

1013
PT

11/2/72

Dear Bud,

Some people look so hard for pie in the sky they don't see the slice on their plates. In your case, I fear it may wind up on your face, which is not the place for pie and is not or at least should not be where you want it.

You never have thought through the meaning of the few agreements you made with me when I asked if you'd take Ray's case if I got him as your client. Late as it is, in his interest and in your selfish interest, I strongly encourage you to do it now. It was a first-rate agreement for you, especially because you were just starting a law practise, and there was absolutely nothing in it for me except the possibility of our mutual success. But success in a court case accrues to the lawyer and his reputation, not to those who are not known to have done the work.

Especially in a case as spectacular as this one, I don't think it is commonplace for a lawyer to have both client and case delivered, especially not without cost to the lawyer and his only commitment is to performance. Nor is it very often that a lawyer has an opportunity to succeed where a Percy Foreman failed. Except for two things, corruption and your own failure, your success in this case was guaranteed before it was given to you. There is no question as to fact, no real one as to law, and it has taken no real work by you.

Even where it should have it hasn't. You just haven't done it. Jim and I have.

Much more unusual, especially in its potential for a lawyer, is the potential for a put-down of so prominent a lawyer as Foreman.

To put this another way and to help you escape your own mental captivity, can you think of many cases where almost any competent lawyer has a chance to come into a case messed up by a Foreman and win, do what the eminent, experienced criminal lawyer could not or did not do? You have a greater opportunity than Bailey had in the Sheppard case, subject to your performance. You have help he did not have. You do not have to do the work he had to do. I can't think of a parallel. I don't think you will come up with many, if any.

In short, it seems that you have the dream opportunity, a chance for an easy sensation, with all that can mean to your practise and reputation.

To date, what have you done? Only retard what could have been done. You didn't even have to think of what had to be done. That, too, was done for you. You had only to agree and make it possible, neither a real burden for you and both together so slight in cost that the cost has to be negligible when compared with what other lawyers have faced in anything comparable. In every case where it was ultimately done, two things are true: it has paid off; and it has paid off less than it could if it had been done promptly. The most recent example is Jim's trip to Birmingham. When I got Huis's agreement to give me all of his and everyone else's files, you nixed my going. Now we have less than we would and could have and we face two bad choices on this alone: doing less for the client than is possible or doing over an enormous amount of work in which there has already been an enormous and unjustifiable amount of wasted time and effort. Moreover, with this Huis/Hanes material we could have had two years ago, the possibilities of investigating its leads further is foreclosed by the waste of two years. There are things in the portion Jim brought back that should be carried further.

What I am saying is not an appeal to your noblest instincts. Rather it is to enlightened self-interest. This is something quite different than the immature ego-indulgence that has dominated you and what you have done and not done. That has been entirely without meaningful reward. You may kid yourself a bit about the inspired stories for which you are responsible, but they are vapid. There is no substance to them and they have done you no real good. What I am talking about is nitty-gritty, what can make you, what can give you a real and an earned reputation, a real not an illusionary accomplishment, one not easily duplicated, one of which you might be legitimately proud, not the synthetics you have contrived. But because you have not known how to be selfish in a responsible way you have hampered your own success and created conditions that make the situation impossible for those who have done all of that for which you will get credit and reputation, conditions that without change make it impossible for them

to continue. With Jim I conjecture, but I think not unreasonably. With me this is an understatement. My choice is not merely cutting off. Remember, my own integrity is deeply involved in this. I got Ray as your client, not you. That I must live with, be satisfied with, and be content with what happens to Ray.

As you realize, when you told me that I really ought to work by myself, I stayed away. You can hardly have thought that through when you said it. It is part of a systematic self-deception you have practised and you should, if too late, think it through. If I had worked by myself would you have this client, this case? What significant thing have you, personally, added to it? And I ignore the JFK material, where with the expenditure of what to me is a fortune you have an abortion. What would be the state of the habeas corpus papers if I had taken you literally? Even the recent acquisitions, recently only because you made them impossible two years ago and subsequently, we have because I pushed and insisted and because I laid the foundation for getting them. Do you really want that I ~~have~~ worked alone? If not, why say it? If I had, where would you be on this? You still don't really know the fact of the case, preferring what you would like to be fact, not profiting from the example of the Garrison debacle, where he did exactly this. Jim knows more, but not nearly enough, as my additions and corrections to his drafts show.

Sometimes you blurt things out without realizing what you say. If I don't know the details of your relations with Jim, I do know what you told me when I phoned him and got you a couple of weeks ago. You complained because he is not content to live on his wife and work for you on her subsidy, saying that she makes enough for them to live on. Aside from all other considerations, such as what she might like to do with what she earns, and visiting her folks could be one, in what role do you thus cast Jim? Or yourself? Ray should subsidize you? But you actually grumbled because Jim was talking about getting a job where he could advance himself professionally and make his own way.

With me it is even worse. Between you, and I got different versions from each of you, you have loused up my life since mid-May. Actually, what I beginning then had to keep myself clear for should have been done long before then for the most part for from the very beginning we have all agreed that the thing to do was get into federal court. So, the preparation should have been commenced long before it was, and that was not until about two months after mid-May. And then all of a sudden you were in a great hurry. You have a way of never trusting the tested judgement, but when you and Jim then said the paper work could be done in two weeks I laughed and said you'd hardly be into it in two months. The record on this is clear enough. The planning could have been done, the legal research could have been done, the factual memorandum could have been thought through and been in rough draft all long before I went out to get the affidavits for you. (You asked me to prepare them while I was away and bring them back notarized, remember.)

From the beginning your childish self-seeking has defeated you. I don't think many would have tolerated what I have, and that is more than I have complained about - not that you have ever really responded to these complaints. One of my conditions was that I would be investigator on the case. As soon as I get you your client you bring in that miserable incompetent literary thief Flammond and try and make a silk purse from his ear. When I told Jim and Rob about this and complained that it was dishonest and a futility, you told them his publisher paid his expenses of the trip to England - for all the world, I interject, as though the crime was committed there, not in Memphis. You knew better. You were on Fred Gale's show when Flammond said he had no publisher, no plans for a book on the subject, and is not an investigator and has done no investigating. Perhaps you considered he would write of you as he did of Garrison, but that also is an emptiness and it did not pursue your client's interest. It was an enormous waste of time and money, too. Yet when I asked you to return to me the relatively slight cost of the phone calls to and from Jerry by means of which I got you your client, you said you didn't have the money! Shamelessly, just that.

Time and money was spent in fun, not in the necessary work. If the work that should have been done had been, it would be different. But you did go around saying that your CIA was "investigating" the King case. Your Spragues, Flammondes and their kind couldn't investigate public hair in a whore house. What's more, they would not, ^{and how} to do it. I'm only too aware of their kind of "work". The tragedy is that you do not learn and that you persist in the ambition to put a false front on your CIA, play the pretense yourself, when there is the legitimate possibility you have not treated fairly and where there is a real possibility for your firm, you and your career. This dream stuff is sick enough if there is not a client involved, but with one it can't really be excused. We now know that Sprague offered to name the King assassins for names? Why the hell anything since if this is real? And if it is not real, how much longer can this kind of thing contaminate?

Howard was stunned at what he heard at Penn a month ago. That you can bring yourself to such things still baffles me. It can't be your normal character. Why the hell let this stuff run away with you? What you said about Ray and the trial and talking. Or that the CIA is handling my FOI suits. Or what you got and where. Only you, Dick Spring?

Or on the other extreme, what you told Mary and she, not realizing it was anything but the truth, when she mentioned what she had heard of our situation before she came here a couple of years ago: "Don't worry, Mary. Happy Harold gets all he deserves" approximately. I ignore the double meaning. I do not ignore that you have told others I merely pretend that I am without means.

There is so much more we both know and after doing it you pretend it didn't happen. Then you begin to believe all the invented fictions to quiet that inner voice. And then you repeat them. Enough get back.

My purpose is not to make a bill of complaint. That would have some length. It is to get you to try to put your head together for this kind of thing is intolerable. It should be to you. You explain it to yourself with the nonsense you feed to others, that I am mad at everybody. If I ever get really mad and unload it will be memorable, for I surely have been well provided! And my memory hasn't failed me completely.

The kind of childish thing you have been pulling is demeaning to you, is not at all necessary for gratification, and instead of this synthetic the real stuff is available to you. Why fantasize when she is so beautiful and at arms length?

You should have her if you alone don't make it impossible. I can't speak for Jim but I do for me, it can't be under the kind of abuse you have insisted upon and with the failures you have engineered and with the inefficiencies that have dogged all of this. You may want to freeze me out, and I wish to hell I could feel that I could get out, but is it not past the point where you ask yourself where the substance is in all the tomfoolery you have been talking about and what will happen to you and Ray with that kindergarten stuff in court?

I have let what is important to us go, after warning that I had important things coming up, to help. It should not have happened. There would not have been this inefficiency if you had been honest with me to begin with and then if you had not kidded yourself into believing that you knew enough about the case to prepare papers based on it without me. So you went off without talking to me, Jim has prepared more drafts than would have been necessary, I have had to read and correct more than was necessary, and we are now back to where new material available two years ago has to be added. You paid no attention when I told you this was inevitable when Jim came back. Nobody can work this way. No lawyer should think of it. This whole thing has been a needless drain on everybody. If you want more chapter and verse, it is available, including more instances of the waste of your money.

I have already done much more work on this case than you will by the time it is over. With a victory, the glory will be yours, not mine. All the work I do is at the sacrifice of our personal interests and at the cost of other real work, not the tinsel you like to see glitter, on the JFK case. I have had some of that spread out for months and can't get to it. I have no inheritance to keep me going, I do have daily needs and I do have the accumulated debt that is burdensome. When I stop to think of the work I could have done in the time that has been wasted for me I get sick, as I suspect Jimmy would, too. He doesn't

know that you have not been sending me around on a systematic investigation or that the only investigation I've been able to make was squeezed in, incidental to something else. Or that in an effort to make it seem like the CIA is the wheel in this thing you have been keeping from me what I needed to work for him. The Stanton file, for example. And then I get it too late. In such cases that nothing about it is certain.

These are intolerable conditions. They have been an enormous imposition on Lil and me and are worse than intolerable when the libels and mere nasty cracks are added. They need never have existed, there is no excuse for them now. And when we have the terrible financial pressures alone, something, fortunately, you have not had to suffer, making bad jokes and cheap chisels is unpardonable.

You have been able to live well and without such problems and the inevitable emotional concomitants while I, without pay, have done all this work from which you can get famous. In making the original agreement with you, I knew it would have this benefit for you. I selected you, feeling I could trust you. I did what you then made explicit you believed was impossible, and you immediately went back on your part of the agreement. You may not be an experienced criminal lawyer, but you have had more than adequate experience in the law and at least a nodding acquaintance with this kind of case. Ask yourself when a lawyer was delivered such a package by a man who had not even asked a ~~salary~~ or fee. An experienced criminal lawyer would have had too much in an ordinary case with what is in my book alone. But this is anything but an ordinary case. It is a case in which there can't be too much. No offense, for it is no insult, you are not an experienced criminal lawyer, either.

The time will not come when you can meet your obligations in this case without me. You may delude yourself, but I tell you the reality. It can't be more unwelcome to you than it is to me. All this messing around, all this foolish, childish personal nastiness, all this breaking of pledged word, inefficiency and neglect have made that of which I once felt I could be proud more distasteful to me than I can tell you. You never put yourself in the position of another or, with your intelligence, you would have seen this long ago and, being no fool, would not have tried to axe the goose while the eggs remain golden.

So, what I am asking of you is no more than that you make cooperation possible. For me, if not as I do believe, for Jim also. For you the cost is slight and negligible when you compare it with what it can mean for you and will unless you continue doing everything possible, if this is not your intent, to make it impossible.

I also have to face another problem I hope you will try to understand, again as you should have long before this. I undertook an obligation when I persuaded Jerry to get James to ask you to represent him. During the several years you have done nothing yourself except hurt, this has weighed heavily upon me. Most recently the unwise ego-trapping in Philadelphia worried. You have been insensitive to the conflict of interest you have played with. That it has bothered me your associates can tell you, if they will, going back to long before you moved your offices. I make compromises, but not consciously with conscience or with moral or ethical considerations, as you well know, if he prefer to misinterpret it.

I do not think you will find this welcome. I do not think you will want to discuss it. If you do, I will be available, and if you would like an impartial opinion, I'd accept your own partner. I have no doubt you can think your way through this or I'd not be taking the time. I have concern about your willingness to.

There is little that can be done about the past. It will be a greater tragedy if we do not learn from it. Yours must begin now, for it is already too late. Aside from James' interest, which I firmly believe must predominate and hasn't so far as you are concerned, I hope you can come to see that this is for your benefit. I hope you can be intelligently selfish about it and see that it can mean for you what you can't expect from anything else, including a considerable amount of respectable fame, not the foolish and meaningless cheap publicity from the nonsense you have inspired in the press about the CIA. It is not too late for you to abide by some of our original understandings and I hope you will. You, your reputation and your firm as well as Jimmy will be the beneficiaries...I'm sorry this is as disjointed as it is. I got up before daylight yesterday to write it and was interrupted often. Sincerely,

HL2
Dear Mary,

11/5/72

I'm a bit more tired than usual and I'm not remembering some things clearly. "il's younger brother came this afternoon with his younger son and the three of us dug out about 300 feet of inlet to the pond and I made a temporary repair on the dam that feeds it, with rocks and mud. We have water flowing into it again and I'm exhausted. I imagine half the volume of water in the pod was gone. I feared the consequences of the lower amount of oxygen available to the fish. You may remember how tame I had them and how pleasant it was to have the "wild" ones the fisherman never sees come when they heard the voice and take feed with more docility than the average farm animal. So, if we have no storm for a few days, the water level will be safe again, I hope. But I find I don't remember if I told you I'd be writing Bud a letter he won't like or whether I'd said I'd send you a copy.

Because of your own troubles, it would be my disposition not to now. But because you are a member of Bud's board I think I should. also, it may lead to complete rupture between us. It will be that or a change in Bud, for a number of reasons, only one of which is that I simply can't take the kind of personal abuse of which you know enough any longer. more serious is lil's antipathy and justified resentment.

I have done an enormous amount of work for him for nothing. I also got him his client in a case that could make an average, decent lawyer, given him almost his entire case, and made arrangements that were necessary and fruitful only to have his ego and wierd notions frustrate much. If there is any one thing of consequence he has done on the Ray case, I tell you frankly I don't recall it. Jim and I have done all the work. The last thing Jim, who has never taken a case to court and not ever had a client, had to do was begin from scratch, ~~xxxxxx~~ doing over the Memorandum on Points and Authorities. That is the one thing Bud finally said he'd do. It was so bad Jim said he'd quit unless Bud got off his back and let him do it over. Jim has done his draft, I've gone over it, and as best a non-lawyer can have an opinion, it is pretty good.

So Bud is this self-ordained Important Person who does nothing except enjoy the wealth he did nothing to earn and offend those who do the work for which he will get credit, when he isn't interfering in it or making it impossible. His lies and not keeping his word and not doing anything have loused up most of my time since mid-May. The inefficiency with which Jim was forced to work by Bud's ego did not freeze me out, as Bud apparently hoped, but created a very large waste of time for me. I've had to go over some of the lengthy drafts as many as three or four times. This in itself is intolerable. My first commentary on the petition habeas corpus was longer than the petition. To do what I've done I've had to let other things go and withal it can't mean anything for lil or me. It can do good for Bud only. Well, particularly with his continued dishonesties (he can't separate—he is much like a quiet Garrison) dishonesties, I'm not doing any more work for him for nothing. I'll be surprised if Jim continues with the present arrangement. You know, Bud's sick self-concept is so out of hand he actually complained to me that Jim ought to be content to live on his wife and work for him!

Bud may be the person I originally thought him to be in other ways, but with assassinations he clearly isn't. He is uninformed, opinionated, rabid and lazy. and to top it off I regret to say he seems to be not a good lawyer in this kind of work anyway and anything but a courtroom lawyer. This gives me a problem beyond his realization. I did get Ray to ask him to represent Ray. In that I undertook an obligation I will not forget. Bud sees what he wants to see, believes what he wants to believe, and because of the wretched things he has done to me prefers his fantasies to the reality. So, he really doesn't understand me. Unless there is a change, a real and continuing one, he will have an opportunity to learn.

All he has done by way of money with me is to pay most of the expenses of I think three trips, all on this case except the trip from N.O. to Dallas when I last saw you. I have returned more than this in correcting his legal oversight. he was not in a position to charge off his expenses on the Ray case. I took care of that. Which also tells you what kind of lawyer he is. he hadn't even thought of it. So, I have cost him nothing, have made him money, and have had nothing but abuse and an intolerable situation for it. If I haven't actually made money for him on this he is worse than I think...Anyway, here is the letter I've written him. I don't really care how he reacts. If it leads to a complete rupture I'll be better off. There is nothing but trouble, for lil and me personally and for the subject. If it is less than I could have said it will be a stiff dose for him. Hope there is a bit of brightness down there. Our best,

11/5/72 Jim, enclosed is the letter I told you I would write Bud. It doesn't say as much as I'd like to have (and I forgot some things, like reminding him about Hooker—he's been silent) but it probably says much more than he will want to hear or take. Things have to change. They are intolerable to everyone except him. He just sits back, everyone works for him for nothing of so little it is more offensive than nothing, and does nothing, which is usually better than when he does something. He is the beneficiary. For what? Because he was born to wealth? That is his good fortune, but it is not a piracy license or a franchise to exploit. What he does with his money may be his affair, but what I do with my time is mine. My wife will not subsidize his coming reputation with her worries or suffering. I should say any longer. I could not just sit down and write this. It was often interrupted by things that for us were urgent, especially relating to the troubled nephew. It extended over something like 24 hours and I'm sure I lost my chain of thought often. I have not read it and won't. I asked Lil to correct it, in part because I wanted her to know its contents. I did wait until I finished what you asked of me on the various Ray papers before giving this to Lil. What is not enclosed is on tape, a little more than an hour. My copies are marked to coincide with the taped notes if you want them. Just a mark to show the point in question on each page. It may be ~~xxxx~~ difficult for Bud to forget his riches and become a human being again but he is going to have to if I am to continue in this. If I don't I have in mind what is required of me and as I told you some time ago have taken the initial steps. What follows will be up to him. If he doesn't agree it will be to me a sure sign that he is going to fuckup a certain good thing. I've too much in it to permit this in silence. More important, my own integrity will come into question. That I will meet when I have to. I don't think Bud will change easily because on this whole subject he is at least as nutty as Sprague is and at least as incapable of learning from an almost unrivaled series of hurtful things that have yet to produce a single worthwhile thing for which he can be given honest credit. That will be too bad. I've taken what I have too long. I'm sorry your eyes would not open two years ago. It might have been a bit better. It would be easier for you now. However, his ego, ambition, inefficiency and dishonesty have loused up almost seven new months for me. I've had to let too much slide. I now have to try to make some of it up. I have begun. But the work I could have done on the subject I'll not be able to make up. There is too much serious work to be done, not the childishness that occupies the CIA. In any event, I could not care less if this means the end of any association between Bud and me. It would probably be a benefit to me.

Sorry if it makes a problem for you. Hope you had a good trip. Best,