

Dear Jimmy,

9/6/85

From your letter of the 3rd I did not make myself clear, you misunderstood or missed my points, or any combination of the above. But first, Jim's new address is 918 F. St., NW, # 509, Washington, 20004. I'm sure your letter was forwarded to him though.

With regard to Stanton and his secretiveness, as you call it, he has motive for not wanting anyone to see what was not used in the guilty plea hearing. The most obvious is the possibility that they knew some of what they alleged wasn't true. All prosecutors and police seem to have his attitude, not wanting anything they did not use getting into anyone's hands. Stanton has additional motive, coming from the fact that earlier his father and he had been part of your so-called defense, and he doesn't want anything out indicating that they didn't do very well for you. As they in fact didn't and he knows it.

I'm not too clear on just what records his office did have. But my best recollection, and again I'll send a copy to Jim in the event he has a better or different recollection, is that they had some records of which they had an inventory and some they didn't include in those inventoried. What the OPR got is what was inventoried, and I believe that all were identified by some numbers. It is not unusual, I believe, for the investigative staff to have its own records, at least relating to what they are working on. These could be only copies or they could be xeroxes. Having records in Carlisle's possession would also be a way of not having them show up on a check of the DA's official files.

Re Herb McDonnell, you are right, anyone can make a mistake. And it is not unlikely that defense counsel was incompetent. But I am inclined to believe that his testimony has a high probability of being accurate. Separate from this is the use or misuse of it. He has been associated with controversial cases and that is almost inevitable for one of his profession. That he is not afraid of being involved in such cases and is not concerned about whether or not it will cost him other cases and the fees from them is the reason we could get him to be your expert. And his testimony under other conditions would have been very helpful to you.

Atlanta, the map and Garner's: I've underlined this to help you find it if you think of something later. I've been trying to think of where and how I have the two prints of the FBI's pictures of sections filed so I could send you xeroxes but they are not filed where they would be filed if they are not in the massive file on that lawsuit, which still isn't over. The judge compelled them to provide me with those prints after I proved that they'd lied. If and when I find them I'll send you xeroxes. After the case is over I'm going to have to go over that big file and take all such things out of it. I wasn't questioning your word. And I believe that I said that as of the time they got it the FBI would not have dared making any new marks on it because of the possibility that a real defense would have had tests made and found reason to believe that marks had been added while in the FBI's possession. However, there is absolutely no doubt that there were marks other than you report and that those other marks were of King locations. This is but one of several things I've been calling to your attention that can indicate that someone was setting you up.

Garner's sister was worried about him and his perpetual drunkenness so she was there often, but I do not think she did this. Nor did he. Who is left if you rule the FBI out? Only someone you then knew, someone who knew where you were, etc. Why anyone would add King locations doesn't require much thought. It was to make it look that you were planning a hit, exactly the use made at the guilty plea narration.

Jump now to the DeSoto and the beer. Sure as of then the FBI did not want any thing indicative of a conspiracy, and they don't now. But they may change in the future, especially if something surfaces that could spring you. Then they'd shift

to the opposite position: there was a conspiracy, you were part of it and you thus are as guilty as if you fired the shot. But you missed the point I was making, and I thought I'd made it clear. Here was the FBI trying to account for your whereabouts. Their first leads were the bundle found outside Canipe's, and they started tracing what was in it. Once they began they had to finish, so they traced both the beer and the bag it was in, to the Southaven Bait and Minnow Shop. What in the end served their purposes better is the stuff you bought at the Rexall drug store in Southaven. Sure they had to avoid the DeSoto Motel to avoid developing any possibility of your having met anyone there. But you didn't buy the beer and it was in that bundle. What you have to try and understand is that ~~some~~ someone who did not know you were going to make purchases at the Rexall was leaving a trail that could lead to you, someone who probably knew you were at the DeSoto. What other purpose could there have been? Why would of all the thousands of sources of beer there be that particular beer left to leave traces that could lead to you? So, someone who knew you'd been at the DeSoto is the most likely source of that beer, as someone who knew you were not then in Atlanta is the most likely source of the marks added to that map. In plainer English, someone who knew you and where you were was in advance setting you up, to be charged with the assassination. This means someone in some way involved in planning that assassination. Some omerta, huh?

I do not find it easy to believe that of all the places in Atlanta you'd have known of the existence of a flophouse run by a totally undependable alcoholic or that of all the many motels in and around Memphis on your own you'd have known of the De Soto and its special characteristic. Again in plain English, someone had to be telling you these things. And that someone must in some way be connected to doing these things that set you up. And they worked, which is why you are where you are. Whether it was Raoul or others with him, is there any other possibility?

You jumped to the conclusion that my checking anything of that nature out was doing the FBI's job for it and you wouldn't help. You hurt yourself because I had no such intention and was interested in only defending you. I'll give you an example I may have mentioned, where I didn't follow it up and in fact didn't even make any notes. The FBI traced you much more carefully than the record in Memphis shows. I think I told you that they gave only ~~some~~ some of their records to the prosecution. When you were in Chicago you had a room. I think but I'm not sure that the name of those who rented the room is Donnelly. You got mail there, if not before you left, certainly after you left. They gave it to the FBI. The record I saw gives the name of the person who wrote you and I don't remember it. I do remember that he was from Carolina and I think the FBI said with a criminal record. I didn't make any effort to go any farther with that because I could not see how it could help you. But if I were trying to pin a conspiracy on you, wasn't that a good lead? And thanks to Hue they had a pretty good tracing on you. So, with the kind of checking they can do, you can be sure that they know pretty much of what you did and who you met with if there was any kind of trace, like messages left, or if you met where others could have known about it. You have to understand that the first law of the FBI is to cover its own ass and the second is for the agents to cover their own. So, if there was any chance of there being any kind of conspiracy, which is not the same as an official no-conspiracy official line, the FBI was not going to be in a position of getting hurt. They'd know, be able to retrieve, and have a ready explanation for having it in a different file so it would not show in the assassination file. Remember that St. Louis crook and his fairytale, the one the HSCA went for? They got away with not having it in the assassination file, didn't they?

I had similar interest in the addresses in Hanes' notes, particularly after I checked them out and saw them. All were well suited to certain kinds of meetings. Both residential and business areas and even one in the dock warehouse area. One I mentioned did seem to have a Baton Rouge and perhaps Partin connection of some kind.

I'd done the old man a big favor once and took nothing in return and asked nothing either. That must have been unusual in his experience but anyone ^{how} I could and did just walk in off the street and get to see him. He knew I'd done this through his former chief of security so after all that Foreman business started he told me that he had bestowed what he described as a generous settlement on my friend instead of ~~suing~~ ^{syng} him (I'm sure it was to keep from being sued, not generosity) and he took me into a special room next to his office and told me to phone him on the phone in it and he even gave me the phone number. The old man had a special sort of hospital bed in that room and nothing else that I remember except the phone and the table it was on. So, the actuality need not be what is in the papers or alleged in court.

Back to Garner and his sister. I don't think she took his money. I think she was just trying to help him because he made drunken mistakes. But it comes to mind that she told the FBI you'd gotten mail there after you left and she saw it on a table or something like that. I have no recollection what kind of mail but I'm reasonably confident that there was some waiting for you.

In not touching him the FBI wasn't doing Jerry any favor. He is the one slack-jawed member of your family so they wanted him to run off at the mouth, as he in fact did, so they could pick it up, as they also did. "Marjorie Fetters also told them what she said Jerry told her before, while or after he laid her. Of course there could be a difference between what he said or intended and what she and others said, but there was no way his spouting off and acting big could help you and it was almost certain to hurt you. Even if they made no public use of it they could and did use these things privately and thus persuaded others in the Department and elsewhere in the government that you were guilty. She had Jerry telling her that you did it for the money. And wouldn't have for any other reason. And suppose he'd said you'd not have done it except for the money, which may be closer, how could that help you and how could it not hurt you? This and more like it is why they let Jerry alone. They wanted him to blab and they knew he would.

I hope I've not been unclear and if my wife has time I'll ask her to read and correct this to make it clearer.

Sincerely,

Harold Weisberg