

Dear Jim,

8/10/74

As you know, sometimes when I want to make a record I do it in the form of a letter to you if I think the subject may interest you. This is about the newest of Tennessee's dirty works, as I mention briefly in the enclosed letter to Barry Sussman that I wrote when too tired. As I remain.

Preparing to leave for New York on the first bus out of town in the early a.m. and helping Lesar prepare to cope with it and the rest of our side as well as the state killed what I'd planned to do, complete the WG chapter on which I was working. (I think I told you we have a date with the book affiliate of Penthouse.) I'll switch to train in Baltimore. Lesar, who has trouble getting up, is supposed to be on that early train. I have a full Sunday's work lined up in NYC, so I do hope he makes it. We also plan to work on the way up. It now looks as though Bud has no choice ~~in~~ but to take me to Tenn. for the 8/21 hearing, although he did not have it in mind. Now he has no alternative and he is talking to Lesar about my going early and holding JER's hand for a say or so.

The State filed a long, nasty, false and unsupported motion of conflict of interest against all of us, along the general line with which you are familiar, my for money and literary values (for a dead book yet) and Bud because of his CTIA which, interestingly, they misidentify exactly the way Harold Frank does. I saw this coming and took two precautions, one I could on my own, the letters to Haile of which I think I sent you copies, the other a recommendation to Bud that he did nothing about, telling Haile that although Haile says they can't subpoena more than 100 miles, I'll be delighted to honor a subpoena. If he had the teeth would all have been pulled.

The story in the Memphis paper, where the motions were filed in federal court, has a Nashville dateline, indicating that Haile gave it out before the Memphis papers could get it and before any copies reached us, with the weekend combining to make it impossible for us to respond promptly. (I think they laid an egg out of Tennessee because I have not had a single call.)

Of course the time for the filing of motions expired long ago. This one probably will be thrown out by the judge, but it will have accomplished its purpose.

I would like to take the initiative on this, having laid a more than adequate basis in the expectation of just some such desparate nastiness. Bud will be timid. I think that because it is all invention and is false and Haile was on notice, it crosses the line into malice and misuse of judicial process to seek to immunize libel. I think determination is a matter for the courts, that there is enough to file, and that if it is done it will not only end this kind of hanky-panky but may well blow the whole thing wide open. I have also demanded that we demand of the judge 8/21 that the first thing he do is settle this business, with use having the right to put Haile on the stand forthwith and question him about this, demanding proof or at least some basis for the libelous allegations that also are a continuing attempt to deny Ray his rights all over again. They can do it all through me after questioning Haile. You can't imagine the sacrifices I have made in not using what I've developed. Or, in fact, what I've developed. I've kept most of it from Bud but not Jim. I've told Jim how to duplicate everything I've done should something happen and he has the only dubs of my tapes. My originals are on sealed cassettes that in most cases are signed by the witnesses interviewed and are on continuous tapes, that is, one witness picks up where the other ends. No blanks.

What the state has done does not weary me. It exhilarates because of the possibilities it offers. Bud and his endless messing up and negativism and timidity and stupidity and all the unnecessary work cleaning up after him for so long are the burden. This is a crazy act of desperation we should and can exploit. We should do it in court, with representations to the bar association, the works. But he'll agree to what he'll estimate to be the minimum that can offset with the judge and insist on stopping there. Oh, well. It will be this way and in the end, if it gets to the end, we should prevail. But the extra physical and the unnecessary emotional strain do weigh me down. Best,