

5/23/72

Dear Dana,

Thanks for your letter of the 19th and the check for FRAME-UP. And I am glad that you and the others with help with John Ray's case and others that may overlap. I think that there may well be inspiration in the official desire to immobilize James and to fix in everyone's mind the idea that he and all his family are bad characters who belong in jail whether or not any confinement is itself legal and proper.

I saw John's case worker and the warden at Leavenworth only briefly, but I think I told them that your group would be doing legal research on the case and assistant me as investigators. I know I discussed this with another case worker, Mr. R.E. Dutton, who handles another prisoner I interviewed, Walter Terrence Rife. So, when and if it becomes necessary to go to Leavenworth, you will be known. I'll also write John and send you a carbon, if I can today and with this. I am always in too much of a hurry, into more than I can keep up with, so please correct my typos for me as you read. It may help you get the sense.

It is not possible for any of you to hold Stoner in more contempt than Fensterwald, Dean Besar's son Jim and I do. He is part of the problem we confront, and there seems to be a lingering influence he has with the Rays despite his incredible record of hurting them all. He is not stupid, but he is lazy beyond description, and he really believes the things he says. He is sick in the head, but sharp. If it had not been for Stoner, James' situation would be much better today and, as I think you will find, John would not be in jail at all. However, regardless of what kind of thing he is, the legal principles involved apply to all, including those with whom you would find yourself in sympathy. In this case, I think you will find that because of Stoner's utter and complete incompetence and a decision of the appeals court out there, one of the worst of possible precedents is about to be established - will be unless the Supreme Court overturns. Before I left St. Louis I did speak to Robert A. Hampe (7N7, 621-1701), court-appointed counsel. He filed a 50-page petition cert. with the Supreme Court before the end of last month. I have not seen it or the decision. Jim is trying to get copies from Hampe. Hampe thinks it unlikely that "new evidence" of the kind courts would recognize can be turned up. I am hopeful that he is wrong. Here John and perhaps others can help, for I believe exculpatory evidence was withheld by means of an illegal search and seizure of John's property hence was not available to Stoner. John has the trial transcript, if you want to borrow it and if it is not available to you locally.

I anticipate from what he says that some of the potential witnesses will not talk for use because of their positions and careers, like the lieutenant who first searched the car and found nothing.

I will be sending you separately copies of my letters from John. I presume you and the others understand the need, greater in this case than in most, for complete confidentiality. By this I mean not even discussion with uninvolved students, only those actually working on this, and above all nothing to the papers. John sent me a batch out of sequence, I presume on the theory it might confound the censors. My hunch is that everything any Ray writes is xeroxed for the FBI. Frank has blabbed that with James it is the case, and his sources you can imagine. If John sends you anything or if you correspond with him, please send me copies.

Regardless of how productive for John this work is, I think that in terms of your legal education, this should be a valuable experience. By the way, I spoke to Dean Besar about this and what I understood to be your attitude before I left. I presume he would be willing to counsel with you. I think it would be good if there were a member of the law faculty with whom you could counsel. I don't know how far Hampe intends to go with this, if at all, or if he wants help now. I have the impression he thinks John is guilty and is interested in the principle only. But I don't have to tell you that even if John is guilty, he is still entitled to a vigorous defense and that it should not end while any possible recourse remains. I think Jim spoke to his dad about this when the Dean was

in Washington last week for an American Law Institute meeting. I'll be sending Jim a carbon of this letter.

In any contact you may have with any Ray, try to avoid any political discussions, as about their attitude toward Stoner, but be alert to any reflection of the relationship they may disclose (for the James case). There is no need to hide the details of the problems he created. I have given John an understated brief account. They may be racists, or some of them may be, or they may be in some cases and may not be in others. The old man is paranoid as hell. Carol is uneasy, a bit afraid, with a slight tinge of paranoia.

With John's permission I have loaned these letters to Ed Thornton in confidence for them to follow up leads on St. Louis crime at the Post Dispatch. That is why I asked you to phone me there. I was then there, having seen John and spoken earlier to Jim Hillstone, who I think the Dean knows. Ditto with Rife's, subject to additional restriction that nothing be done until after his appeal on the state case is handed down. I think it is to be heard 6/5, at Springfield, Ill. Rife's stories are pretty farout, which does not mean they are in part or entirely false or exaggerated, as may well be the case. Another newspaper reporter is working on parts of it.

I have not had time to dub the tapes and get them transcribed. If there is anything relevant in the interviews I taped, and with John this may be the case, I'll send it when I can. Jim will have dubs and transcripts, so there will be a double check. There was no problem using tape and while it increases the amount of work enormously, it is, in my view, essential to complete and accurate recall and to accuracy for my immediate purposes, preparation of affidavits.

I cannot anticipate being in St. Louis again. I am that broke. So, there will be no funds available. I doubt if John has anything left. He appears to have been harrassed out of a fairly decent standard of living. So, our being able to get together at any time in the near future is slight. This past trip to St. Louis was paid for by the TV station and Jerry drove me to Leavenworth.

The Dean did give Jim the names of the other students, but their names mean nothing to me because we were unable to get together. I did try to leave a message for any one of the others when I could not reach you. I am sorry we couldn't get together on this and to hear your exposition of your personal philosophy of advocacy. My use of the word "immaturity" was not intended to be insulting but to make you think. Thus also my citation of other cases and the lawyers who handled them. But I have no question of any kind about being able to work with you, no do I about the others who are entirely unknown to me. I think you will assume the responsibilities of licensed lawyers, and nothing else is needed by way of personal accreditation. However, that you are all concerned is also accreditation to me. I leave contact with them to you unless any of you finds himself in this part of the country during your vacation. I would then welcome a visit. and I assume you will be more or less in charge of that part of the project.

It may seem like a futility, but in terms of your education it cannot be, for you all to make a study of this case and then to see if you can do the close to impossible, dig up the requisite "new evidence". There are many leads in these letters. I would suggest, however, a few precautions, like understanding that you are dealing with the underworld and assume it in all cases unless and until you learn otherwise, even with the garages and the police, should you approach any of them (your decision). I would urge that you try to restrict yourself to daylight and that none of you conduct any interview alone. This is not just a matter of personal safety but also supports the word of any one of you and double-checks recollection and reduces the likelihood or what might not be remembered. Because of the possible (federal) political overtones, James' being such a political case, I think it would be a good idea to keep a dated diary. In the Angela Davis case, for example, can you see the value it ~~xxxx~~ can have? There is not even a remote parallel with you. I use this merely as an illustration, for you will be dealing with people who may not enjoy the best reputations.

As I remember it, there are three young women in your group. I would urge upon you what you and they may mistakenly take as a sexist attitude, but I assure you it is not. Never let one of them do any investigating with a male accompanying them. At least one of the figures is a rapist, a sick man, and one seemingly enjoying a certain amount of official protection. It is not sexist to protect the physically weaker or those who might, no matter how slight the chance, be attractive to assault of any kind. Or even the fear of it.

Please understand that I am not telling you that you are in danger of being assaulted, that the women should be in terror, or anything like that. I am merely trying to get you to understand that some dangers are not impossible and that you should be alert to them. For one example, assume that John is innocent. Then defending him presents a jeopardy to someone else, perhaps.

Be thinking about whether you can find some like yourselves in Portland, Oregon, where it might turn out that some work should be done. John's story to me is that Goldie and his murdered pal precipitated a fight with some blacks by uninspired racism. Without that there would never have been attention to them, nor the search and seizure that seems to have been ruled illegal as against Goldie but not as against John. I think it likely John thinks he can supply more leads on this. If you can arrange for such collaboration, I will let John know of you can approach him yourself. I hope your car is up to a trip to Leavenworth. By the way, I stayed at the Terrace Court Motel, where I believe the charge is less than at the Cody Hotel, the best locally and where we ate, if you have to stay over. I think they will provide you with privacy for interviewing. They did me. The visiting room is anything but private. And hours end at 3:30 p.m. You should write in advance of going there, to John's case worker.

It may be a little while before I can check to be sure I'll be sending you a complete file, but you'll have more than enough to do to begin with for there is or should be enough immediately available and essential to understanding prior to any investigation. You have a tape recorder. If you can, use it in your interviews, in jail and out. There was an outlet in the room I used, next to Duttons, and that eliminates the chance of what can happen, batteries going dead. I also carry a light extension cord and recommend it to you. If you have not been in a jail before, they are supposed to search you pretty thoroughly. They don't always. But if you have any kind of medicine, no matter how innocent, even aspirin, leave it in the car. Penknife, too. My bag was not searched when I entered Leavenworth, either time. But I offered it to Dutton and so he'd have peace of mind left it in his office, taking only the recorder, spare cassettes, the extension cord, files and notebooks with me into the interview. Don't take a paranoid view of this thing. But you can simplify matters and save time by leaving anything that the authorities might have any concern about in your car. They should also pat you down. If a woman goes, I doubt they will, for I saw no women there except for the receptionist and one secretary. (Everyone was, as a matter of fact, very helpful and considerate.)

And don't be hung up on not having any investigating experience. It is almost entirely common sense, controlled imagination and careful work. Just be certain never to ignore the obvious and be prepared for looking back and remembering what you forgot. It always happens, and while much of this business is based on experience, it never fails that you forget to ask something. So, don't let it throw you afterward and don't let it bug you in advance. If you plan to interview an intelligent person who you may suspect will lie but will talk, I suggest that you first understand everything you may want to go into and then do not prepare a logical series of questions and ask them in a logical order, for a liar might anticipate you. Don't be afraid of the extra work of jumping around. I find it the only way to interview dubious characters of this kind. They will often spill what they might otherwise be prepared not to if they are not alerted. In my experience, this also applies to more respectable characters, like trained lawyers and reporters. With some it may be best to come right out and say what you are looking for. You'll have to decide each case separately. Gotta get to other things. Hope these suggestions can be helpful. Sorry about the typos, but I just don't have time to correct them and I want to get this in tonight's mail, which here means going into town, as I must do for other reasons shortly. Thanks and best to all of you. I think you will find this rewarding. Do depersonalize all of this. Sincerely,

5/19/72

Dear Harold,

To begin with, thank you for sending the book, I'm sure it will be both educational & enjoyable. Disappointed that it was not autographed.

As I told you when we last spoke, I am still willing to aid on the cases, since there is no affiliation w/ J. B. Stoner. The man simply disgusts me. Sometimes when you have a few hours I would like to discuss my philosophy of advocacy with you. Not that I am worldly-wise already; but, considered also that a hurried, cursory, explanation by me over the phone may not necessarily be indicative of "immaturity."

In any event, if you feel you are unable to work with me, so be it. However, there were approximately 8-10 other law students interested & you may wish to contact them regarding investigatory & legal research work that they would be able to do for you. Dean Kesler had the list of such students but, I believe he may have forwarded it to his son. If you are unable to locate the list

& are still desirous of help from law students, I am fairly certain that I could enlist some willingly students. I could either put them in touch with you or arrange a meeting of them with you the next time you are in St. Louis.

My apologies for my car trouble, but for some time now acts of god have been beyond my control!

Again, thank you for the book, and I sincerely wish you the best of luck in all your future ventures.

Take care,
Dana

P.S. Am sending tapes under separate cover.