

12/9/74

Dear Jim,

Our letters crossed by about a minute! I had to go into town this a.m. so I deposited the mail and then got mine from the rural route man. I read your letter while I was walking from the post office to the bank, a block.

First, on the Star review: if it is not too late, please try to include my address. All the straight AM stations are doing this and including the price. This means no wasted time in correspondence for me and for the one who wants the book, no more than a check and a note and the book goes by return mail. Without the address, with the books not in the stores, it becomes a futility for the reader and for us.

Not considering other costs, which are very real, I have recovered enough from sales almost 100% attributable to by-phone radio to expect to give Jim a check tomorrow that will enable him to repay 20% of what he borrowed to pay the printer. This is gross, of course. It doesn't even include postage. Or many, many other costs. I do the packaging to the evening TV news, an hour here, and when that isn't enough time, to the next a.m.'s. Ever hear of such a publishing outfit?

We are in complete accord on what you say of the values in the interview. If I did not believe it can be arranged I'd not have written early this morning. However, those other questions, those not dealing with his conditions, really should be approved in advance by lawyers because there can be unintended and unperceived dangers in what may appear to be completely innocent. In this case it is more important because it provides a means of coping with the situation. And I do not believe this would eliminate the need for both Jim and me to be present. In all interests, particularly if the warden, who is the respondent in the suit and who I've caught in further violations of Jimmy's rights, refuses access. That would make an even better story and we could still get around all the major problems in writing.

If this can't come to pass, then I am all for your doing a story. What you do is entirely your own affair and I would not consider intruding into it. I would, however, help in any way possible and think a really responsible piece would require some consultation. This is but one of the reasons I recommended our getting together first, to eliminate what can be said to prepare better. Including with more understanding. The fact that you will do a story anyway may help. I take it this is not in confidence so I'll merely mention it for now. I don't want to take any time from Jim's limited period for response to Hails's incredible dishonesties. And I'm staying away from Bud because I don't want to fight when it is not necessary. Or embarrass him needlessly.

At this point I had to talk to Jim about another printer snafu: non-delivery of envelopes for a mailing. So, we talked about other things, too, and I suggested that Bud might well take a lesser-evil thinking line on the interview, regarding an interview as a potential evil inferior in potential to a story including opinion.

I've lost what I had in mind, so I'll add something I see in the interview that you appear not to. Jimmy is hardly a Dreyfus but I know of no other man in modern history who has spent as much time in solitary. To me, and I think he will emerge in any good interview as the living, fighting symbol of all the penal abuses that are so great a curse upon society and so frightful an abuse of so many humans a fair percentage of whom are innocent.

As of the beginning of the evidentiary hearing I had no further literary interest in this whole affair with one exception, an old one. I'd like sometime to do a piece on The Author's Intrusion Into the Processes of Justice. After Henry's initial abuse I was tempted in that direction but abandoned it. However, as I went over his monstrous Memorandum and made these notes I came to realize that what I was also doing is an Anatomy of a Frame-Up. I do see future possibility and at some time it would be good if we could discuss

this and potential of the past you appear not to have seen but two different Hollywood interests have. One has been in touch with me off and on and the other is busily off track, suing the guy they hired to steal my stuff. There is a fine movie and a book. New book.

That nothing can persuade me to wear both my hats at once or to mix them up presents no problem in this. But you should be aware of it. I believe that he who would teach the pope religion ought go to church himself. And I don't want to write another book on this. However, I would welcome being part of one and what it could lead to and if it done straight, not an Executive Action crapola, I have no compromises to consider and no restraints.

I do face self-imposed restraints. I'll address one in responding to your final graf. Conflicts, too. How much do I tell Jimmy and what do I not tell him that maybe he should know is one. I am never absolutely certain so I do what I think best and never anything I think wrong or unethical. Here Bud presents a major conflict and problem. He is the source of the major financing of Jimmy's defense. Without it there is no financing and while Jim and I work free and bear some of our expenses, Bud does pay for such things as my air fare, motel and meals when he "permits" me to go off and work. Without this the work I did for the habeas corpus petition would have been impossible. I have no real or regular income. Jim's situation differs only in that his wife is younger and has a much better income. Without this I would not have been able to be in Memphis for the hearing. You have no real idea of how important it was that I be there and what I prevented and what I was able to do. For it and for the future, on which I spent the last two days. So, instead of telling Jimmy that Bud is timid and a fuckup I do what I can to keep Bud straight and we accomplish as much as we can for Jimmy. There is no other way. Unless, for example, some foundation would undertake the financing of his defense. I know of none and if I did have no way of approaching it. If I did I'd long ago have made arrangements for myself because a major State historical society wants my work and files for a permanent archive and a college does. It is not a comfortable situation, not an easy one; but not an entirely impossible one. The one real comfort for me in it is Lesar. He is a fine human being and while he made mistakes (less than should be expected), he has done what in every way I can describe as a remarkable job, without any ego involvement. So, while it borders on malpractice for Bud to have been on vacation while we were into discovery and preparing the case, he'd have fucked up what we accomplished on discovery. He did fuckup what he was supposed to do with it. If he had bulls we could have ended this case in your face. But in the last analysis, he pays most of the bills and if they are not paid Jimmy has no defense. I can't go farther into debt at 61 and Jim's wife is pregnant. On Sunday, October 13 I gave him what could have ended the case and saved much money for him. He and his partner, who also came here, saw it and agreed. But when it made demands on Bud he was chicken and didn't do it. This, too, is what underlies that of which you know part. He can't face that with himself so in his mind he lays it on me.

If you haven't realized it, what all that outpouring of the unedited intemperate was designed to and succeeded in keeping Bud from just copping out.

So, give me what I need in writing and leave the interview up to me. If it can't be done, then do a story and I'll help you with it.

Bud's ostensible hangup is that this may be rewarding to Jim or me, mostly me. On that he is hangup personally, emotionally, and in the (legitimate) fear that something properly subject to criticism might evolve. I see nothing wrong with Jimmy receiving pay for the interview, if that is in your mind. And you and I have no deal for money. This is why I leaned on Bud for that not he wrote for Esquire, for which he was paid and it was one of the things Haile could and did use against us.

It has received no press attention, but the precedent we have set on discovery is now before the Supreme Court. They have asked for a filing from us on it. We'll get on it after the final papers are filed the end of this week.

Best,

P.S. about your P.S. I know nothing about any Sun-Times story and I'm not certain what you mean about a Village Voice story. I don't get it. Ron Rosenbaum phoned me for background before a projected interview on the Ray case. I was rather surprised to hear he had written a story. I have no objection. And he didn't phone back. I have been sent a xerox of that story, enclosed. If this is not what you had in mind, please tell me. But I do not have any other Village Voice story from any recent issue.

I don't know anyone on the Sun-Times. However, I have a friend on the companion paper, Larry Finley, Chicago Daily News, city room (312/321-2121; 401 N. Wabash Ave, 60611). If they do not have a common morgue, CDN files C-T stories. Larry might be able to provide what you want. He's a good reporter and a fine guy.

If, the story relates to me or to the Ray case, please ask Larry to send me a copy.

Haven't heard from him for a while.

HM

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3 December 1974

Dear Harold:

I hope this finds you as healthy and happy as can be under the trying circumstances which your letters outline. Sometimes it's best just to say to hell with it and enjoy. . .but I know your commitments prevent much of that.

Frankly, I don't understand all the goings-on with Bud, Jim, Flammonde, Sobel, The Village Voice, and various and sundry people, places and things. But it seems clear that Mr. Fensterwald has a highly developed sense of self and an equally acute attention to his purse, both of which are working to your detriment. And as I told you on the telephone, I don't want to be portrayed as a man out to "do" Jimmy without regard for his rights and possible rights. Quite the contrary. I suppose I understand why Bud wants Ray to stay buttoned up, though I think that's a wrong decision. The Valentine interview and the Snyder spot--and were it come to pass, my piece--could only work to Jimmy's advantage. Whether we like it or not, most people in this country think Ray is a moronic monster who's better off rotting in jail, and let rights be hanged (maybe, eventually, along with him). Of course, that view is difficult to get in the pure oxygen environment of Washington and New York, but there it is. I should think any notice which dispelled that notion would be good for Jimmy.

That brings me to another substantial matter, that of possible Playboy interest in Ray's long-term judicial proceedings. Put as bluntly as possible, there is interest first in the Ray interview, second in an article or book on the whole affair (including new trial), and as a result of those, some interest in taking a larger role. However, that role awaits the first two, simply because--unlike us--most people don't really lose sleep over the King case, and so one must excite interest in it. Again, the interview would get things going so far as Chicago is concerned.

Now, Harold, in all confidence, I will tell you where I am and where I am going. I still think the best thing for all concerned, including Jimmy, is an interview which would cover his jail conditions, his responses to various public statements about the case and about himself, and so on. This would ignite further interest, as I've just said. But. . .if that fails, I believe I will go ahead with an article on the interview which didn't happen, among many other things, and let issues, personalities, and Ray's plight fall where they might. Please understand, though, that I am very sympathetic to Jimmy and to you and Jim, and so in no way would this piece destroy that manifest sympathy. Yet we must recognize the difference between an interview where Jimmy and we have our say, and an article which is per force opinionated. God knows, I much prefer the interview for that reason, but if Bud and all are set against it, I really have no choice.

This last, you can see, is the result of Playboy's fascination with the case. They want an interview. If that is denied, then we will go with what we have or can get. Ah. . .the combined glory and opportunism of publishing! But the point is, as I have told you often, that we are interested in the case, that I think that interest can be fanned, and that Bud's attitude while doubtless sincere and well-founded in legal considerations, works against Jimmy's interests, at least so we think.

Finally, Harold, I want to thank you very much for all the help you have given me through this. That's another reason the interview would be good, for then I could make recompense for that (something more difficult to rationalize in Chicago if the article alone is done)--no, I couldn't fully express my gratitude, but partially, anyway, and that's an opportunity I'd welcome.

I don't really know where this leaves us. I suppose in limbo. But if there is more word from Bud, or from Jimmy about his reaction to Bud's gag order, I'd be grateful to learn it. What I wish could be arranged is the interview, though if that seems impossible, so be it. Do let me know in either event, please, if it's convenient. Meanwhile, if there is something I can do for you without offending either your sense of the proprieties in this situation or your relationship with your colleagues in the case, likewise let me know.

Until word from you, my best wishes and regards for you and yours.

Sincerely,

*Tim*

P.S. The Star review of Whitewash IV is in the works. I'll have tear sheets sent you. Which reminds me, do you have clips of the Sun-Times and Voice stories? Anything there we can use?

P.P.S. *Tom Lear must now be exhausted after filing the papers. Give him my admiration and a hearty "good luck". Five gets you fifteen you get the new trial.*