

5/22/72

Dear Jerry,

Glad you called today. I was beginning to worry, having had no word from you or James. As soon as we finished talking, I wrote John and Larry. Carbons are enclosed for you. It was not easy to tell John that he was ruined by the man he trusted, and I made it as gentle as I could. But perhaps when you get to understand John's case and what happened ~~it~~ you'll be ~~more~~ able to understand some of the things that cause the heat in the enclosed letter I wrote you as soon as I got home. I don't know which of you has how much trust left in Stoner, but if you have any you will all deserve what it in the end will do to you. What he did in John's case is really criminal. Yet you all respect his judgement and not that of those who are knocking themselves out. Weird, freind, weird.

It depends on the kind of box the cassette comes in how much it costs to mail it. The large number Carol sent it paid to send by slow mail. But a single cassette can cost as little as 16¢ for a single one. Be sure to mark "electronic tape" on the outside so that there will not be an accidental erasure in handling.

Now that you are equipped. keep your equipment near the phone. It can help.

Jerry, this business of Stoner is not personal. You saw us together twice before the show, you saw us on the show, and when he pulled that wild insanity, even then I tried to help him. I did once, and if Fields would have let me speak, I asked a couple of times. He was Frank's and Hoover's best friend, as he was that of the FBI in John's case. His intentions are not the issue; it is what he does, what happens. He is a wild man. As I have written, I share Jimmy's concern for what can happen to you, but the more I think of it the more I come to feel that you may be better off alone than with him if you are going to depend on him for protection. He's just as likely to get you in new and different trouble, and after that show, which can be played back at him, he'll be entirely without credibility in any court in the land. You have heard from a few who are partial to him to begin with. You should hear what everyone else is saying.

Besides that, with this attack on Wallace, the first on any man on his side of the political fence, all sorts of new nuts are liable to get that idea. Do you know anyone who has asked for it more than Stoner? I'd just as leave you did not get a wild one. Although there is no excuse for what happened to Wallace, understand that the crazy are harder to figure. And that Stoner doesn't have Ala. State troopers, the Secret Service and, if any, as many local police. Our local boys did a first-rate job of protecting Wallace. There was violence here. But it took every cop in town and what they could get from the State police, reinforcing those who go with him. And Stoner gets to remote places. If there is any attack on him, it is not impossible that you'd wind up having more to fear than a stray.

Jimmy is not content to have one zany in his confidence. He is working with another. Jimmy seems to be spending part of his time eliminating any personal need of enemies, too. It is this kind of thing that causes the emotion you will detect in the enclosed. If you don't know who the other rabid one is, I can tell you. I think you know. You may know more about him than I do, but I know enough. I don't know why he does ask for a direct line to the prosecution and FBI. He'd be no worse off.

Anyway, whether you believe what I'm trying to get across to you or not, try to understand it, the reasons for it, and then think. And one of the simpler ways of thinking about it is to ask whether any of his propaganda on Fields could have helped Jimmy, and how much more I could have gotten from Frank if he had kept his sick mouth shut. In getting Jimmy's story across, even there, Stoner was no help and much hurt. And by the way, Jimmy wrote to Esquire correcting Shaw on who represents him. They printed his letter.

I do hope you can get a decent job and start to lead a life of your own.

Sincerely,

5/15/72

Dear Jerry,

I am starting this letter so I can add things as they occur to me prior to getting your new address, one you did not tell me will be for no more than three-four months. At some point I hope you will come to understand that if a defense is to be effective it has to be informed (and I have more than this in mind, based on what I did learn after we parted), can't be based on hearsay stuff, and must be prepared for whatever can happen. There remain too many secrets from the wrong people, and I'm talking about only those things the FBI has to know or at least suspect.

I meant to go into it with Jimmy, but I forgot. I was reminded yesterday. One of these aspects has to do with his job after Jeff and his leaving. There may be those who are vulnerable over this, and if they are to be protected, we should know what there is to know, like who appeared at that back door, who made some phone calls, etc. We know where a letter was written from. And everyone knows where it was written to. There are other things, too.

I'll be putting this in the typewriter and taking it out as things occur to me. I haven't yet refilled what I took with me because I've been too busy. On getting home I found that my brother-in-law had died (funeral this morning), that my wife fell and sprained her ankle just before I got here (I was delayed a bit at the airport), so things are slowed up a bit. I hope not to the point where I forget anything. I have returned with more than I can keep in mind. I always fear forgetting what I do not have in notes or on tape.

I told you that when you got situated I'd put you in touch with a reporter you can trust. I have spoken to him. I think you should be completely quiet and stay away from the rest of the press, even those who have treated you decently in the past. I hope you will listen and do this. When you speak to this man, whatever you talk about and even though he is completely trustworthy, begin by telling him that nothing you say is for publication. He can be helpful. But unless he is under this injunction, he also owes an obligation to his paper, and this way you assure security, which at this juncture is important. If there is anything he wants to use, ask him to get in touch with me. If I have any questions, I can get in touch with Bud and then get back to him. What you may not completely understand is the possibility of charges being brought against some people, such as harboring, and you also may well not understand what can lead to such charges. I am not opposed to all publicity under all circumstances, but I am opposed to any that can at any time, and this includes as far into the future as I can see, even have the slightest possibility of hurting anyone. You may know who can be hurt in some areas that I do not (and if you do and have not told me you have made a serious mistake), but I also know who can be hurt that you may not. Please trust my judgement on this and if you have any questions, write first or ask this man to call me. He is with the paper Jerry Lipson was with. Lipson is now in Washington, working as p.r. man for Senator Percy Priest (but that doesn't mean he can or will help, more likely the opposite-I'll be looking him up when I can). Jimmy sees publicity as I do, as I had occasion to find out. Before I left St. L. I had time to phone the editor you visited with me, to "background" him, which means bring him up to date on what I could but not for publication, and the same with Yarborough. Yarborough asked me to ask Jimmy for an interview, and he promised to let Jimmy and Bud both read what he wrote before turning it in. Without giving Jimmy my opinion, I gave him this message. He turned it down cold. And then he offered opinions that I have offered you. He even forgot to tell me to thank Yarborough for the offer. I knew Y. was then in Virginia, for he was leaving right after we spoke. But I called him home and left two messages from Jimmy: that he was not going to have any interviews, and that he thanked Y for the kind offer. However, with the reporter from the Journal, who I did get a chance to background, I explained John's situation, which, if handled right, might be improved by proper reporting, and I gave him what can make a story that can help Jimmy. I repeat, I am not against publicity as such. In fact, I gave this reporter several stories, if they want to use them. I think the court in which he next files is in Knoxville. I haven't been able to see Bud or Jim yet to know for sure.

The strange attitude of the law student is something I did not expect. It is a disappointment. Because John had not told me his legal situation, I did not understand how bad it is. There is less that these kid can do than I had thought, but there are still some things they can and should. I have written Dana a short note and have spoken to one who may be able to guide him, to give him advice, to straighten out his thinking. But if nothing else, you should have learned one thing from this: very, very few people think of Stoner and what he says and what he stands for as some of you do. This may at some point become crucial, so while I'm on it I'll tell you more. Jimmy came up with some very good things. I was delayed getting there from St. L because there was radio trouble on the plane and it was held at Memphis until repair was made. I did get to the jail in time to spend more than an hour with Jimmy, but that is only because I got there before the warden left and he gave his o.k. I stayed there until six. I also got there early the next morning and could get his permission to interview a couple of other prisoners, which I did, and I think they will be very helpful. While we were waiting for them to bring Jimmy, I had a chance to talk to the wardens. Now you know the typical southern attitude that prevails there. But even he found Stoner too much. He told me that except for Bud, Stoner was Jimmy's last visitor. He'll never forget it. Stoner gave this man, who can't vote for him, a collection of his campaign literature. The warden's reaction is that Stoner is worse than Hitler. Now that is pretty strong for a born-and-bred southerner. Dana, remember, had no misgivings about helping Jimmy, and was more interested in that than in helping John, even though Jimmy is accused of a racist crime. So, Dana was not turned off because of the racist accusation. He was willing to be associated with a defense against that. What boggled his mind is any kind of association, even one that didn't exist, with Stoner. And this was when Stoner kept his word and didn't spout his race-hate propoganda. As I told you in advance, that other insanity was more than enough. Jerry, I hate to spend time talking about a man, for it is a waste of time and I don't like doing it when not face-to-face with that man. But you people have not learned the lesson you should have learned long ago. John is in jail only because Stoner put him there. Even if he feels about John like John is his brother, this is the fact. With this kind of performance, this kind of judgement, trusting him with yesterday's sweat is a mistake. And he can't make any kind of judgement that anyone can depend on, yet you all seem to trust his, despite his record, which even Jimmy will tell you includes ruining everything he touched for Jimmy. It has gotten to the point where some people who would not talk about such things a while back are now offering the opinion I do not share, that Stoner had something to do with the killing. What this means is that anyone connected with Stoner, especially any Ray, falls under the same suspicion. You can believe me or not, that is your affair, as is what you do and do not do, but I would not be looking looking out for your interest if I did not tell you this. Recently, at least two reporters and one official offered the opinion I have given you.

Jimmy also told me about a means of communication by which he can tell me what he hasn't. He came close this time, I think, for I think the reality is beginning to get through his stubbornness. You should know, for you were there, that even McMillan now knows this, for Carol told us that Foreman had told him everything, and I'm telling you that Jimmy told me he gave this info to Foreman. I asked him if he wanted Foreman and McMillan to know what the FBI surely did and his defense did not. He had trouble with that. His position on this is absolutely, 100% crazy. And aside from those I've named, I know at least two others have this info. In short, EVERYBODY except Jimmy's defense.

Time for funeral. One thing I want to impress upon you is the urgent need for extreme caution. I now know the names of dozens of people against whom at least harboring charges can be brought in several cases. True or false will make little difference.

Later. I had a bit of time to think of this driving to and from the funeral. We have what might be called a communications problem. You have lived one way, have your own experiences and, like most people, are guided them, as are those you know. However, your experiences do not prepare you to fully understand the current situation or how to face it with most likelihood of accomplishing something. You are unwilling to trust the judgement of those who have had relevant experience and training. If this is understandable, it also may do you all in. You simply have to learn the prevailing realities. Neither politics as you understand the

word nor the past concern me now, except as they influence the future. The future is what does interest me. Your's is an over-simple concept of the realities of political life, and it has not been made better by association with Stoner, whose politics are limited to damning and who has little understanding of the way the forces that exercise real power in this country work. It is enough for him that they are crooked, as is indeed the case. But to do something about the present situation one requires more sophistication, more experience with the use and abuse of power, a better understanding of the problems of those who hold power as they see their problems, and of that of which they are capable when they address what they conceive to be their problems. Let me try and explain this in terms of the mistakes from which you (all) have not learned. That the first ones were made can be understood, but that they could be and were repeated is a reflection of bulldog determination to stick to a wrong decision simply because none of you could see anything else.

One of the worst mistakes Jimmy could have made was to have anything to do with the political lawyers, regardless of competence or incompetence. True of Hanes, true of Stoner, Ryan, who is a fine gentleman, all the way down the line. He was charged with a crime the public would consider them sympathetic toward, and this simplified the political problems of his enemies for it made it look like he was guilty. The worst mistake he could have made was to have gotten tied up to any literary contracts. How a man with his experience with jails and courts could have done this, I simply can't understand. He'd have done better reaching into a hat and pulling a name at random. I can understand that he didn't know the provisions of extradition law and the treaty, but once the question of what he was charged with being a political crime was raised in court, as it was, Jimmy's judgement was atrocious. He is not a dope. So, I just can't see why he let Hanes talk him into not appealing. The very nature of the alleged crime was proof that the extradition had to be denied, if the effort had been made, as it was not. It was not a crime of passion, by the government's own description. There was no robbery, as the government also admits. It was, from the official version alone, an entirely political crime. Now if you can't see from this and from what happened to John the point I'm trying to get you to first understand and then profit from, let me know and I'll carry it further. But you simply have to escape the captivity of your own (plural) political views, your own limited experiences, or none of you will survive it.

Speaking of John, let me tell you what you should understand, and Carol can learn the truth of what I'll tell you for all of you. Hanes would not discuss his view of John's guilt or innocence when we spoke, but he made a pretty broad hint that he thinks John is guilty. I didn't press the point. Now, in the face of this belief, he is shocked as I can't begin to tell you about two things: the unbelievably miserable job Stoner did, which makes a completely barren record for any other lawyer to try and make anything out of, and the incredible decision of the court of appeals. He is really hung up on the decision because, as a lawyer, he realizes that it will establish a precedent that will deny Americans their most basic legal rights for years to come unless it can be overturned, and there is no legal precedent. (Here I tell you that none of you understands the kind of politics that is involved with the Supreme Court. You all have a simplistic view of conservatism, but the Nixon appointees are those least likely to be sympathetic to the legal question that revolves around John for they are all of them, every one, hung up with the DJ and the FBI. Burger was Nixon's errand boy when he was in the DJ, Rehnquist is the one who laid down policy inside the DJ, and what Powell did as one of those supposed to be looking out for Oswald's interest before the Warren Commission is absolutely beyond belief. But he covered Hoover on everything, and this you can understand.) I think it may now be too late, but the ACLU should be interested in John's case. I've already taken the first step in trying this, but I do not have the decision or the record. If any of you has a copy of the decision, please send it to me fast...And now we also know that even McMillan knows, from Foreman, for Carol told us, what from some insane reason Jimmy is still withholding from his defense. I came close to asking him what the hell I was doing there and knocking myself out for nothing for when he trusts Foreman to keep his mouth closed after all that has happened and doesn't trust me and Bud; when he is satisfied for McMillan to know what I don't. Only my sympathy for him and the position he is in and why he is stopped me, I suppose. I am also more sympa-

thetic to your situation than you might assume from the directness with which I speak. I see dangers for you that you do not, and I think I know things you haven't told me, but I do not press you on this, do I? You are a grown man and I'm not going to talk to you like you are a baby. I owe it to you to tell you straight and unsugar-coated exactly what I think. In addition, I just don't have time to make on like I'm a cookie-pusher and play diplomat with you, I know you want to help. I know you have been helpful to me and that the reason is to try to help your brothers. This is fine and I appreciate it. But because of this I can't tell you that wrong is right and I will not.

So, for everyone's sake, please try to learn from the errors of the past. Please learn that your experience in some areas is much too limited for you to trust your own judgement and turn to those you by now ought to have all the reason in the world to know you can trust. And see if you can't arrange for there to be fewer secrets from the defense. The time may come when it has to face that of which it knows nothing, and neither you nor Jimmy nor Stoner nor it can today anticipate all of them. When it happens it is too late. All contingencies have to be prepared for, and by people all of whom are busy enough. When anyone is up against the tremendous power and limitless facilities of the government, there is no such thing as a defense that can be made of anything that can be alleged without ample time for the preparation.

I'm not giving you hell, I'm trying to get through to you. What happened to John really shocks me, and there is no excuse for it. (Stoner can profit from martyrs, but this does the martyrs little good.) Neither John nor James should be in jail now. That they are is only because of mistakes that were made and should not have been. Any competent law-school graduate, with either as his first client, could have walked either. It is really that bad. Unless there is a major change, this will only be the beginning. The closer we get to doing something, the greater the pressure will be. I hope you are not next, but if you are, a phoney bank-robbery charge is not the most likely means. I am beginning to think that this was done to lean on you, like the helicopters flying over your father. Each one is leaned on a different way. It is not fear of Stoner that keeps them from doing something to you but fear of Jimmy's present defense. John was not in touch with us, but you have been, and they know we'll know and that we'll not mess things up like Stoner did and does. (Remember, the very first thing I did was provide you with a lawyer on whom you could call?)

A famous philosopher once said that he who does not learn by the past is doomed to relive it. Think about this, Jerry, now, not too late.

I hope you get lined up with a decent job soon. Try and find a place to live not in the toughest neighborhoods. It may cost a little more, but look for a room in a fairly decent neighborhood, unless you can get a job that includes quarters, which may be the best deal in every way. Good luck - and good, clear thinking!

Sincerely,

Harold Weisberg