

JDW,

9/15/75

My real purpose in this is to make a note of the conditions under which we are preparing the appeal in the Ray case.

I was not foresighted on a ribbon and this one is too pale for typing the final footnoting of the PM appendix. I've just finished them as I see a marvelous large red sunrise through the pines to the east, under a sky that is actually purple, all of it, with no blues.

When I thought of the ribbon when I was in town Friday, during a thunderstorm, the stores I could still go to had only cottons and I can't use them in notes any more. Now I'll have to make an extra trip in for one.

Without this I'd be typing these cross references and would not have time. But there should be a record of the special problems of a pro bono defense in a case like this. And of this particular case.

The only that that is not a problem is working with Lesar. His work is fine, his mind is open, his disposition is cooperation. He and Roffman are unique in this respect.

Jim came up as my suggestion with his wife and beautiful baby yesterday. I had read the first 43 pages of the draft of his appeal and had notes ready for him.

Those handwritten would have been useless so we went over copies together and I read my notes, he transferred them to his and we taped what I had to say so he can have amplification if he needs it and clarification if his notes baffle him.

It is really a hardship for unpaid lawyers to have to take this time and drive this distance in order to be able to do an adequate job and to have no return, even of expenses.

One of Jim's problems is a babysitter during the week. The one they had is back in college. I wanted him to be able to get this past done and the retyping by a regular typist started. Incorporating the additions (practically no changes and all those few minor) with his own corrections will permit this to get started and reduce the time crunch in the last minute. However, this also means we'll have to get together again then he has the rest done. My guess is that it will be not less than another 40-some pages.

If you want a copy of the final appeal as filed let me know and I'll ask Jim to add one to the number of xeroxes he has made. It will be easier when the other copies are made.

I strongly discouraged any change in the organization and structure of the appeal, as a note I'd prepared for him also does, on the ground that capturing the minds and attention of these judges with solid, interesting matter is the best way to get them to comprehend fully what we want to say. (There isn't a legal citation in all these 40+ pages. Citations of proof from the record only. (Alas, a few things we need are not in the record and can't be used.)

If there has been any constructive input by senior counsel I haven't seen it and Jim hasn't mentioned it. He has given Bud a copy of this draft to read. Bud and Bob contribute problems that require the waste of time. Maybe Bud will make some decent suggestions on and for Jim's work.

Imagine the situation: on a case like this most of the work has to be done by a lawyer who has yet to be before a jury and a non-lawyer!

But this is and for the most part has been the situation. There never was a time or stage in which I did not have input, sometimes much and much work, and I'm the non-lawyer who had to make suggestions on the law and approaches it permitted. The line we took in the hearing was mine, worked out when Bud was on vacation! While I'm more than willing to help and Jim is quite able and more literate than most lawyers, the experience that really is required is missing entirely except for any suggestions Bud may make and they will not be the suggestions of an experienced criminal lawyer. We have a case in which the only lawyer with criminal experience is far away and far out and far out of it all. I don't think he could prepare an adequate appeal.

Best,