

Hand file Freeman, picture in Pix file

Dear Jon,

10/7/74

As you say in our very valuable 10/5, some things properly are confidential. When you write something any part of which in your opinion should be confidential, please don't trust me to remember to add it, as I did in this case, because sometimes, again as now, I am very tired and can forget.

There is nothing illegal in one party to a phone call taping it. However, your position of yourself as a reporter is correct, principled, and presents a major problem because of the potential value of what you report and because you may not be aware of other, perhaps tiny things, that also can have value to us.

That "the only one found is the one he wrote to" can be pretty important. Tired as I am and with all that is presently urgent I'm not trying to figure out who he had in mind. In this case I don't think he is lying, that he has something in mind he probably learned from the FBI.

However, these lies can have real significance, so I'd like to get into the tape and ask you about two things: keeping the original and making a dub and sending it to me with whatever restrictions you feel appropriate. We would not want it for the upcoming evidentiary hearing because he won't be there and not for the reason he gave you. He's just plain scared. He has actually been afraid of me all along and he really hates me. I would let nobody hear the tape except the one lawyer, Lesar. We would undoubtedly listen to it together and discuss it as we go.

One of the secrets with Percy is that he is a blabbermouth and an ego and the combination sometimes drives him to incaution. He is also a great and uninhibited liar. So anything he says first has to be analysed to determine if he is serious. However, the few items you mention get into serious areas one of which is the next potential frameup.

The deposition of which he bragged can't be used for two reasons: the court will and should demand a live witness; and he hasn't signed it. And won't, believe me. As of last week, after six months, he hadn't signed it. Enough on this? The excuse for taking it by the State, who did it, is that he is old and can die. But even the deposition is so full of lies he dare not let it be made part of any record. It is perjurious.

The Baxter Ward picture typifies what kills credibility. That can't be Ray and before the nuts who spread this kind of thing around do it they ought first, with a man who spent so much time in jail, see if he was in jail that day. Assuming that it would have some significance were it Ray. I can see none. What is interest is that he is the only man in the photo who does not seem to be happy at JFK's presence. This guy is unhappy. But thanks. I like to keep a file of this kind of thing. These kinds of pictures also sometimes later have other values, so I keep them all.

We won in 6th circuit and I think it is an important story on the enormous expansion of the rights of the accused in habeas corpus cases, including in particular political (probably the first one that will be taken to the Supreme Court to get us overturned for the future). I'd suggest that you may find this kind of story if you get the decision of this past Tuesday, 10/3, and ask a good lawyer what it means. Stay away from Jim. We have too much to do. Or Livingston. (Please-entirely. Explanations later.) Local lawyer.

Don't be surprised if the State gives up and we get a trial without an evidentiary hearing. We are so overloaded they have to be crazy to let us get all that stuff into the record and swear themselves at the same time. This thing may take turns others may find dramatic and unexpected. I can't go into all possibilities, but be prepared for what the average reporter would find unusual, for it is possible.

Thanks and best,