

4/11/72-Memo on Chavez: It seems to me that superficially this case may seem weak but in a special way, what seems to be its key language, provides us with real opportunities, especially if you can present "new evidence". This language is "without understanding its consequences". In every way dared, this was addressed by Battle and in every way since, including by Erby Jenkins. Yet I think when the time comes we can produce the least likely witness and one to impeach this unfriendly one should he lie. Let us keep this on the back burner until we have to get it up front, and then this will remind me of it enough. What will also be relevant, I think, will be what Jimmy did understand and did plan, and he will need corroboration. I have it, aside from the news stories dating to his trip to Nashville and his letters to Battle.

Is this language on p. 586 subject to broad interpretation to cover us, but not in the way ^{HW} Sieganthaler put it: "The court did not exercise its power". If and when you want to undertake to see if you want to stretch this, I may have what relates that I am holding as a potential literary property. It is an obvious think nobody has checked. I think that esp. in connection with the voir dire that follows on this page we have a parallel to Battle. If you anticipate a problem because Ray was told in the language, "...nowhere...does it appear that anyone told Chavez what the possible punishment was..." there is a negative corollary that may fit. The talking to keep his mouth shut is a perfect parallel, and those letters sure bind that one! and the part about the need for a hearing to determine voluntariness is great. Jimmy quotes this section entirely inadequately.