

Boy III Canning NY 14830

Rt. 8, Frederick, Md. 21701
11/4/74

Dear Herb,

Add route and you have correct address. Thanks for reprint.

I'm using you and this metal stationery for a purpose. When Lesar and I were in Memphis on discovery I was certain my room would be entered and searched. So, I carried no attache case, only a notebook, and had but one thing in the room that could be of interest to anyone, tapes of the long interview I had with Ray in the pen the day of the night we reached Memphis, Tuesday, 10/1/74.

To set a trap I removed all the letterheads and put them in my pocket and then made notes I still have on them. I used all but two of the envelopes. I removed them and the pen from the plastic bag, leaving the bag and envelopes criss-cross in the drawer. I pushed the bible to the far-back right extreme of the drawer and then placed the tapes to their left, facing the drawer. I took the phone book and put it to the extreme right of the drawer, overtop of the remaining envelopes and plastic bag. The phone book was as far to the right and touching the bible and directly parallel to it.

When I returned I call Lesar in and opened that drawer. The ~~xxx~~ envelopes and plastic bag were identically as I had left them although they had been covered by the phone book in part. The phone book itself was as far to the left in the drawer as it could be and to the front. The failure of the envelopes and bag to shift position I attribute to the care with which the phone book was lifted.

During our entire stay the maid never replaced the missing stationery.

To show that this was their negligent practice, this time I removed all the stationery. It was never replaced. This is that stationery. In addition, I removed a red napkin from one of the several dining rooms in the motel, the one in which you sat by the window the night you were there. I folded it up and placed it in the extreme rear right of that same drawer in the room I had this trip, 1020. It was still there the day I left. I checked.

Or, there is reasonable basis to believe that someone other than the maid was in that drawer the 10/1 trip.

On after you left: the State did not attempt to rebut your testimony.

If you print the shots you made I should have prints. I think you should print and I should have copies. I also need fast the windowsill and other measurements. That area is under redevelopment and will soon be destroyed. I had planned to make my own measurements but decided to have another do it so he, not I, can testify. To this end I want to give him all dimensions and angles he needs. Would you please rush this with a carbon? Or duplicate copies of your notes? The man who will do this is a private investigator for a lawyer friend, former Miss. State trooper.

Ray will write you a letter of thanks for your wife to include in Frame-Up.

It was fantastic after you left. We kidnaped all their witnesses. They gave us a phony list from which they called not one. All were surprise witnesses. When they locked the courtroom during the lunch break and we needed a private place for me to prepare Bud to cross-examine their publishing expert I said, "Let's visit our client." I then asked Jimmy to leave us alone, stay in his cell, and we used the Marshall's prisoner-lawyer conference room! It went like that. They finally peeped out on rebuttal. We made even their Foreman/law expert ours! Thanks and best,

Rt. 8, Frederick, Md. 21701
3/26/75

Herbert Leon McDonnell
Laboratory of Forensic Sciences
Box 1111
Corning, N.Y. 14830

Dear Herb,

I presume you can read the raw material of a spectrographic analysis where there have been no consolidated conclusions. I write to ask of you will do this for me, in strictest confidence, the need for which will become apparent if and when we talk about it.

My general procedure is to stay out of ~~pigs~~ ^{pokes}. There are plenty of pigs elsewhere.

So, I know what these have to show and can prove beyond question that is they show otherwise they are somehow faked.

I am getting copies, and more.

And I am entirely without funds, so I can't pay for it.

The opportunity now is greater than it has ever been. In part this is because of changed attitudes and changed problems for the baddies. There are serious and they are seeking to apply what I call intellectual judo to escape their responsibilities. It is important to frustrate this if possible. If I'd been able to print Post Mortem, which is virtually camera ready, there would be at worst a solid foundation for this, at best the end of it all as it relates to the JFK assassination and who does all the inside dirty work.

The overall situation as I see it is kind of Byzantine.

My situation is different that that of others in a number of ways. One is that I am one of the reasons the Congress amended the law. The debates and the legislative history could not be more specific on this. This means that I present a special problem. One of the results is that when Jim filed preparatory papers for me on something I'd first asked for eight years ago they simply mailed it to me! Another is that when he filed a complaint for what I'd been denied before they called him up and invited us both in, first writing to see if we'd come! How different, huh?

We also have problems I can't spell out. One is being broke. Another is that we have to keep all this entirely between the two of us except that I'm writing you after talking it over with Jim. Our need for this is not imaginary and is based on some pretty bad experiences.

I know I am getting other scientific evidence I think you'll want to see. I do not know if I'll need help on it. It supposedly is not incomplete. But all this evidence has to say what I say it says. I've done all the work that leaves no alternative, so I do feel it will interest, perhaps excite you. And the one who does the reading in your family!

Another way of putting it is that I've been beating all these bushes for all these years and maybe have the big game cornered and am inviting you in for the kill.

This is possible. It should be probable.

Delivery to me is upposed to be any day now. May I hear from you soon?

Best regards,

Harold Weisberg

JOAN LITTLE JURY HEARS PROFESSOR

Expert Discusses Stains on
Slain Jailer's Shirt

Special to The New York Times

RALEIGH, N.C., Aug. 8—A New York criminologist testified today at the Joan Little murder trial that Clarence T. Alligood, the night jailer at the Beaufort County Jail, may have tried to clean the blood off his body before he died.

Herbert Leon MacDonell, professor of criminalistics at Eimira College and Corning Community College, said that light yellow stains on the back and shoulder area of Mr. Alligood's sports shirt "were consistent with blood diluted with water." He said the stains could have been caused by water splashed over the jailer's shoulder as he tried to wash his face.

The testimony is significant because it raises the possibility that the jailer was alive and conscious in the early morning hours of Aug. 27, 1974, when Miss Little fled the cell where she was appealing a breaking and entering conviction.

Miss Little has said that she slew Mr. Alligood after he assaulted her and attempted to rape her.

Earlier in the day Mr. MacDonell testified that darker stains found on the lower front area of the slain jailer's undershirt appeared to have been made by a "wipe or swipe," rather than having come directly from any of the 11 stab wounds found on Mr. Alligood's body.

The Corning, N. Y., criminologist was employed in July by the defense at a cost of \$1,500 to analyze various pieces of evidence and to return to testify today as an expert witness. Some of his testimony appeared to contradict earlier prosecution witnesses.

A forensic chemist with the North Carolina State Bureau of Investigation, William E. Pearce, said last week that, based on an alignment of holes in both shirts and the pattern of bloodstains, two buttons of Mr. Alligood's sport shirt had been fastened at the time he had been stabbed in the chest.

When Mr. Alligood's body was found in Miss Little's cell, his sports shirt was unbuttoned. Mr. Pearce's testimony

raised the possibility that the jailer's clothing had been disturbed or rearranged in the course of the killing or thereafter.

Mr. MacDonell said today that the bloodstains indicated that the sport shirt was unbuttoned whenever the bleeding took place, regardless of the position when the wounds were inflicted.

James Rowan, a defense attorney, asked Mr. MacDonell if he thought it would be possible to take fingerprints from its wooden handle.

Before Mr. MacDonell could respond, Lester V. Chalmers, an assistant state attorney general who is assisting in the prosecution, objected, saying that Mr. MacDonell's expertise in the area of fingerprint identification had not been established.

Following a statement on his background by Mr. MacDonnell, Judge Hamilton H. Hobgood ruled that Mr. MacDonell was an expert in fingerprint identification. Mr. MacDonell then testified that an ice pick of that kind "could hold two or three" fingerprints. From these fingerprints, he said, it might have been possible to determine who, if anyone, had held the tool before it was found in the hand of the dead jailer.

Two local police officers had testified for the prosecution that the handle would not have provided fingerprints, so that one of the officers had taken it from Mr. Alligood's right hand and had given it to the other, who placed it in his back pocket.

Tape 10/6/74

Conference given to Lisa
10/7/74

He also recommended
Stanton O. Berg, independent-
Ballistics expert,
6025 Gardner Lane, NE
Mpls. 55432
612/788-7132

Witness Gives Lift To Little Defense

Expert Analyzes Bloodstains About Jailer

By Lyle Denniston
Washington Star Staff Writer

RALEIGH, N.C. — An expert on bloodstains has given Joan Little's defense lawyers some scientific theory they can use to try to persuade jurors to find her innocent.

The expert yesterday set the stage for two defense arguments in the 21-year-old black woman's murder trial:

First, that she may not have killed white jailer Clarence Alligood when she stabbed him last Aug. 27.

Second, that the two of them wrestled over an icepick in her jail cell before she somehow got the best of him and fled.

THE TESTIMONY of Herbert L. MacDonnell, a Corning, N.Y., criminologist with a widely recognized expertise in a variety of fields, gave the defense its most helpful evidence so far in the four-week-old trial.

MacDonnell suggested that some of the stains on Alligood's outer shirt and the stains on the sheet of the cell bunk where his body lay were not caused directly by bleeding from his wounds. Rather, he said, they were the result of dilution of blood by water — "a very small amount of blood and a very large amount of water."

When it comes time for Little's lawyers to sum up their case to the jury, they will say this evidence shows that Alligood was probably alive and moving about after Little fled the Beaufort County jail.

AT LEAST, they will say, it indicates that he was trying to tend some of the wounds he received in the middle-of-the-night struggle with Little, and his washing caused the stains.

If the jury can be convinced that he was still alive, the defense might then gain with its theory that someone else — perhaps another prisoner — came upon the staggering, wounded jailer, and struck a fatal blow in his chest.

MacDonnell also helped the de-

fense's theory of the case by suggesting that some blood spatters shown in photographs of the murder scene indicated they had been cast forcefully — a hint of the struggle that Little says occurred.

The expert also said that bloodstains found on Alligood's undershirt had not come from bleeding from his wounds. Instead, he suggested they were "wiped on" externally.

DEFENSE lawyers say that that evidence will enable them to theorize that Little, her hands stained from the struggle, transferred some of the blood to his undershirt as she tried to fight him off.

Another witness yesterday gave some support to the struggle theory. Gordon Edwards, a television cameraman summoned to the jail by a deputy sheriff, said he saw drops of blood in the hallway outside the jail cell before Alligood's body was moved from the cell.

That, defense lawyers say, will help them argue that the struggle was violent.

A third witness, Neil Hoffman, associate state medical examiner, testified yesterday that Alligood would have been capable of moving about with the wounds in his body.

Aside from supporting basic defense arguments in the case, the expert:

- Indicated that the handling of the evidence in the case was far below professional standards.
- Criticized the quality of photographs made by police at the scene.
- Implied that carelessness in developing the pictures may have been intended to mislead the defense — testimony which caused one defense lawyer to charge in court that the state's attorney may have been guilty of "prosecutorial misconduct."
- Suggested that fingerprints might have been obtained from the icepick that the state says was the murder weapon. There was never even an attempt to lift any from it, police have testified.

Dear Jim,

12/14/74

After sleeping on the newest of the problems that have existed from the first and never should have at all, a few added thoughts.

I don't have any way of knowing, but I don't think this great display for the great recorder of great deeds was intended for the 17th. On this assumption I think we should see if the letter accomplishes its purpose. We must make preparations to leave I guess Wednesday night or Thursday morning. Bud's reason for staying down was money, which puts as good a valuation on his time as one could.

Until I know what to take, I'm not taking any files. Had trouble finding a few things I brought back from Memphis yesterday p.m. Bud did not indicate his belief when I outlined what I should testify to. Carmen can make a summary of the first part for you. Rather, a copy of the copy Bud has. There are carbons for all else for you.

I used the figure of a book loosely. I think it more like a magazine article of some kind but a book is not impossible.

To the degree you can keep this out of your mind for the 17th. There is agreement that what I termed irremedial constitutional violations will be moved and argued. I have provided and they have other evidences of it. Bill saw clearly that it is a substantial position and he saw the fit with the local changes when I outlined them to both, including who has been offed by the Establishment, who can no longer be hurt, what their alternatives are, etc. Bud had more trouble comprehending this but Bill didn't. He grasped it immediately I think with some enthusiasm. No answer on whether he'd get for 17th. I asked it and that he research Law. Bud didn't even know what I meant by the Byrne precedent I cited by a better-known name.

I do believe this should succeed, think it can, and now find myself hoping for it more and more. It is solid, whether or not it succeeds.

I suggested we have Russell there as my counsel, given the attacks on me. No answer. If you agree I'll ask on my own. If you don't, I won't. This came up in connection with what do we do about Perry Mason.

I recommended both McDonnell and Berg if they'd be pro bene and Bud said in forma pauperis would cover.

In this sense I'd add maybe \$500 hours to the time estimate I've given you and in cash perhaps \$100. If anything happens. You did file papers, Bud tells me.

I asked a motion on surveillance on any member of defense any time. No answer except that it could be argued that they could argue it takes time. I think it should be done immediately anyway. I could do on my own. More needed now.

This is a holiday so I'll take this and Bud's letter to the P.O. this a.m. so they can be delivered tomorrow.

If we speak by phone there should be care. I'm sure that the Paris connection was picked up and probably precedes the caviar and vodka.

Expect Martin Waldron on 17th.

Best,

Jim's phone call p.m. 10/12/74

EDW

I spoke to Herbert McDonnell 10/6/74 about him being our expert witness. He is willing. Taped for you, Jim to hear. Jim has tape. My conclusions appear justified. But McDonnell can't take pictures for us and the man in Memphis he recommended is away until the 23rd. Judge set date for 10/17. McDonnell had recommended Stanton O. Berg as independent expert. 6025 Garden Lane, NE, Minneapolis, Minn. 612/780-7132. My worry had been that mere false charges would be made over a leaked picture so I'd asked that they have the police photog make it. "Refused. We can have our own. But who? Suggestion, ask Berg. I don't think he can offer more than opinion that comparison and identification up or down is possible on viewing, purpose getting pictures for McDonnell. If Berg goes to take pictures, which could be costly, he could also testify to ballistics possibilities. If McDonnell also testifies it would be more weighty. And costly. Jim says Bud can make some arrangement because he can probably locate dependable photog. If and when, I would like to repeat specifications to which Bob agreed and restrictions I regard as important.

(To avoid any problems I'd suggested to Jim that he call Clarence Kelley, who has to have all the pictures we need, naturally. He did. Kelley not there. Referred to office of Legal Counsel who apparently has not called back. Natch.

I do regard the evidence and the case as vital. It means a perjury rap on Frazier, given the prosecutor or judge with the balls. And blowing the case. With all the contrived complaints we'd better not be in a position to have a real leak.

Haile's five-day delay application denied. 6th circuit this time was unanimous, with even Calabrese joining in ruling this discovery as "well within the discretion of the court." Caustic on saying Haile's stand "not well taken." Haile's petition cert should be in Bud's office with 6th circuit's decision.

Haile has filed another discovery motion, on expert witnesses and their testimony. This may appear to be directed to the expert we have not yet arranged for but I think it is also directed at me.

Jim recommends Jerry Lipson as witness besides Ray, me.

Recommends Bud ask me of parallel in such ballistics "testimony" in political cases. I'd forgotten Sacco-Vanzetti. Jim is right in saying this will surely drive the point home.

Judge did not absolutely refuse contempt orders. Said he and Stanton know each other and he'll write Stanton. We have no copy. I recommend we have a full list of contempt motions ready to begin 10/17 with Stanton, Carlisle, Sheriff, Public Defender (second Ray letter to Sr. Stanton). Your lawyers' closed-corporation attitude toward fellow lawyers will probably rebel but I recommend Haile and Haynes, too.

Jim agrees Bud should open and question me first except for the unusual, some of which I've noted as possible. Agree with Rays the need will be to continue what I've been emphasizing: simple honest, including saying when they don't remember; and preparation for tough cross-examination.

Jim reminded me to be sure to show you 2/12/68 Canale to Foreman letter; 11/20/68 Leek contract; The Frank-Foreman exchange from Thompson; and Jimmy's to Stanton Sr. 1/20/69. I think others urgent and I have separate discovery file. Dell, Leek-Huis amendment of 3/?/69; McMillan draft contract with Rays.

6th circuit stuff to ACLU fast. I suggest copies Haile's motions also. Too bad we can't now give them McMillan contract! This is important, McMillan contract, for Carel, Jerry, John testimony with McMillan's letters and bribe offers and his call to Carol saying Foreman wanted them to work with McMillan. This contract was obtained from Hooker discovery!

Canale-Foreman letter withheld by Stanton even after Haynes knew we had it! Carlisle claims no such correspondence. We earlier told Stanton we knew better.

Back to Stephens: they claim to have no pictures of other suspects or any with Ray. Possible out: all returned to police, against whom we asked no discovery.

Jim thinks Haile may be entitled to 11/11/68-3/10/69 non-work-product discovery. For that period I have nothing. Believe all else my work product. Or copies Jim's.

HERBERT L. MacDONELL - Consulting Criminalist

Telephone: 607-962-6581 ~~after 6:00 P.M.~~ P.O. Box 1111, Corning, New York - 14830

13 November 1975

Mr. Harold Weisberg
Route 12
Frederick, Md. 21701

Dear Harold:

I apologize for the delay in replying to your letter (Certified - Return Receipt) of September 22, 1975, however, from the nature of your letter and a very busy schedule I have simply not had time to reply earlier.

I really am surprised at the nature of the charges and dismiss them completely as without foundation. I sincerely hope that you do a more thorough job in researching material for your ~~publication~~ publications.

Since your recollection is inaccurate I will comment only on one statement you made. You stated "It is I who first asked you to be this expert witness...". This is not true. I was called by James Lesar and never heard of or had the pleasure to meet you prior to my trip to Memphis. I appreciated the kindness and courtesy extended to me by yourself at that time but I cannot support your intention that you are the person who first contacted me regarding that case.

In all, I found your remarks disappointing and not up to the caliber of communication of which I am certain you are capable. If you have any specific charges please make them direct with some evidence to support them. Otherwise refrain from such accusations.

Very truly yours,



HERBERT LEON MACDONELL

HLMacD/mlw

Route 12
Frederick, Md. 21701
November 18, 1975

Mr. Herbert L. MacDonell
Consulting Criminalist
P O Box 1111
Corning, N.&. 14830

Dear Herb:

Neither the glibness nor the irrelevancies nor the inaccuracies of your letter of the 13th ought go without at least a written record.

I am recovering from phlebitis. I am sure that, even sick, I work a longer day than you do and can't begin to consult some files or have access to others. My recollection of what bothered me long ago, however, is quite clear. I had asked you to serve as an expert for me in coming FOIA litigation when we met in Memphis. You indicated you were willing and would if you could. Thereafter, on obtaining the first batch of material under this suit, Jim Lesar, at my request, sent them to you with this purpose of your being my expert explicit enough. You thereafter appeared with an odd bag including rip-off artists and specifically as part of an overt plagiarizing of this material at the University Club in Washington.

I don't recall your returning the copies that were sent you.

In my mind, this raises ethical questions I would never have suspected from what I had heard of you prior to our meeting and as a consequence of it. However, I want to repeat that I am the defense investigator in the Ray case as I will explain below, I did select you to be the expert witness, and I now find that while you were unwilling for me to have a set of the prints of the pictures I asked you to take, you appear to have made them available in a manner I regard as quite improper to Lowell Bradford with whom you were engaged in another project. If there is any way other than through you that Bradford could have obtained this, I don't know what it can be. But I do know that Bradford's use could not have been more prejudicial to Ray's interest or to the interest of justice. I remind you that no matter how you consider your role in the Ray defense, I consider his interest my primary obligation.

Jim Lesar did call you when we returned from Memphis and after I examined the material in Blackwell's custody, but he did it at my request and because I did not have the money to pay for the phone bill. Not only was this decision mine in which he concurred, but you ought to remember, flexible as your recollection seems to be, that you recommended a colleague in the Twin Cities area whose name I remember as Borg to be our expert. Your associates are your own affair. Your knowledge or lack of knowledge of them, their records, capabilities, knowledge and, in some cases, ethics ought to be of concern to you; but the plain and simple fact is that at no time from the time a year ago last month when I first asked you to be an expert witness for me did you indicate any such associations or plans of which you were part, what I regard as a pretty clear conflict.

Your letter of the 13th is self-serving but nothing else. My wife will type and mail this letter for me when it is possible for her to do so. My sole purpose is so that there will not be an uncontested version like

Mr. Herbert H. Donnell
Laboratory of Forensic Sciences
Box 1111
Corning, NY 14830

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21702

12/17/96

Dear Herb,

With all you saw in little more than a glance at a picture in Memphis I'm surprised you said nothing about the picture of the Simpson socks on his bedroom floor about which you did testify so persuasively.

That picture shows nothing on which he could have sat to take those socks off except the bed and obviously it had not been sat on.

If he took them off somewhere else why did he not get rid of them as say he is presumed to have done with his shoes?

And supposedly the rest of his bloody garments?

None of that makes any sense.

Best wishes,

Harold
Harold Weisberg

Sorry my typing cannot be any better. I'm 83 now and unwell.