

4/13/71

Dear Jim,

on

I'm glad you were wrong the Battle order on the places Ray stayed. That would have ridicule value. This has much more. I would not, not being a lawyer, agree that you are limited to what was introduced. Battle's order recognizes the motion as one for discovery, it "ordered, adjudged and decreed" that "the defense motion" be granted. That motion, although made and signed by Hanes, Hanes, was not for Hanes personally, but is in the name of the defendant "Comes the defendant" and asked "Produce to the attorney for ~~the~~ defendant and includes "duplicate". Thus any attorney for defendant is, I would suggest, covered.

Moreover, this order is that "The Attorney for Defendant shall be allowed to inspect, copy or photograph" and of the enumerated items.

I therefore suggest that Bud write and ask for copies, at least of the following:

"Documents, particularly guest registers, pertaining to any hotel, motel, rooming house or other ~~place~~ purported place of residence, temporary or permanentand of the alleged victim of the crime..." (Alleged?)

The photographs "showing Defendant or others sought in connection with the crime herein charged."

All the penal and military medical records, including optometric

All the transportation items.

All the fingerprint items, in terms of identification of them. There have to be others than Ray's.

Pictures or all the slugs and fragments thereof. The order precludes only test made by the prosecution. That, by the way, can be contested, because it was not "the work product of a law enforcement officer or Attorney for the State", the line Rhodes used on me.

Police logs.

Complete witness list

bank records.

If some of my reasons are obscure, I'll explain them. But from my own investigation some of this now seems to have added relevance.

If think the letter should be a formal request, without the order to pay the cost. If it is denied on that basis, the pauper oath is still recognized, and they can then be asked if they made and provided any copies of any of these, directly or indirectly, to any other, which should drive them up the wall, for this has been done. And they'll wonder what we know and how we plan to sue it.

Two offhand explanations of how the FBI got to the Freep: Because they follow and index it; and one of those to whom he wrote or a reader may have remembered after seeing his picture and sending an anonymous letter to the FBI.

I recall no reference to any red typing. Today the use of the multicolor ribbon is rare, usually by business places. Did they ever get the typewriter. The mill interests me more than the Freep ad.

I would really press for these items, patiently, and then, if refused, would for the first time suggest that Bud consider holding a press conference to announce formal complaint about the withholding of exculpatory evidence, and I, with Canale tape, can back it up with my own pictures, proof that the FBI had what Canale withheld and said he didn't have, etc. I think this gives a very good basis for what would otherwise be dubious and subject to criticism.

HW