

JDW:

12/21/74

FYI. If you want, keep this letter to Haile. I made an extra copy for duplicate filing but it is not essential.

Tomorrow will be 11 weeks that I put proof of irremedial violation of Ray's rights in Bud's hands. He and his partner then agreed that this is a fair legal opinion and that in the light of recent decisions I cited, a federal judge, under habeas corpus, could free a prisoner entirely given this kind of proof of these kinds of violations.

Because I know Bud is chicken I kept after his partner to prepare a motion. Last thing before we left for Memphis the evening of 10/16 Bill, the partner, told me he had put two motions (the second on surveillance of the defense) in Bud's brief case.

These were also to have been the first motions made, as the first order of our business.

To date they haven't been made.

After I found out that all Jimmy's papers had been taken from him by force and kept until noon the next day and that Haile had actually threatened, in chambers, to do this at Nashville, when Bud still did nothing - he didn't even tell me - I made further efforts that were effective with Jim only. He will be doing something, if too late.

It even fell to me to make the protest to the warden. Bud got a copy and made no comment. Nor did he have comment on Haile's evasive response. In fact he has done nothing at all on this issue on which the whole case can turn except go to the jail and fail to make even the most casual inquiry or protest - after he knows about it and after we have made an issue in court of the same thing being done with prior counsel.

Henry will understand the ellipsis about slander. He is being sued by a surveyor he has hounded mercilessly, from job to job, getting him fired as fast as he gets one, beginning with the State university. The man got a collection from the university, which Henry represents. Henry has called him everything from a Red to a dope addict, besides calling employers. This is the kind of counsel on whom a suit should be focused. Henry blew once in court and could have blown more, if someone with Bud's experience had had the courage to help him along. More, despite his cunning, he can't hide the physical signs that disclose his emotions. Sometimes he can keep his features under fair control but what he can't influence is the flushing of his cheeks when he is angry. When he is depressed his whole expression changes unmistakably. I have seen these signs over and over, without even studying him. So, an experienced lawyer, with the case we had, could have had a courtroom superspectacular, given the ability and the courage.

This is by way of explaining some of the purposes of my continuing to build a record with Henry. And needling him a bit.

Reference to the First Amendment is to his effort to get State money paid to private schools, religious included, as scholarships. He is appealing a ruling of Unconstitutionality on the grounds it will ruin the lives of the young. And for Xmas, too.

He surely is a great "Gore" liberal! In private he referred to his black assistant as my black boy or my black man, I'm not sure which. I made a note then.

Best,