

Dear Jim,

Bud/McDonnell contract

12/5/75

When you described the provisions of this strange contract to me earlier today I was surprised. I had heard, probably from you, that Herb sent copies but none for me. Perhaps specifying that I was to get none. I haven't been thinking of that part.

I spent four hours making packages before and after supper, after taking Lil shopping, when my left leg began to bother me again. Once I completed the packaging and was sitting back resting and thinking this and the NYTimes vibes of the past few days would not leave my mind.

I decided first that I can't stay up and think this through, that I need the sleep or at least the sack time. And second that without taking the time to try to organize them to tell you the thoughts that whether or not correct did come to mind.

First, I think you got suckered into a deal you should not have signed. I presume you took Bud on faith and were satisfied when he gave you what he had agreed to that it was OK. It was not. Counsellor, learn from this one. There is nothing on which you can trust Bud's judgement or detachment and if it in any way involves you, read it with greatest care. Why Bud did this is another question. He knows better. Learning or not.

I would like a copy. I will not use it without your OK and I want it to have and on file rather than for use. Among the needs I anticipate are to protect you and for Jimmy if what comes from this is what I see as possible if not probably.

Bud signed a contract clearly and unquestionably against Jimmy's interest. He also engaged in one, making you party to it, that was used against Jimmy's interest. He did it behind my back, when that was my area of work and mine alone, certainly not his. When the concept was mine going back to my earliest writing on this and my work for Jimmy. Whether or not wrong by bar standards it was wrong in every other way. On professional and personal levels it was unconscionable. And ~~xxxxxx~~ crazy.

In reading the exchange with Haynes before McRae in preparation for Mo's planned coming I find that McRae cast me and me alone in this particular role in the defense, if irrationally and impossibly. Aside from practise this is all I need should there be the emergency I hope does not present itself.

The net effect, aside from other defects, of what you read me is to give Herb precisely those rights those lawyers against whom we complained had, exclusive and commercial. Jimmy has no right to anything. I ask his investigator have no right to anything. Bud and you have no right except to hold the pictures in your hands as you contemplate your navels.

As I was thinking I was surprised that Jimmy, who has the CBS papers, has expressed no suspicion. I guess that is his trust in you and me and the impact on him of what Herb testified to.

I am clear on what happened and had some of it planned in advance. Like the lecture that was seemingly addressed to you in Bubba's office but was for Henry's benefit. I did not have to see the stub of bullet in advance to plan this. My work on the ammo and the documents made it certain.

You wanted me to phone Herb. I asked you to because I had no way of making any commitment and because he and I had never spoken and because you were the only available lawyer, with Bud preparing for his big case in the Soviet Union, on vodka. You phoned Herb and got him to phone me. With his permission I taped the conversation for you and gave you the tape. Probably one of the inexpensive yellow ones I use. Except for payment and date I made all the arrangements. Including declining Herb's offer to decline and his recommendation of a man in or near Minneapolis, Borg, I think Sanford. My certainties and my evaluation of the evidentiary value were such you will find a memo in which I asked, but to use him, too - before either Herb or anyone else made any examination. I think no other demonstration of certainty is needed. Or correctness.

There were two purposes, and because they were mine I knew them: for use in the evidentiary hearing and for use in ~~inter~~ trial and in preparation for trial. Had I any other purpose there obviously would not have been all this silence from me. I am now in the position of having to use others as associate investigators, among other things. To now it has been effective and informative and 100% in Jimmy's interest, not mine. Regardless of the outcome to this minute it has been more than worthwhile. In time you'll know the details. Right now I'm hoping the vibes are from tiredness and concern that when I use my legs they still swell.

How it came to pass does not interest me. The effect does. I now find that without speaking to me Bud agreed to if he did not negotiate a contract with McDonnell that has no provision of which I know that is in Jimmy's interest and lacks provisions required for Jimmy's interest and now, hopefully, operative against them. Bud's doing. Even if what I have arranged does not come to pass it be to Jimmy's interest to have this for which I arranged and despite Herb's qualification specified what I wanted. I remind you again and not for ego purposes that I did this, I alone, and that I specified not only what Herb did but what is not in the list of pix you gave me. We need more, I specified more and with the windowill I physically pointed out more. I mean I went over and showed Herb. He has to have more windowill pictures and I want them produced. 100% plus, you can or cannot tell Bud as you see fit, an agreement from him not to make any further use of them or any further showing of them. We can't undo CBS and I want no stinks. Jimmy can't stand them. Or you. They would help only me and I forgo them.

Except for your understanding as if I can have an effect on your of Jimmy I ask nothing of you on this now and not for the coming week. By then we'll have a better understanding of the situation and whether what I have been working on comes off. (If Bud's press conference deal with Downing is on the Ray case he had better be prepared for that of which by now he knows I am capable. Sick of not. I mean this literally. I am now capable of holding a press conference on my own. I can pay the rental of space. I think you should tell him this promptly. Merely that I hear he is in on such a press conference but that if it deals with Ray without his having talked to me or asked my permission to use my work he'd better take a large store of food to western Md.) He won't dare show his face anywhere else. Or will never get over being sorry.)

Bud has a consistent record of doing wrong and messing up in the Ray case and I have a complete enough written record. At some point we are going to have to confront reality: Bud has been the greatest liability in the case and is probably the only reason it isn't over.

We both have these money and time problems. I suggest that you get Dick or someone else to explore the possibilities of handling the remaining work with Ray recognized as Battle Aid with a multimillionaire counsel, as a pauper. If this can be done we can eliminate our greatest problem. If you do not do this or cannot it will leave me with the need, whether or not I can meet it, in your interest and Jimmy's, or seeing what else is possible. Aside from messing things up all Bud has done is meet some of the cash costs in return for which he has had a rich and entirely unjustified harvest.

Realize the position I see myself in now, with the obligation I bear Jimmy. I do have a conflict. I have little trouble resolving it because those minor parts of the costs Bud pays are essential to Jimmy.

Realize also now that I am ill and am not throwing off the symptoms that I am neither able nor willing for an indefinite continuation of this kind of situation, those of the past, and those I can anticipate ahead. I think we are at the point where we must soon get head-to-head with this. Believe me, if I have to be carried in I am willing to clobber Bud on this, such as I hope it will not be necessary.

I believe that if Bud did not contrive the situation represented in the McDonnell contract kept secret from me he is lawyer enough to have understood it. and crazy with wgo enough to have wanted it.

I have no selfish purpose in this. Remember, you are the one who suggested to me when I did not think of it to tell the Times that if they do not agree to do the story as an interview I would hold a press conference and release it to all. My interests here are Jimmy's and yours. There can be no personal benefit to me.

We are at a critical point. We are at the point of success. There are problems. I warned you that I have before been at a similar point with the Times (and not the Times alone) and had it aborted. My reading of Ros's continuously shifting assignments reminds me of so much in the past. John seems to have done very well in California. But it was Ros who was to have gone. John used Ros's leads and work. Then they were sending him to Texas when I learned about this and gave him what he needed to use for leanings. Then this morning, I'm sure from bed, he phoned me, asked me the state of my disposition, and told me he was in Tampa! It was understood that Horrocks would not go to Bud and he is the one who was sent. Horrocks, who was to have called me and didn't, did not have to know more than Bud needed to duplicate what you and I have done for Bud to get and give to Downing. (Can he be the one Tyler would not identify as the 1971 person not known to be a writer? Or one of his?)

I am no longer willing to take a charitable view of Bud and what he does and doesn't do. I then felt and I am now convinced that the only reason he asked me about your arguing the case before 6th circuit is because he knows he doesn't know enough.

I am also well aware of the inability of people to face or even understand their emotional problems. Our situation, my distasteful and your placid peaceful, unselfish disposition in which it would be against your nature to hassle with Bud are what I have to keep in mind. We have to cope with the problem Bud presents. But if I have to cope with it my way, I will. I will avoid it as long as I can but when the time comes and I am convinced I can no longer, I won't. Bud will then be the least of my concerns.

I'm tired, I'm disgusted by all of this, I should have been in bed before this and I'm not as prepared for Ros as I should be. Trying to inform you at this point seems more important to me. I really want to spend my time other ways and trying to rebuild. But Bud's record can't be ignored and this insane contract troubles me deeply. My one purpose is to be prepared. If you feel you can't give me a copy of the McDonnell deal, don't. I think I should have it - should have when it was executed - but I'll not contest your judgement.

The way I feel now, and tiredness and ~~disgust~~^{disgust} may influence me, is that this is but one more in a series of potentially ruinous ego or hate indulgences that at some point have to come to an end.

It is at this point that I got worried enough to call you last night. I've slept fairly well if again little and haven't had time to think anything through. However, my instinctive reaction to your writing Herb and unilaterally obrogating the contract is that it is the fine and right move. By the way, it violates my initial agreement with Bud about which while I may perhaps not be able to do anything there is nothing to keep me from talking and I can produce a record of his uncontested representation of it the first time I got proof of its violation. The one thing I can add is that if I ever feel the need to go public on this I certainly will. And if Wrono or someone skilled visits over the holidays I surely will tape an oral history. I've already asked Ros to do in confidence if he ever has the time. For a record for the future only is my present intent. If the Times backs out I think Crowder may be of a mind to take the time and I'd trust him. The way things have turned out it is an important part of the history of this period.

Hastily,