

Dear Ed,

3/9/73

I found the two pages from Peter Goldman's *The Death and Life of Malcolm X* very interesting. I suppose his prejudices should be considered in what he says and avoids saying. We might, in fact, wonder why he avoided the obvious on p. 212.

There, in a footnote, he says that Burke Marshall, through Alex Haley, arranged to meet with Malcolm "informally in ~~the~~ New York, in the offices of a foundation friendly to civil-rights causes".

I see no reason to avoid identifying this foundation and good reasons for not avoiding it. One could go farther and say that this prejudiced writer may have had his own reasons for not identifying the foundation that he does say was already identified with civil-rights causes. So, it would seem that the reason for not giving the name would not be to protect the foundation from some kind of consequence.

One might wonder if going farther is justified: Goldman defends the CIA in this book, there were many CIA foundations in that era that could fit this description, so he does not name the foundation because it was a CIA foundation.

What is by no means clear is why the meeting had to be in any foundation's offices. And, although you do not so indicate, I take it that one of the foundations could have been the African-American. We do know of the Ned Crosby-Burke Marshall connection in the Lattimer and Cyril business. Ned is a member of the African-American board. I get it. Could be.

The second footnote has your question clear: why would Edward Bennett Williams take Hayer's case on appeal? I think there need be nothing unusual in this or the subject of Goldman's complaint. Which is not to say that there could be none.

Williams began as a criminal lawyer, before he got so rich and important. Most of them take some pro bono cases, and some go out of their way to get those cases for which it is generally known that they can't get paid. From these they get the reputation of being liberal on rights issues and often they get considerable free publicity. Remember, lawyers are not permitted to advertise. Their cases advertise them.

However, there is this to support your inference: Williams sought and got no publicity from representing Hayer. He did represent "il and me then (and screwed us proper) and we had no knowledge that he represented Hayer.

The avoidance of publicity is a proper course, whether or not those seeking to unhinge jaws agree with it. Anything Hayer said after conviction could be used against him. We have recently had similar problems from the flapping of the Ray brothers' jaws.

This could be carried to an extreme: if Goldman represents a CIA defense, why should Williams loosen his convicted client's tongue for and to the CIA?

My own is a simplistic view. In such assassinations, if the assassins are hired or just turned on, they do not know for whom. The most they know is their contact. One of the more immediate reasons for suspecting the Romero story is this: he knew too much to be trusted and they knew too much to let him know so much. One need not get past the opening of L'Aurore's piece to be deep in doubt because this is the way it begins.

In even the least sophisticated this is generally true. (There are always fools, of course.) 35 years ago I was part of the investigation of an assassination that should have worked and failed to because of a story-book fluke. The entire wing of a building was demolished, but the man under whose room the dynamite was placed was unhurt. Now that job was subcontracted at least five times and, when finally done, brought the man who set the dynamite in place and exploded it less than it would cost you to take me to a decent meal in New York City.

If there is reason to have questions about Williams, they are not indicated on that page or in that footnote. It is not the function of defense counsel to get his client to spill his guts in court or to a writer.

I did send Gary copies of the Ross and Wise pages on African-American and Katzenbach. No response.

Thanks,