

11/15/74

Dear Jim, *McKinley*

I write separately from the enclosed letter to Bud to let you know that I believe the realities are. First and foremost, you plan no puffing of Bud and nothing else really makes any difference to him. If he had ever had this concern he'd not have said and written some of the utterly insane, rabid stuff of which I have copies, on tape and in print. One of the more taxing tasks I faced prior to the beginning of the hearing was neutralizing this and that I have decided is a career that I'm ending. They take too much time and emotional drain.

An *Esquire* piece, a rotten ~~shit~~ business for which he was paid and that did have bad Ray content was used by Mailo and is in the record. It took a major and unpleasant effort on my part to prevent the presence in the courtroom of a psychopathic writer whose sole purpose for being there could have been only to write a glorification of Bud whose performance prior to and during the hearing was not glorious.

Mailo would have laid a forthwith subpoena on him, played a series of tapes and you'd have been alternately in tears and laughter. These are madness and sick eyes and as you will eventually learn, a more serious handicap and problem than the State.

Also timid beyond description.

There is a formula that can eliminate all possible questions of propriety, and there are no real ones. Bud is suddenly concerned with what Mailo would say. He was not prior to Mailo's saying it, when he was saying it and even after he said it, when he was on TV in Washington 11/7 and you'd never have known there was anyone else in the Ray defense. I resent this strongly about <sup>him</sup>in, not myself. I spoke to the press only for background in Memphis, as you know, and I avoided even being on camera while I was with those who were.

But what I am again getting at is that I think nothing will be possible without the background I've been encouraging you to get. I can't begin to write it all and I can't begin to permit the publication of much of it. I would want such as an historical record that could be made while you are getting an understanding.

I am much for your project. These non-competitive similar projects of the past were my doing simply because I believe they are important to Ray's defense and in his interest, I figure publicly in none of them. ~~I do not~~ I ~~do not~~ believe your project, as I suggested amendments, is in Ray's interest and does serve his needs. Also these of justice in the broad sense. If I dreamed there could be anything wrong I'd not be part of it.

All of this, of course, is confidential unless you have to discuss it with others. It can't begin to tell you the story. But I do tell you this: if Ray fires Bud again I'll not get him to back off and change his mind. Bud's one contribution to this has been the part of the expenses he has paid. <sup>in</sup> and I have no money. And as you'll see in confidence, all mine haven't been paid, and I have and for years have had no regular income, no real income. Bud fucked up enough in this last hearing to make his paying of these expenses he paid not equal to the damage <sup>he</sup>did. He is, plainly, yellow and never keeps his word. And so you can understand the state of his knowledge, I can't think of a witness he questioned where I didn't do the work in advance, ranging from giving him the documents to a 12,000 word preparation for one to writing out questions for him to ask total strangers for him while he was out partying to taking him to Ray's cell, the only private place I could think of so he could do the fraction of what was possible that he did to <sup>Temkin</sup> Temkin that was possible and spelled out for him. I even marked the document he would read while he was making notes on what he'd ask after I told him. Imagine this great legal mind that was not prepared with his own publishing expert or to cross examine theirs!

Frankly, when the time comes for a trial, and I believe it will, I can't imagine Bud handling the in-court work, Jia has handled all the rest. Livingston is a loser. So who is the experienced criminal lawyer who will try the case?

Martin tried to tell me a story about the man who saw so many bridges he never crossed. I made one up for him, about the man who didn't see a bridge and fell into quicksand.

I may not see all the bridges that are to be crossed. But to date I haven't missed many, none of importance that I can recall.

If I had not looked ahead with some clarity we would not be where we now are. I've also had to get pretty pretty pointed, the last time the night of the 28th. A major and the strongest part of the case would have been ditched that night if I had not with some vigor prevented it. I do this only when I consider it necessary.

But this can't continue indefinitely. I'm tired, very tired. I have only the reassurance of the magnificent way in which Jia has developed and learned. But he remains, for all his wonderful qualities and his superb work, an inexperienced lawyer. The burden of trying to carry the next trial would be too much for him.

This is another way of saying that meaningful help will become essential.

For the immediate, however, there are public relations rather than legal problems. Here, without question in my belief if done properly, your project can be very worthwhile. Playboy has ten times the newsstand sale in Washington, for example, that Time or Newsweek have. And Washington has much more to do with what happens in Memphis.

Jia, despite his inexperience, will do a very workmanlike job on the closing arguments. We have discussed his general approach and I am in accord with it. He now has to find time to do it. So, he can't be troubled. He now has only two weeks. So, I would also suggest the things:

If you do come, please don't figure on talking to his new.

And then think about reversing the order of the interviews we discussed, with Ray to be second, not first. You may not agree, but I hope you will consider it. And that Playboy will.

In the end I think Maffner will be not less than content.

Sincerely,