

Lyan 9/22/75

This has been one of those wearying days on which I stay busy with nothing, what I want not to have anything to do with. Of the many developments and calls from coast to coast I report here only that relating to the coming CBS show of which earlier today I mailed you copies of letters I've written.

At 9:30 I called Esther to ask for the return of my tapes and to tell her of my decision not to appear. She was not in, I left a message and she phoned me from Birmingham, as I recall now to ask me about a Thursday taping. Whether or not it began this way I told her I declined and why. It may have been that she told me later this was what she would have called about but was also calling because of the message.

She promised the return of the tapes, I asked her to please ask her secretary to do this and said to dub them if she wanted to. Later a Mary Marks called to find how to mail them.

I told Esther of my ~~wiki~~ letter to Rather and what lay behind it. She was defensive about the suit as in Ray's interest and in that of the people's right to know. My responses are that Ray's interest lies in the workings of the law without intrusion and that the people have had the same right to know during the eight years of CBS' indifference and reporting of which I have my own opinion. That this right to know is commercial and that the show, although CBS had not told me, was enlarged to four hours to accommodate all the paying customers.

I was specific about Bradford, with less than complimentary remarks to make about an expert who intrudes into areas in which he is not qualified to hold any opinion to offer one so prejudicial to the defendant, who has rights, too. I told her that all I know of the suit is what you told me and of this the Bradford affidavit and that which is sought and the lack of means of authenticating anything are enough to give me a conflict of interest I can reconcile only by respecting the obligation I have to Ray - that I can't associate myself in any way with what they are doing without compromising myself. There were other details, including what we were denied, the relevance or lack of it in what they are going after, the prejudicial nature of their allegations. (Not only Bradford's crap but the lawyers' allegations that as a convicted felon Ray has no rights in this matter when the whole question of how he was convicted is the issue, etc.)

We kicked this around for more than a half hour. She wants me to reconsider. I said that I would not think of it without reading every word of what they have filed in court, that I would not ask you to take time to copy it and in fact had already mailed you a letter telling you not to take time from the appeal to make copies, that I doubted I could be persuaded to change my mind, but that I would really go over the papers to see if I could have misinterpreted anything. She said everyone was on an airplane going someplace but she'd call back later after speaking to others. Rather is not in DC but she will ask that his secretary read the letter to him over the phone. I take it this means they'll be wherever they are or are going tomorrow, all of them.

I was also explicit on Leiser, including the belief that subtle as it was he undertook to blackmail you. She said it wasn't this way and I asked if she had your version. I told her I accepted yours, especially after the time I spent with Leiser and its nature. I told her that I have no objection to her asking Waldron if he'd care to discuss what he found so boring he left. And that I considered Leiser did not come here for the represented purposes or at least did not as I see if follow them.

I told her that my role is not journalist but defense investigator and that while I can see journalistic interest in what they are doing it does not coincide with her representation of the CBS end product as I see it. That she will get nothing to which we will not be entitled in a trial and that is where Ray's interest lies, not in the arrogance of some expert who has no way of knowing whether he is examining what the real evidence is. On this I reminded her of Wolfer and the misidentified samples and said I've been dealing with this kind of things for many years.

I also protested the CBS method that out you in so bad a position and said that in the pursuit of fact CBS should first have gone to what she represented as the pre-eminent authority on the fact and that it should not have cast lawyers, who are experts

on the law, in the kind of role that led to what could have been embarrassing to you. (I'm convinced that she is the one who raised hell on the inside.)

She said that they wanted me very much because I am this real or best expert and I said that while my personal interest would be well served by the wide audience I would reach on their show my obligation to Ray had to take precedence over all other considerations. I added that CBS did not have to keep this move in court secret from us and that in fact that had gone to some trouble to do so, often as they were in touch with one of us. I noted that they have had months in which to file the action and they did it under conditions which guaranteed still another limitation on the little time you had, with notification on a Sunday yet. I also said that she had every reason to believe that you and I want to be helpful to the degree we can, that without pay we have given time we don't have, and that they could and, considering that a man's rights and principles of law are at issue, should have. I think I said that I might have been helpful and that this might have been gone about in a way that did not present problems to Ray and to me. If she answered I do not now recall it. (I'm real tired again or I'd not be writing this now.)

I made clear that this had nothing to do with her, Phillips or Rather personally and I think she understood and believes this. I also was specific in saying that not she but Leiser is writing the script. She admitted that I was as helpful and open as I could be.

There was a temptation to spell more out to her but this could have given her problems I think would have been unfair to her. But I did ask her how she could know which - if any - of the shells was found in the rifle when there had been so much test firing.

(Leiser told you they want to file suits. Suits do promote shows. But I did do some thinking about this, had some suggestions for him, and he never got to them. I indicated this to Esther long ago in saying there were no FBI lab reports I had seen on these tests.)

I reminded her that she had not given us the statement I asked for on what they had been shown that we were denied despite a court order. She did not offer it.

We were pretty hot at it but not as I intended or she did or reflected on a personal basis. I think she knows I am sincere in my position and I know she knows the value of TV net appearances.

She says and I think believes that all this would help Ray. I told her the help Ray needs is from the courts and a trial and his instruments are his defense, not the abdicated media which now sees a buck in it. (Not these words but this meaning.)

I think I told her that I would consider a recommendation that I change my position if you were to make it. I don't recall. But I know I was explicit in saying not this Thursday under any circumstances and not until I know all about their suits.

She said they had seen Williams, I think in chambers, and been rejected. They appear to be going above him.

She said they had taken the same approach in LA and I said there was no similarity between the two situations and cases.

After this conversation ^{Lonnie} phoned me to read a story he has written for tomorrow. (Pretty stiff in it's charged.) I told him I had declined this appearance and he told me he had told Rather I'm a good guy.

This may put a little pressure on Leiser. It was not my intention but it won't hurt. And if after this Rather and others do not pay more attention to his scripting that is their affairs, involving their reputations.

I didn't play any tricks on or games with Esther. I did not say all I could have because it could have compromised her or been against Ray's interest.

I won't do it without discussing it with you but I'm sorely tempted to write McRae a protest about his doing nothing about all of this when he was receptive to an acted on and was prejudiced by false charges of this nature against me and when he allowed himself to be deceived by those who are now giving the media access to what his order required being given to the defense and what he personally saw to it we did not get when we were entitled to it. Hastily,