

Dear Freda and Sol,

12/28/74

By my latest project in your delayed letter of 9/25 I presume you mean the book reported in this enclosed clipping from the paper I thought you looked at with care!

This is a modest treatment compared with some. UPI made a long story on its wire and the Washington Post syndicated a story, also good and also long.

But once again there was no commercial distribution. Two wholesalers did have stock and did not put copies out. So in the only two cities where we could have sold books, NYC and DC, we could not.

Except with promotions I was able to do by phone and by radio. By means of them we have paid of 20% of what my colleague borrowed to pay the printer. Meanwhile, we hope for a bolt of lightning and I try to play lightning rod.

Despite this slow beginning I am hopeful we'll at least get my friend and colleague out of debt. I've sold a one-time limited use for almost enough to pay for a mailing advertising the book. I'll soon know how many people have written to us over the years on the earlier books, less a couple of hundred who'd moved by the last mailing some years ago.

The press treatment of this book represents a marked change. It is now out 5 weeks and I've not heard of a single snide crack or pretended refutation.

Radio is different, too. This time they are letting me say or are saying for me that the only way to get the book is to send me \$6.25 and their address. They give mine. This accounts for most of the orders to date. In some places reaction has been excellent. One station, owed by the Jesuits, called me by surprise. I was on the air when I answered the phone. Within minutes after I hung up I had calls from two travellers each more than 1000 miles away from that station, each interested in the subject. Both stopped at pay phones to call. That show produced more than 75 orders. (I've sought none over the holidays but have more scheduled for after people settle down.)

The book and the work it represents have had an impact. One of my suits, the one of which you know, was largely responsible for the Senate's amending of the Freedom of Information law and the override of Ford's veto. (The Ford content of this book is zowie! and I have more and very nasty stuff on him in my almost-drafted Watergate book. He is the thug his face says he is, not the nice guy his press makes him.)

You have never met this young lawyer friend, Jim Lesar. He is a fine young man. We are associated in the Ray case and have, between us, done all the work. He hadn't passed his DC bars when he started working on the successful, book-length habeas corpus petition on which we prevailed to the Supreme Court. We then exercised unprecedented discovery. We prevailed on the State's appeal in the form of a stay, again being upheld by the Supreme Court. Now there are to be arguments filed by the 6th. They will decide whether to grant cert on the precedent of discovery under habeas corpus. They are crazy to pick this as the case to appeal because this is the case in which we can use what we obtained on discovery and that is so sordid, so rotten and corrupt in makes the abuses in Russo (Killsberg) look like prosecutorial circumspection and dedication to high principle.

Exercising that discovery against all those who had actually conspired to frame Ray was like a novel, living alone in hostile territory and fighting all the local law "enforcement" Establishment plus the rest of it. But my young friend, who had learned through about four years of working with me to trust me, gave me my head and as a result the locals were afraid of being cited for contempt once we established our willingness to go to the <sup>federal</sup> judge with proof and he gave them to understand that he'd have no choice. Their next problem was trying to figure what I had and didn't have because if I could prove they were withholding they'd be cited. They never did read me correctly so we got much more than we expected, even some of the files the DA hid in his cellar at home! These were his xeroxes of Ray's letters to all his lawyers, even to the judge. Registered mail also was not immune. Then we got the prosecutor's written directives on the planned and ordered violation of Ray's constitutional rights. Then even samples of the theft of his workpapers for his own defense. More, too.

This case is now a leadpipe canch except for corruption and tremendous power against us. The judge is scared if decent. In the addressing of effectiveness of counsel I got in a totally exculpatory case, proving even FBI perjury on the ballistics and other essential evidence. It is all exculpatory and we put in a case of subornation of perjury without once mentioning it.

were out to get me. During the hearing but outside the federal building the State assistant AG lost control and said so in the presence of a witness. And I was working very long hours, continuing investigations at night while Jim examined the discovery material with care in our motel room. One reporter was fired for associating with me on his own time. I was under surveillance (which did not make it easier because I knew it because a trap I'd set in my room was sprung and I knew it had been searched.)

It was no less difficult during the hearing, for this and other reasons. I'll encapsulate it with two stories. I'd never met Martin Waldron, the Times' southern correspondent but we got friendly during the hearing. We were about half-way through putting on our case when during a break he came up and said to me straight-faced, "Aren't you ashamed of yourself?" Naturally I asked why. "For fuckin' up the whole FBI, State of Tennessee and Shelby County." We both laughed. The last day, during another break, I felt a bear-hug from my right. (He must weigh over 300 lbs.) "Harold, you old bastard," he said to me, this time smiling, "don't you know what in the hell overkill is?" We had just kidnapped six consecutive rebuttal witnesses- all they'd put on. I learned from local sources who their first was and all about him, so when senior counsel on our side, nuts, lazy and unprepared, provided us with no expert on Constitutional law, we took the State's and made him ours by my being prepared!

But that is not nearly as exciting as how I got us an expert on publishing, a central issue because publishing contracts corrupted all. They had Bantam's house counsel and vice president who, foolishly, had let himself get involved. They did not finish with him by the lunch break, so I passed a note to senior counsel asking him to forego lunch and follow me. He did. I needed a private place to prepare him. He knows nothing about publishing and moreover had not anticipated they'd go into publishing. I had and had the right proofs that we wanted read in court in my attache case. But the courtroom was locked for security purposes and going to the motel would have taken half the time we had. I led him to Ray's cell, told Jimmy to please stay away because this was important, and while the lawyer was making notes on what to ask Temkin I was making up documents for him to use. That under these conditions the lawyer could assimilate only about 10-20% is not the point. That the fraction he did understand was enough is. We had our publishing expert and in the record what we could not have had otherwise.

The second Waldron story is of the time right after we were, by Jim's intent, wazy on the last of their rebuttal witnesses, a lawyer who was to my proof without any doubt pursuing a fraudulent civil suit for a perjurer in this case. It is one of the areas I had been able to investigate well enough. Had Jim gone farther the man might have faced criminal charges and outside of places like Tennessee, disbarment. But we took him over, the State took the break on which Martin squeezed me to decide if they'd dare try further rebuttal, and decided against it. They just pooped out.

That night the major-media reporters took me out to a drinking dinner, lasting until the wee hours, and the next day while legal formalities were being taken care of, things that did not require me or my knowledge at counsel table, I started preparing for the trial we hope for. I'll have some surprise witnesses! Character witnesses for Ray from among his former captors! Corrupt as the local police are, I've developed sources among honest ones including at a high level.

So, this is what I've been doing. We await the judge's decision.

Of course it also meant neglecting this new book. What chance we might have had for Xmas business we lost.

Meanwhile, the physical danger increases, especially to Ray. The State and locals and FBI may not know all I have by way of proof, but they now have more than enough to tell them that disaster and possible criminal charges against them await in a trial. If senior counsel were not a playboy and yellow some would have been filed 10/17, when he was supposed to. We have the proof in hand. Too late he has finally agreed again for Jim to file the proper motions. Senior counsel was supposed to open with them.

All this began with my book Frame-Up. I have carried the work much farther without any funding. I don't think any book has ever had this kind of history. I have a Hollywood offer from people I don't trust, with an offer I don't trust, so I've turned it over to a friend to decide and negotiate. Otherwise, things are as they were. Our best,

SOL RABKIN  
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September 25, 1974

Mr. Harold Weisberg  
RFD #1  
Frederick, Maryland

Dear Harold,

I realized a few days ago that I had said I would try to call you at your friend's later in the evening on the day you phoned me at the office and then had gotten involved in other matters that evening which kept me so busy that I completely forgot about calling you. Please understand that my omission in no way reflected any lack or loss of interest on my part as to what was happening to you and Lil nor any diminution in my concern for both of you or in my good wishes for both of you.

What is happening on your latest project? Is there anything I might do to help insure that it proves both successful and exciting.

Sincerely,



Sol Rabkin

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