and see. We have to do what Jim made impossible, and this is not an accidental phrasing. If and when I can get to discussing the case in and around Memphis, laying it on Hoover and Washington and making that defense which is possible of the locals, we may find something. Until then, I think it wrong to look, wrong to do any more than pick up that over which we might stumble.

Apologies to Bob for my typing, for I'll not have time to read this.

Sincerely,