JW HR MF

9/4/72

Dear Jim,

As I am well aware that a non-lawyer's opinion on legal matters may be without foundation or worse, very wrong, I am also aware of the record relating to the Ray case. I have not had time to go further with that about which I phoned you Friday while I was sitting and waiting in Bethesda. (As you know, because I knew you were busy with the petition, I offered to come in to save you the time and arranged some unessential personal business to coincide with this coming in. My mood is not much improved by the passing of time because it cost me a new tire plus emergency road service and I haven't the money for either.)

Now there is much that I can't understand except in terms I find quite unwelcome. What is newest in this endless series of complaints and that which I have in mind is the Stanton file. I should have had it without asking about a year and a half ago or more, probably closer to two years anyway. When I learned you had it and I didn't, it still took some time to get it to me. By then I'd learned that the only possible precaution against endless repetition was to delay everything. So, like the draft of the JER affidavit, I postponed going over it until we could do it together and save myself another long memo. The Ray affidavit took so long we couldn't. Having it with me and sitting and waiting, I started to read it. Unless there is something quite beyond me, I am stunned that you and Bud haven't realized what you have here. You've got the proof of the more serious and professional charges, things I've been pressing on for some time vs Foreman and Stanton. I will go over this with you in person, not write another long memo. I just won't take time for any more of them because too much of my time has been wasted this way.

Impoverished as this file is as a representation of an investigation, it nonetheless contains enough to charge that the defense had in its possession evidence so close to exculpatory that reasonable doubt was not reasonably in doubt and thus there can be no excuse for even considering copping a plea. Actually, it is more and worse than this because I also interviewed some of the same witnesses, on tape, and have in their own words what was filtered out. Until we are together again, you'll just have to see it for yourself or take my word for it - or risk the consequences if you omit it from the petition. I mean the petition itself, with still another appendix in support. In the petition it can be short and I would recommend pretty stiffly worded.

This persuades me that you must, having postponed it so long, press very hard and to the degree possible to get what the prosecution should give you before you file the petition because from my interviews Canale, personally, is also involved in this rotten business. They used part of what one witness told him and omitted the exculpatory and Canale conducted that interview. Again, I have the witness on tape. Actually, this file comes close to proving the deliberate subborning of perjury and do I have to tell you what that King of the Court Room, the old Texas Tiger, if not Stanton, could have done with that? Or the public-relations potential of all of this? Or the culpability it pins on the prosecution? Or, I feel, its legal significance.

Insofar as you, personally, are concerned, I can without difficulty attribute this to inexperience. For anyone other than you I can find no excuse. But this god damned thing is past being abusive to me and wasteful of my time. Too much is too consistently missed, has to be chewed over and picked up, with more waste and delay or neglect of the case and the client's and the public interest the choices. If there if ANYTHING else that hasn't been given me, for God's sake, even used Kleenex, will you please get it to me so we can get out from under this self-created load and get the job done? And I'll go over the rest of the Stanton file when or just before we get together again.

BCC only-CONFIDENTIAL. This means proof that the alleged eyewitness was too drunk to know anything; the truth of the Mustang, where it was and when it had disappeared-before the crime; there the shot came from and much more, including those avoided by the "defense" investigation by the "public defender's" office for and under Foreman! HW