

enc by phone 4m 10/6/72

October 7, 1972

Dear Harold,

I'm sending you a couple of packets of materials. The habeas corpus petition and the factual memorandum are in one packet. A few minor corrections, mostly typos, remain to be made, and there are a couple of exhibit numbers that have to be inserted or changed, but other than that, I think we are set to go with the documents as they are.

I have added one major legal point to the petition. This concerns the failure of Battle to ascertain that Ray understood the nature of the charge against him. I have also added the wherefore clause requesting the relief sought. It is a pretty standard clause, and I don't see any reason to add anything to it.

There are a few things I thought of putting in the petition but ultimately left out. Probably the most important of these is the window sill, which I thought long and hard about including in the section at the beginning which discusses the Frazier and Stephens affidavits. I finally decided, however, that the window sill issue could be gotten into the record on a motion for discovery, and that it might be more important to save it for that use. I think it might tend to get lost in the petition itself, where there is not time to give it sufficient attention. We are giving the court a tremendous slug of material to digest already. Saving it for the discovery motion would give the discovery motion more punch and probably get the window sill some individual news attention it wouldn't otherwise receive.

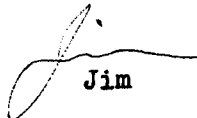
I would also like to get the Paris Match photos of an attempted re-enactment in the record. I think this can be done on discovery, too, in conjunction with the window sill material. But a good place to have included it in the Memorandum is the paragraph or two towards the end where I am summarizing the case for the defense which Foreman had but didn't use. I have made arrangements to go to Paris Match Tuesday and see if they have a back issue of it. If they do, they indicated it might be possible to photograph it (Bob has a camera that can do this). In any event, I'm also going to check with the New York magazine place to see if I can get ~~me~~ several copies of that issue.

I'm hoping to have the legal memorandum done by Tuesday. In any event, I think I will be flying down to Birmingham on Tuesday or Wednesday. I believe we will have everything ready to go by the end of next week, but I think Bud will probably fly down following week.

The news item you heard on Garrison was that he lost the election. By about 20,000 votes. By 11 or 12,000 in New Orleans.

Did you catch any itme on a kid convicted in Atlanta for running a narcotics ring? If you did, save the clipping. It may be in the papers I have but haven't read, but the clipping is important.

Best regards,


Jim

over →

date

Byron Watson a kid
10/11-6

P.S. Bud said he would buy the rifle for its original price of \$100 (which I believe is what you told me it cost), but that if you could sell it for more to go ahead ~~to~~ do so.
and/