

Dear Wayne,

11/16/74

Your undated letter on the surveillance on both of us, in an envelope postmarked four days ago, the 13th, came this morning. I have only now, in midafternoon, gotten to it.

What if anything you want to do with it must be your decision. I'll suggest how I can help if you elect to do anything and I sure as hell could think of what I'd be attempting were I in your position!

However, your account of the surveillance, which was on both of us not just you, is not as specific as it could be. So I ask you to please take time for all the specifics possible, including names, dates, agencies, etc. Please spell it out in full because, as I believe I told you, I also set a trap in my motel room and it was sprung. I anticipated something of this sort, so I carried no attache case, only a tape recorder, camera and Stone's notebook. Long before this I recorded the details of the springing of this trap. My room was entered and searched.

Because I did, strictly, adhere to the obligations imposed upon me you have no way of knowing what I was questioning you about when we were not just engaged in friendly conversation. Meaning personal. About part of this I am no longer under wraps but in the event you do something about it or it becomes possible for me to, I believe it is better that I not give you any inkling now. Until now I haven't. You have no way of knowing, unless you made an exceedingly shrewd guess, of which you have given no inkling, what the major area of my interest was.

However, Jim Lear learned of it after the fact and was present when I conducted an interview based on it. I have the only tapes, signed and dated by the interviewee. More than this I tell you only that it has the makings of a major scandal, one that need not be only local. This tape will disclose that I did some checking on some of your account and a minor departure from it. Or, enough to identify you as the source and the subject one that was as opposite as improper as it is possible for one to be. Please try to understand that as in the past, when you did not question me, my ellipsis is motivated not by hiding but had the intent of preserving your integrity and mine and of making a record that will be untainted.

Now, about a second aspect of what I was seeking information from you about: you may have little difficulty in identifying it but I will not spell it out. I will say of it only that I know of nothing I could do that would have been more in the interest of your former employer and that you put me in a position to do what I did do. This ranged from locating a witnesses whose whereabouts were supposed to be unknown to seeing a lawyer. On that meeting with him I have dated notes. He will remember it, I am confident. And I had a witness with me. Because of the fact that today's mail included something mailed to me more than a month ago, properly and clearly addressed and overtly opened, with the distance about 50 miles, I'll add no more, I will add but one additional detail: it was after the court session of 10/17 and prior to the beginning of the hearing 10/22.

You will also remember that there came a time when you were subpoenaed as a State witness when you were in fact a witness to nothing that was before Judge McRae. You Hutz wrote a memo on this, unfortunately also not dated. However, after you gave it to me, I did do certain things. This included informing my colleagues and writing dated memos. When these steps resulted in nothing being done I took certain other steps to which there are a number of witnesses and means by which the date can be established. There was a strong reaction from a source I will not identify and of this there is also a record. I think but I do not know for sure that these steps frustrated what was planned.

Before getting to other matters that require my attention, I remind you that I asked you to get for me copies of public records of which I had learned not from you but from a Memphis lawyer. It had been my intention to pay your costs back but after you were subpoenaed you believed it best that I not do this so I did not. I believe the actual cost was \$12.00. These copies you did obtain for me, apparently also under surveillance, are in the federal court record. (In fact, I have no other copies.) And this was anything but ~~not in the~~ interest of your then employer. It would have cost nothing had I had the time to do this

this personally. But I had to be elsewhere at that time and thus could not do what is the right of any person. You did no more than obtain copies of public records. I remind you that you reported a coincidence in that these identical records were at that moment being copied for another you said was unknown to you. There was no other reference to these entirely public records when I was in Memphis, to my knowledge. They did go into the record of the federal district court, which was under an exceptional order from the sixth circuit court of appeals. No other use was made of them.

And all of this was, if not very much in the interest of your then employer, at the very least not against it. I think it was much to your employer's interest.

To complete my file on this I ask that you please send me a xerox of the check with which you paid for this. Your personal check.

Having said these things I want to add more. If it is within my capability to do anything about this intrusion into my rights and obligations, I fully intend to do this. This is but one of the reasons I ask that you give me all the details, no matter how slight they may appear to you, of this surveillance, including names, dates, etc. I also regard it as not irrelevant to my official function the last two times I was in Memphis.

Before I left Memphis I mailed a letter to a friend. If I do not know the exact time or place, I believe it was at the mail slot in the motel in which my room was searched. That mail slot is at the bellman's stand. The odd thing is that the friend to whom I wrote reports the postmark on that letter is two days after I left Memphis.

This is hardly normal post office inefficiency.

So, please do all you can to prepare me for what I would like to be able to do.

And best of luck in your new career.

Sincerely,

Harold Weisberg

Dear Harold,

It has been a costly lesson, but I have learned that it is better to be thoroughly paranoid, than half-trusting, and half paranoid, as I have been ~~in the past~~.

Had I been thoroughly paranoid, I would have known that:

- 1) I have been under complete surveillance since last August when Haile filed his motion alleging conflict of interest between CTIA, Fenstewald, etc, and that there was some kind of alleged improper relationship between Livingston and I...
- 2) Haile had excellent insight into the effects of filing such a motion--extra-legal effects that is...
- 3) Press-Scimitar and Commercial Appeal are such firm adjuncts to the Memphis establishment and prosecutorial forces that I ~~would~~ become a pariah within my own working environment.

I AM NO LONGER EMPLOYED BY THE PRESS-SCIMITAR, ALTHOUGH MY SALARY HAS BEEN GUARANTEED THROUGH DEC. 28...

Prior to the evidentiary hearing, I had some minor disputes with the former city editor, who is now an assistant managing editor, and who is a son of a rich establishmentarian... At one time, I could protect myself against this guy because of a long-time relationship with the managing editor, whom I worked for in Houston on another member paper of the chain. This rich kid editor is moving up fast in the ranks, and I should have been on my toes... he obviously set the Memphis Publishing Co.'s security wheels in motion, and hired 24 hours surveillance of me... (Wells Fargo represent Memphis Publishing Co.)

Haile's motion tipped them off that I had a book coming out either in December or ~~Jan~~ of year (imminent printer's strike and paper shortage may delay publication further), and the existence of the C&P articles I have written since Feb.

The company had knowledge of the three nights we had drinks together in the Pick in September. The company had knowledge that I got in at 1 or 2 a.m. on those occasions. ~~That~~ On one of those ~~following~~ days, I called in sick.

The company dicks also kept tabs on me while I was assigned to the county beat during the ~~the~~ evidentiary hearing, and reported my comings and goings.

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In addition, the company had a spy in the apartment building Tuesday night, reporting my comings and goings. Last ~~Wednesday~~ the day the election results were reported, my goings and comings with members of the winning Democratic Party ticket--on my own time-- were reported. (A black Democrat unseated Republican Dan Kuykendall, four term incumbent, in an upset for the Eighth Congressional District)...

On Wednesday, after collecting some political bets around the office, and noticing I had received no political assignments for the election (I used to be one of the major political reporters), I was warned by ~~one of the~~ ^{a friend who is a} members of the upper managerial hierarchy that something was going on and to see him after work. I completely forgot about it, and left the office about 2 ^{He later told me that} on Tuesday afternoon, in the afternoon. ~~As I was about to leave~~ ^{for me} the rich kid editor intercepted a telephone call from a Village Voice writer who asked several questions about my work on the Ray case.

~~The~~ The rich kid editor pumped him on lots of matters, I had a note from the rich kid editor early Wednesday morning that this guy from the Village Voice had called ^{The rich kid's note gave} and giving me permission to use the WATTS line to call him back. I so completely distrust the guy, I thought I would wait and call him at my own expense at home.

At any rate, I left the office about 2 p.m. Wednesday, and went to my apartment building. There is a bar in the basement. I stopped in and had several beers. About 5:30 p.m., I went upstairs, showered and shaved (I had been at work at 5:30 a.m. ^{that morning} ~~to get an alcohol test result~~). I then drove about seven miles to east Memphis where I ate dinner at the a cafeteria and read the late edition of the P-S. I paid the check, ^{I then} ~~and had almost~~ ^{drove almost} the complete seven miles back when I was stopped by a patrol car and told I was going to be arrested for driving while under the influence of alcohol.

They called an alcohol testing van and I refused to take the

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test...I was not sure whether or not the beer ~~was~~ in the apartment
MEK would register, as I had only eaten a light meal. Also, I knew
the cashier at the ~~cafeteria~~ *Cafeteria* would remember me and testify I ~~was~~
was sober. So ~~MEK~~ refused the test, and I was immediately hauled
in to jail. My driver's license was taken. I made a call and my
lawyer had me out in less than two hours, as he had called a city
judge, who was not on good terms with the police department and
who also can sniff "police leaning situations."

I am convinced it was a set-up. The spy in the building could
be the security guard, who keeps in contact with the people in
the bar and the cars that come in and out of the underground garage.
He apparently learned I had been in the bar and later drove my
car out of the garage. Knowing my license number, he called in in
to the police and although they missed me out East, they caught
me about 45 minutes later less than two blocks from my apartment.

~~MEK~~ I later learned that the desk sergeant immediately took
a note up to the Press Room of the police station and tipped the
Commercial
~~Journalist~~ Appeal police reporter (one of the despicable kind that
brown noses the police to get his news tips). There was a story
in the Commercial Appeal the next day, reporting my arrest and
booking for DWI.

The next day, my managing editor -- the one who has been
my ally -- called me in and said he could no longer protect me.
He said "they" -- meaning the rich kid editor who will replace
him in a couple of years *and the Editor-in-Chief, Chris Lesar*, simple-minded, reactionary,
~~racist~~ editor, who kisses the ~~ass~~ *ass* of the establishment
to maintain his illusory high spot in society -- had deemed that
my "credibility and usefulness" to the P-S were at an end.

I tried to get him to elaborate as to what he meant by credibility,
and he generally referred to my behavior during the Ray hearing
and my association. He also let slip about ~~my~~ ⁺ my absence in September
and the fact that the company had evidence I had been out
with Ray's defense attorneys until 2 a.m. (they had you mixed up with
Fensterwald, or saw Lesar during his brief stay at the bar)...

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I asked if I was going to be fired, and he right away said "I didn't say that. I am only saying that you have no place to go on this newspaper. I can no longer protect you..."

He knew I would be entitled to about \$5,000 in severance pay, if He fired me and that I would still be able to file a grievance, and possibly win restatement within a year, with back pay.

He then asked me to resign. I told him I was considering doing that at the end of the year, and he quickly said if I signed a letter of resignation that very ~~same~~^{day} effective, Dec. he would guarantee my salary until the end of the year.

I could tell the guy was under pressure. It so happened that Russell X. Thompson had called me on Monday and asked me to seriously consider joining him before the first of the year, as he earlier had promised him.

So I accepted the managing editor's offer with alacrity.

Do you now get an insight into the nature of Memphis' Fourth Estate? I must have been naive to have even considered the prospect of taking you in to talk to this guy. He's scared to death. He told me he admired my ability and my determination to write a book on the Ray case, but said as far as the company was concerned, "I lacked credibility."

At any rate, Russell X. ~~is~~ is going to take me in his firm. Don't say anything about it right now, because he said he wanted to wait until another associate leaves ~~at~~ on Dec. 1, so I can take over his office. In the meantime, I will be working with him over the phone in my apartment and briefing cases at the law library.

I think I can beat the case as I have already talked to the cafeteria cashier and she remembers me and said she knew I was sober. It was the day before payday, and I had forgotten to cash a check. I almost did not have enough money to pay check

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Sorry to bend your ear with this long epistle, but I thought you would be interested.

At least, if you return to Memphis, I won't have to be afraid I am being spied upon. It is, ~~probably~~ probably the best thing that has ever happened to me....

Your friend and confidante,

Wayne Chastain Jr.

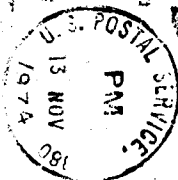
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