Dear Jim, 11/26/74

After finishing reading the Huie deposition, which followed our phone conversation, I was troubled both by what we missed and by how we missed it. I did not recall being in on the discussion of approach but I did clearly enough recall discussion that it was all a futility on Haile's part because the judge had ruled that depositions could be admitted for impeachment only. While this surprised me because I thought civil rules ~~[illegible]~~ controlled, I did not question this and then agreed that it would be a waste of time, considering all the work to do and probably the cost.

Other factors enter into this so I checked my records. The one time this could have been a discussion involving me was September 12. I was not in Washington the previous week at all. I saw you on the 10th, a day I devoted almost entirely to the book, including spending much of it at Hanny's. You should recall the 12th because from the time I left the orthopaedist's office until I came home I was in Bud's office because he had asked my judgement on the newest Ken Smith stuff. You, too, wasted a day on that which could not have been at issue in the pending proceedings if ever.

The next day I left the area for two days. From the time of my return until the 27th I was not even in Washington. I spent the night of the 29th with you and early the next morning we left on discovery.

The only possibility of my having been involved in any discussion on deposing Huie, therefore, is 9/12. This is two days after Bud wrote Haile, on 9/10.

My purpose here is not to recriminate and you can give Bud and Bill copies of this or not as you see fit. But as I told Bud in Memphis, we'd best face the realities and one of them is Jimmy. He was really uptight about not deposing Huie and in retrospect he should be. It was a major blunder and I think it had best be corrected as rapidly as possible. It will now, of course, cost more. But there is basis for it, including incomplete discovery, new information and judicial error in admitting what was outside the judge's own rules. I here assume that the milk-toast language Bud used is accurate, that Haile's notification was after the last date in the judge's directives.

Haile was cunning in his close of this deposition. Whether or not truthfully-and the judge and others have no way of knowing-he made quite a record of both abdication and dissembling by Bud and you both. He was, I note, careful to omit Bob Livingston.

Each of us works and writes consistent with his personality. Bud's way is what he thinks is politeness but my observation of it would characterize it differently. I wrote a long memo on how to cope with Haile long before this. But Bud ignored it to the point where he didn't acknowledge receipt. Looking back I defy anyone to say I wasn't right, politically and legally. And Bud's letter, correctly - nay - understatedly - described by Haile as "mild" is a classic example of how to entrap yourself, how to slit your own throat and screw your client, when faced with a corrupt and skilled adversary like Haile to whom principle is as strange as flying to the planets.

Instead of saying fuck you, Henry, the judge has ruled you are too late and you had plenty of time before this Bud says,"It was our understanding that Judge McRae had required a list of all prospective depositions before the close of August." And instead of saying with some vigor you started this jazz in March with Foreman, deposed in April, why the hell didn't you ask for and do Huie then Bud says, really tough alleycat that he is, "and I do not remember any mention of Huie." Tsk, Tsk.

Further on the late date, with manly vigor,"Also, the September 20th date is most inop ortune from our point of view." "Inopportune" is going to decide a judge in a case like this? Why is it so "inopportune?" ~~[illegible]~~ Especially in light of the short notice [two weeks is not all that short] and the pending appeal in Cincinnati [in which we were not a party]."

What was <u>really</u> "inopportune" is that Bud decided a nice European vacation was more important than his client's urgent needs so he took a nice European vacation. And if he had not been, how prepared was he to depose Huie? How much can he <u>really</u> do besides spell Huie's name?

Hell, I did all the original work, including laying the basis for what you later did. That you later did it is only because Bud vetoed it when I showed him Huie's 1969 offer to me, including all of Hanes and Foreman and Hooker- all even including what you are <u>still</u> looking for. And by the way. I gave Bud the original of this letter to use if he needed it and I haven't gotten it back and I do want it. I'll bet he really has no real familiarity with what you came back with - when you had to make that unnecessary trip when you had other urgent things to do only because of Bud's hangups. And, naturally, because you had to do his work, without pay.

<u>You</u> were overly busy. You were better prepared. So you couldn't really depose Huie without other aspects of the defense suffering. But Bud couldn't have done it because he hasn't done any real work and knows more about Cliff and Detroit than about the issues that were to be faced in a hearing. Reality, not cops-and-robbers.

Do you of Hill think for a minute that Haile read Bud's 9/10 letter as other than an invitation to take the chance? And did he not get away with it? And is this not <u>precisely</u> what I addressed in that time-consuming memo on how to cope with Haile <u>before</u> Bud fucked up all over again?

Jesus Christ! Infants learn from touching hot irons! Bud in the Ray case has a career of lifting them. But with Ray's hands, yours or mine.

Meanwhile, I anticipate these problems, take the time for which I'm not paid to spell them out, get ignored and worse, become some kind of villain for first seeing the problem and then explaining how to cope with it. Can there never be an end to this?

Or to the neglect of Ray's interest that in each case is the result?

And sending the judge a copy of that baby-stuff letter was merely to tell him that Bud presents no problem and he can adjust easily to his local political situation.

You have known since early 1971 how easy it is to blow Huie and how wonderful he is (for use) when he blows. I even told you how I did it and gave you the tape. If Bud hasn't listened to it that is no worse a crime than consistency. But Huie boils low and hard and is insane on this subject. If I'd had any notion that this deposition could or would have been used in court except to impeach Huie when he was on the stand I'd have roared in opposition. Sure we could and did get the helpful in it. But under what conditions? Not for impeachment. He wasn't a witness. And not in any way you can use until you can write another book and call it an appeal. Right now it presents hazards because Haile has his own intentions, the reason he a/ deposed Huie and b) so late. He probably knew Bud's plans for the junket.

Neither implicitly nor explicitly is this criticism of you. You were too deeply involved in what Bud was supposed to be doing and never has and you lack his in-court and other experience. Of course it is criticism of Bud, who hasn't done any real work and found this "inopportune" because his vacation meant more than his client and he didn't want to flaunt his unpreparedness, for Huie or on the entire case (except for Hanes, Cliff and Annie and the like).

But the real question at this moment is what do we do and what can be the result if we don't? I agree that as soon as possible Huie has to be deposed. But <u>with preparation</u>. Bud deceived us both by leading us to believe I'd be with you when you deposed Foreman. I'd rather not have to take the time to go to a Huie deposition, although I'd anticipate an explosion like Foreman's when he sees me. But there are other ways of preparing and how about Bud doing some of the work - and as well as he can when he wants to do well- so you can take care of some of my overdue affairs? Believe me, if Haile gets away with a misuse of the Huie deposition, Jimmy is upset to begin with. Sincerely,