

Dear Jim,

11/16/74

The attached copy of my today's letter to Bud is confidential. I told you that you would need background. This is only part of it. Unfortunately, I find having to write him like this quite painful because of the wretchedness of some of what is not in it that inevitably comes to mind, because it is a reminder of the countless weeks of wasted time and opportunities missed and because I really shudder when I think of this kind of mixed playboyism (no insult to the publication!) and incompetence and laziness can mean in a trial.

This letter can mean the final rupture between Bud and me. The only reason it hasn't happened until now is that I have taken endlessly and repeatedly what I can't any longer tolerate <sup>and</sup> the case can't either.

In addition he is cowardly. The combination of sick ego and cowardice is not for a case like this one!

If there had been any available way of paying the costs of the case other than through the part Bud paid, the largest part in cash, I'd not have talked Jimmy out of it when he fired Bud.

If it happens again I won't.

Bud's fucking up began with the first in-court effort he made. He was then so without confidence in what he could do and so ignorant of the actualities of the case that although I am not a lawyer he asked me to draft the legal approach. I can still produce it. You will find that typically unilaterally, without discussion, he ~~abandoned~~ abandoned what was then and remains one of the significant legal elements. It was so bad that even the judge who was opposed to us felt that in order to maintain his own position he had to order another hearing with that question included. And the night before that argument was made I had to give it to Livingston, who/was even less prepared than Bud who somehow found him of all Memphis lawyers.

This may or may not overcome his opposition to the interview. There is a good likelihood that it will make him more determined to oppose it because he has a sick compulsion to persist in error that he finds other than error in his secret thoughts. He thus finds everyone else at fault, never himself. This is what drives him to the most insane public statements whenever there is a mike or a camera and I'm not close by.

I'll illustrate this by a true story. Jimmy had just fired him and not without cause. Jim and I rushed to Bud's office to find him making the most stupid, even crazy statements to those who phoned him. Fortunately by the time we got there no major media. Luckily he had taken no calls from them. So, I got his partner Bill in and with the three listening asked Bud to write out a statement he would read whenever he was called. I dictated it, he wrote it down, he read it back, and unless there was a minor change of word here or there, it was agreed to by the four of us as what he should say and all that he should say. While we were with him, he read it faithfully and declined to add a word. But the minute we left he returned to the insanity. Once Jim caught him at it when we returned to his office. Once when I did he immediately returned to this written statement. That statement is all that made it possible for Jimmy to say he really hadn't fired Bud after all, that he had been misunderstood.

But even after it happened and even after I had begun to save Bud, this dybbuk within him took control.

My days as exerciser are over.

If Bud rejects the interview I'll then think through what I'll do.

Meaning also what I might decide not to do.

Jim can tell you that from the time Bud wasted four months for me after I did the interviews for the habeas corpus affidavits, and that was several years ago, I have been wishing I could get out of this. I feel I can't just quit and I feel I also am no longer up to preventing all Bud's craziness or living with his abuse. There are many considerable stresses in my life without these and I am tiring. Unless I can ease these external pressures it will become impossible for me.

Bud's treatment of Jim has been only a little less miserable.

So, we'll have to wait and see what eventuates. I'll let you know.

Sincerely,

11/16/74

Dear Bud,

Your letter of the 11th finally came after a sojourn in Hagerstown. I guess it is better that we did not discuss it yesterday.

For the record, so that in the future there will be no cracks about how high I crawled on the hog, it includes the car-rental in Nashville, where I never drove it, and Jim's motel expenses on the discovery trip.

There are simple things that most people do not have to have explained to them, intelligent people ought not and sensitive people avoid making possible.

You know, of course, that I would comment on your letter. I will undertake, I hope for the last time because I hope there will never again be an occasion, to try to give you some understanding of both sides of the problem you have created. As I have lived with my side, publicly silent for too many years, unless you come to cope with yours it may yet ruin you and that I do not want.

Your need for understanding is not from any deficiency in intelligence for you have a fine one and these things you do well you do very well. However, this is not enough for you. You yearn for what is beyond you and will make anyone else pay any cost so you can kid yourself into believing you have accomplished what you cannot and so that you can have it well publicized. This yearning, this ambition, makes you do what would ordinarily be out of character for you. It also makes you remarkably insensitive to the feelings of others.

After you wrote me this cheap chiseller's letter you made comment yesterday on the brightness of the clothes I was wearing, something not uncomplimentary about the clothes. You can begin to get a comprehension of my feelings when I tell you about these clothes. The shoes belonged to the husband of a friend of Lil's. He died of a heart attack. The pants were my brother-in-law's. Euphony and the consequences of an alcoholic youth took him. And the jacket belonged to a man whose name I can't even know. He gave it and all the clothes I wore in Memphis to another brother-in-law who knew they would fit me. Had this not happened I'd have worn a suit I bought in 1966. Since then I've bought only one, a reject at the local factory, total cost \$3.99, which no longer fits me. Since 1966 I have spent less than \$100 for clothes, most of that for shirts at half-price because the style has changed so that when I went off speaking or down to New Orleans wiping the asses of loud-mouthed incompetents I'd not have to spend money I did not have on laundry. I didn't buy any of the ties I wore in Memphis, either.

I think it would not be hurtful to you, particularly because of the falsities you have spread about my financial condition to those who expressed concern about it, to ask yourself either if I have abilities that make it unnecessary for me to live this way or if I elect to live this way for reasons of principle, the principle not being an affection for poverty.

Nobody owes me anything for the election I have made. But at the same time, nobody ought exploit it. Least of all should one who is its personal beneficiary. I will not again accept anything like this in silence. As you will see, there are going to be some changes.

We look back on many disagreements. Many broken promises. The list that justifies recrimination is not short. What galls you is that you cannot look back with contentment because the record does not permit it. And there is this strange quirk in you that makes it impossible for you to learn from a long record. I address this not to annoy you but in the hope, perhaps forlorn, that at this late date you will permit your intelligence to control your ego so that you may profit from it or at least avoid what it may yet do to you.

The first of a long series of what you considered impossibilities that I did for you was getting Ray as a client. I then stipulated you readily agree to a few simple conditions. You have since not kept one of them. You began, at no cost to you, with a client and a case that was then good enough to acquit him. And a certain harvest of national publicity. A man who can be intelligently selfish having all this, what he described with some aptness as the totally impossible, not having had to pay a cent in salary or fees for it, would have told himself that he had a good thing and would do what he could to hold onto it. Instead you went off ego-tripping with self-seekers and sycophants, wasting large sums of money in dangerous foolishness and denying small sums to the needs of the defense he had undertaken. When I complained and your associates felt the complaint justified ~~inquiries~~ you lied to them, saying that Flamme's publisher paid for the trip. Then you made one of these things you love, an insane appearance on WBCA in New York, with our old friend Fred Gale, and lapped up all that bullshit he and Sprague assured on the air about you, oblivious to the danger and unconcerned that Flamme made a double liar out of you, saying that he had no publisher and that he was the investigator (how true!) The crime for which you were defending Ray was not committed in Memphis, England. It was in Memphis. You did no work in Memphis and the only time you even made it possible for me was when you took me down for the second Williams hearing. You didn't even ask me to make any investigation then. The fact is that until this very moment you as chief counsel have asked no investigation of me nor have you made it possible. All you ever asked along this line is that I go out and bring back affidavits to attach to the habeas corpus petition. And even that I did on my own.

This leads to the sentence to which you know I would react: "I shall have to decline on the New York trip because, as you know, you asked if I would finance, and I said 'no.'"

Fidelity in this begins and ends with "no." You also chiselled me out of the phone calls it required to get Ray to ask you to be his lawyer. You then were so without self-respect that when I asked you for this repayment you actually said you didn't have the money.

You do not "have to decline" an expense essential to the defense you had undertaken with one of the stipulations that you would pay its expenses. There is this sick ego that impels you to pretend. Had you been half a lawyer or half sincere in the defense instead of regarding it as a source of publicity for yourself only I would not have had to ask you about that investigation. You would have thought of it and asked me to do it.

Well, it turns out that it was essential. And your ego can't face this. Here you are this big-deal lawyer all over the feature sections and on the tube posing as the great investigator when you have done none that wasn't either foolish or dangerously wrong. Like Cliff and Detroit. You have written and been paid for all the hazardous nonsense like the Esquire piece Haile got into the record to allege conflict of interest. As recently as the 7th, in Washington, you presented yourself on TV as the only lawyer and the only one in the Ray defense when Jim has gone without income this long time to do the work you should have done and for which you then and always took public credit. And for that childish self-indulgence and others against which I warned you to no avail I had to break my back to get Haile off yours.

What was I going to do when I was faced with an incompetent or ego-nick or just plain cheap senior counsel who refused the most elemental investigation, one a child should have recognized as indispensable? If I had indulged you on this and so many other things you'd have ruined us all. So, I met my and our obligations and went farther into debt and for years paid interest on that debt at some personal sacrifice shared by Lil to overcome your deficiencies. And you did need these pictures. On three occasions that I recall aside from the use they were in other work I did preparing for your glory.

They were needed for the Habeas corpus petition. Jim asked me for them and I said "no," they are my work product and you had refused to pay their cost. Jim said I'd be paid so I gave him these he needed. This also entailed some cost in making copies.

I was not paid. And my costs were used in the petition.

If there was no other subsequent use, you used them in preparing McDennell. I say "you" not because you had anything to do with preparing McDennell, because you were then junketing in Europe while I did your work until 2 and 3 o'clock every morning and worked the hardest and most trying days beginning early. This, too, was my work that you took full credit for. But you examined McDennell in court personally, based on my work alone and in your belated learning of what you had to know to question him you used these other - but still not all- pictures.

And, then there was the need for such a picture in court, while you had him on the stand. Now if you had not been on this fine European holiday leaving all the difficult discovery work to Jim and me, which also means leaving us without the time we needed when another man was needed urgently, we might have completed discovery better and we might have had the official version of that picture. We were entitled to it and you also failed to get it in court. But I did have it. You did want it. You did need it. You did use it and I no longer have it because you did get this work you deemed unnecessary in all the evidence when you needed it very much.

And after all this you say you "have to decline" to pay the cost? Have to?

Did you have to go on vacation just at the time we could exercise this unprecedented discovery? Did I have to do what you should have been doing when you were having fun at the cost of work that means much to me, the almost completed draft of a book in which there are and have been two interests? Completing the draft would have taken less time than I spent on discovery and considerably less than the work I did for you at the hearing.

Perhaps we are better off that you were abroad because I doubt you'd have had the balls for the kind of fighting it required to get what we did get on discovery and you'd probably have tried to leash me. Balls you don't have. We spent a long day before we went to Memphis for the hearing. We decided what you would do and having agreed you chickened out without saying a word. And having had irrefutable proof of this irreparable violation of Constitutional rights delivered to you free what did the Perry Mason in you then do? Did you even inquire into whether or not Jim and my discovery of it (and it was not included in the discovery order) caused it to end? No, Perry, I had to take more time to take the steps you should have taken to perfect the record and make the effort to end it.

You talk to me about "have?" I have to abandon all sorts of work so you can have a nice vacation and do work you should be doing (aside from capability of doing it)? I have to find myself in November with grass not mowed that should have been mowed before I left to do your work on discovery? Without firewood when I can't afford to get the thermostat above 65 and it rarely gets there?

"Have" is not the right word to have. Hereafter it is, in two different senses. One in your personal interest, another as a declaration of what to expect and not to expect from me hereafter.

If you want to come out of this all without hurt, without blowing another case if not without what can be ruinous to you, I believe you "have" to do some rethinking and get whatever sick emotion dominates you under control. You know very well that I have eschewed personal publicity and you know very well that you and this case would not be at the present state were it not for me. I was not quoted once in Memphis, I was not on the tube once and I saw to it that I was out of range when you and Jim were to be interviewed. Neither of you asked it. But you would not have been there had it not been for my unpaid work when I had no income and had no penny of inheritance or subsidy. And you would have been flat on your face all the time you were in Memphis. You didn't question a single witness based on your own work. I can't remember one you didn't question on any basis other than my work. To the kidnapping of Tackin, the last you questioned. There was one of the nights you were out partying when I stayed up to prepare the questioning

of five witnesses who were ~~total strangers to you~~ <sup>total strangers to you</sup> ~~in fact I wrote all the questions~~ out, but I couldn't begin until 11 o'clock and by the time I finished, early in the morning, you were asleep, recovering from your party. I got you in your underwear as I was leaving a few hours later to begin other work and handed you these questions. This is one hell of a way to try any lawsuit, more one like this! (And I will not overlook what this cold presentation of these witnesses says of my judgment. I had interviewed only three and had not seen any ~~times~~ for three and a half years. I never saw or spoke to the fourth and the fifth I had had only a casual meeting with in which I'd asked him only two questions. But did they stack? For you?)

I had a 12,000 word working paper for you before you returned from Europe. You used this on Stanton, rather well, considering how little time and work you put into it. But you couldn't even keep possession of the documentation I gave you keyed into it, causing the waste of more time we didn't have. Even your questioning of Subba Blackwell, which you also did rather well, I had written the questions out for.

For any of this did you so much as say "thanks?"

When I had to abandon a book for which Jim has gone into debt and is paying interest on that debt so that the work you did not do could get done, did you really have to hog the publicity? This is separate from an expression of thanks. This also gets to what you would like believed is a common interest we share. You could yet have said a word to help the book already handicapped severely by your self-indulgence and abdications?

In all this long common experience I can recall only one occasion on which you even said "thanks." You then said it with sincerity. I had made a few phone calls for you to bring witnesses in. A child could have done that. And they were not there to begin with only because in court you had no balls and backed down. Perhaps there was another occasion or two. But in all this long effort I recall but one, for the simplest there. Not a single comment for the work for which you received public acclaim, the in-court work for which you did not and could not prepare alone.

I could extend this considerably. I do not because my purpose is not to embarrass you, reluctant as you may be to believe this. Were my intention to embarrass you, you'd be embarrassed more than this! I have an entirely different purpose. It is to try and impress upon you the urgency of your ending this playboy attitude toward so serious a case and to start carrying your share or at least the part you can of the burden. We look forward to a trial. That will be more difficult than this hearing. As of now you simply are not competent to try the case. And the state of your mind and the jelly in your backbone except on trivialities like this "have" pose a danger to what should be an easy success.

While I will speak for myself I can't speak for Jim. I do suggest that expecting him to do all this work without pay and even paying some of its costs and then having parts of it fucked up and all the credit hogged is taxing the patience and the self-respect of a very patient and modest man. You ought make at least a minimal effort to see to it that he gets the fraction of his due your ego will permit. You have been taking 100% public credit for what is close to 100% his work. He is a young man just getting started and the one thing he should be able to expect is credit for his very real accomplishments. What he did in court is much more of an accomplishment because it followed so closely upon the terrible emotional stress of the impeded discovery for which you were absent. I did all the fighting, which saved him some, but the stress would have been great for the most experienced lawyer. On balance he did magnificently, without a single word in public from you. It is not alone that you owe him more. I wish you could see that you really owe it to yourself. This is another approach to where I began, try to plumb what drives you to what you do and don't do. You more than we urgently need this.

For myself I can be explicit. I will continue to meet my obligations and I will continue to do what work I can. I went to work on preparing for the trial all over again as soon as they started reading the depositions. I have to use every minute I can when I can where this can be done because you have made any investigation by normal standards

an impossibility. You left town the minute it was first possible, leaving this to me. Well, I guess it really isn't that way. You didn't even think of it. I had to do the thinking as well as the doing. I did open entirely new areas to us and the promise for the future is bright.

I will continue to work as hard as I can, but only if all those who have obligations also meet them as best they can. And honestly and in full collaboration. No mere changed and unreported decisions. My time means something to me, too, in ways that because of your good fortune yours does not always have to to you. I am and I have been without income save from the books I sell.

(Another example of the kind of unilateral decision that has to stop is your leaking of the transcript I got to Guicioni. You may have had the best intentions in the world and I'm not questioning them but it was mine and I did have other plans and in the end it costs Jim and me a trip to New York, time we didn't have, and your pals cost me \$40 in xeroxing I can't have and still refuse even to return the xeroxes that I have suffered from not having. I'll welcome all the possible help. I need it. But not without consultation. Perhaps nothing would have come of it but I had obtained all the names, addresses and phones I needed for an approach to Playboy press, a natural when I knew Penthouse had gone for the silly O'Toole stuff. This made that impossible.)

I will not accept any merest of what I take as personal abuse. Think what you will of me. I don't care. But words and acts are another matter. I don't want any more of what has been coming back to me. Least of all will I tolerate any slurring reference to my poverty to which in your own way you have made your contributions in both fact and cracks. You should understand that I'm getting older too fast and am much too tired to continue to exercise what you may believe I have not, self-restraint. These provocations need not be. They do something to you inside your own mind, perhaps, but they "have" to be at an end.

Now that you have taken my work product and used it and find that you "have to decline" I also find that I also "have to decline." I can't undo the past. I can't take back your use of my work that was necessary and is a tribute to your peer judgment. But I can and I do place a price on any further use. There are other pictures and they will be needed. So, my price for my work product is, before any further use is made, \$1,000 for the use made and \$1,000 for use of what is not yet used. There is other work I have done and not given anyone the right to use. There will be a price on that, too.

If any of my work product is used without my consent, I will sue and as publicly as I can. And if any of it is needed and is not used, I may not keep that private, either. You can take my estimate of it or not, but I have other work that can be decisive in trial. If you had not been playboying when I was doing your work you would have had time to use it in this hearing and I'd probably have given it to you. But my worry was whether you could learn enough in the few moments you allowed yourself to handle what I had already out together for you. So you'll have no doubt I'm talking about what I regard as exculpatory evidence. Other than those pictures and in official hands. And not investigated by prior counsel.

To now, despite the elemental nature of my needs, I have been publicly silent about years of what I regard as mean personal abuse. To cope with it I have absented myself but at every emergency I have been on hand and I have met each one. If they relate to error or misconduct on your part I will not handle any new emergency. You are going to have to learn to control yourself and this frightening foolishness or we will in the end be ruined anyway. But each time I have to do something like this the emotional cost becomes more intolerable and you dislike me more for it.

And the days of my working 19-20 hours so you can enjoy your wealth are over. While I would hope that there will be no new occasion, we do look forward to a trial. This will entail an enormous amount of work. It will all be based on my work. I will be willing to work and work hard. But I will expect this effort to be met by more than this. Our original agreement called for your having an experienced and competent trial lawyer experienced in criminal matters. It remains an unmet need. When the time comes perhaps I can help. I had made some preliminary explorations. But the point I want understood is that I ought not be expected to or have to go without sleep to prepare anyone for examination of witnesses where he doesn't even have time to go over the questions I type out while he plays or, really, without his having had or made the time to meet and evaluate these witnesses for himself.

You have avoided understanding and have created a whole series of congenial fictions about me as a substitute. I'll put this bluntly in the hope you will permit yourself to understand and please try to believe me, in the hope that the understanding can be helpful to you. It can't be to me.

If on the time I put in on discovery while you were enjoying yourself I had taken some simple job, like passing gas, I'd have made enough money to heat us adequately this winter. I'd not now be sitting in two shirts and two sweaters to conserve fuel oil for which I can't pay. This amounts to my subsidizing your vacation at a time you should not have taken a vacation with the responsibilities you undertook. Were I any man of means it would be one thing but it is another when I am unable to meet simple needs.

To be insulted with the "have to decline" business is the straw too much.

So, I hope you will try to put your head together and then try to screw it on right. You more than anyone else needs this because without it an entirely unnecessary disaster may confront you. I don't want it to happen to you. This, whether or not you believe me, is the reason I take this time. You have a long record to evaluate in hindsight, which can be 20-20 if one permits it. Start with Syracuse and what I told you about the CIA. And don't forget that I warned you that conflict of interest would be alleged.

I don't want you to be hurt and I don't want you to hurt yourself. And I don't want this case jeopardized any further.

There is another matter on which you ought try to examine into your own motive. This Playboy interview. You say you are concerned that it may be hurtful and that it can lead to criticism. You also say that you see some need for it.

I do not think these are the real reasons and I do not believe they are valid.

The possibility of harm can be eliminated, in fact converted and the possibility of helpfulness is considerable.

You said you see no benefit from the Valentino and Tomorrow interviews. I won't argue my disagreement. I believe they were helpful. However, there is that with which we can compare them, that which was harmful and I tried unsuccessfully to express in general and where I knew in advance, in particular. There is this long series of stories none of which held any possibility of being helpful to Ray that Mallo used to allege conflict of interest to you. And the only way he alleged it to me, falsely, was through you. All these bad stories served one purpose, to promote you. Not one held the possibility of helping Ray of his situation in court or in the future. And this has not ended. It did not end after the hearing, either. If there is one horrible misuse of the kind you pretend to see in this that is possible it is your joint appearance with Morton Sobell. On TV. Advertising yourself and pretending that Jim (to say nothing of me) does not exist and has done no work. Don't misunderstand me. I consider Sobell an innocent man, the victim of lawyer failure of a kind I have become all too familiar with. I recall my shock at a number of developments in that trial, particularly Manny Blech's consummate stupidity

about "national security" that the most elemental preparation of his <sup>would have</sup> case told him could not possibly exist. I am merely addressing what you say influences your belief. That is the appearance of impropriety, not the actuality.

If you had any concern about the appearance of impropriety you would not have written that Esquire piece and accepted pay for it. There would have been none of that awful crap in Computers. And none of the many broadcasts that are so sick. If they had been played back at the hearing - and with Flamme there they would have been in court or outside it to the press - what a disaster from these of which I have copies only!

And if you had genuine concern about the appearance of impropriety after the hearing you'd not have been on the show with Seall. There is nothing that anyone can do, say or write that can lend itself as perfectly to Henry's misuse.

There are two differences with the Playboy interview. First it will result in no personal publicity for you. And second it may be the beginning of interest in and perhaps help to other of my work than that on the Ray case.

McKinley and I have not discussed pay. Ordinarily Playboy would pay the interviewer. In this case McKinley has suggested that there may be help to the defense.

You raised a question about propriety about this. I see none. Jim and I have done thousands of hours of work without pay, not with pay in advance. But if there is any possible question of propriety, does it not also relate to your accepting money from Esquire? And does it not also apply when lawyers can't advertise and all these appearances of yours, all based on the work of others, serve to advertise your law practice?

So, I think you should try to think this through, too. It can't be right for self-promotion for you and wrong when a mass audience will have its first chance to learn what it is for Ray and others in similar circumstances to live as they do and have. Or for there to be an opportunity to inspire public consideration of this inhumanity which in Ray's case is directly connected with his present legal situation.

And if you really are unselfish and really want help in the common interest, would you really be opposing what might attract private attention to some of my work on the chance that there might be some assistance to it?

Or even a measure of relief for Jim and me for what has been very burdensome for us but does not preclude expensive vacations for you?

I know you will find all this unwelcome. I do also hence did in reading it and correcting it because I'd find that too painful. This has been extremely disagreeable to me, the writing and the countless incidents it recalls that are not mentioned and for which there never was excuse or justification. But I hope you will make a real effort to open your mind and consider what will be unwelcome to you. I have taken this time so that despite a long record of refusing to you say before it is too late. The future is not easy. The past was very hard and meant much hard work and considerable sacrifice for us to get where we are. I don't want it jeopardized, the future wiped out. Repetition of the past, duplicating the same mistakes, makes the probability of failure when there should be success too great.

One of the needs to this end is the cessation of your bitter personal feelings about me and the manner in which you indulge them. It is far past the point of tolerability. I have done nothing except help you, often when I hated doing it. I have never hurt you. That you resent this is one thing, but that you abuse me over it or make a villain of me is another. So let us see if we can make some improvements because if we do not the inevitable cost will be great.

Sincerely,



JL: As you can see, I've felt it necessary to send Jim McKinley a copy of my letter to Bud. It is in confidence and I'm without doubt Jim will preserve confidence. I did not address the merits of the interview from Ray's personal interests and needs because this is that last straw for me and still another effort to straighten Bud out is to me at this moment more important. And by this I mean in terms of the future. I will not now address these possibilities that I regard as certainties. But I do say that only to those who think defensively are they not apparent without deep thought. And that as I've been trying to get across for about a half year the time for defensive thinking and acting is long past. It means defeat for the weak, as it always does. It also represents the area of our greatest failings in the recent hearing. However, I hope you can understand that when this cheapskate of an eccentric man can take a de luxe vacation and leave his work to me and then chisel me out of the nominal cost of work that had to be done and he had initially agreed to repay and then uses this work and after all that says he can't and won't repay the costs I'm still in debt for, that it too much too much. If it disappoints you, I'm sorry. Sincerely, HW 11/16/74