

AUG 11 1972

Dear Js,

Ray habeas corpus

8/9/72

Several times in the past Bud Fensterwald told me, "Damned shame you're not a lawyer. You'da made a damned good one." In those days he believed and practised this. Farout as it seems, I did the original thinking in the Ray defense after he took it over, wrote the original drafts, was right when he edited out what I had in (having to add it at judicial request), and even specified the existence of precedents unknown to him. (That was the easiest part-logic said they had to have been set. They were.)

When he realized that in defense he had an airtight case, he lost interest in my work -he had it - and what I could do-felt he didn't need it and he, personally, would "break" the case - so he never kept any aspect of our original arrangement, spends a fortune that produced nothing, and the more he got mired the less he liked me. Meanwhile, I continued doing what work I could, in no case what he should have have done or had done. If all of this seems incredible, there is more incredible to come and it isn't; it is true.

My short Memphis investigation was quite successful. It led me to think outside of Memphis that in turn led to some of my more bitter feelings about him. He is quite rich by inheritance and it is his case and the deal was he'd pay the costs with no expectation of recapturing them in return for getting the client. I spent a year, but delivered him. Without any contact with him, let me add.

Well, these things I located included exculpatory and other valuable pictures. I knew where they existed before I went for them, going involving a couple of days and 500 miles of travel. I asked him if he would pay and he said up to \$50,00. I found this offensive and took nothing. But I did get what I went for and I have given you no exaggeration of it. I also got other things punning a bum rap on the state, and I've held them all, giving them to nobody. He knows I have these pictures but has never offered to pay for them, thus the ethics of the rich. And I've never asked, thus the pride of the poor.

They are into the petition months late, with the work that should have been done earlier not begun. Because of its need, I went out last early May and came back with what I can also make stack, credible statements from some of Ray's family that will stand against Foreman and corroboration of the statements after I got them, corroboration they have no way of knowing exists. I'm abbreviating this because it is intro to a memo I want to make on what has just happened.

Another part of the tri-part deal was that I'd be the investigator on the case, the third that Bud would never see him without me present. He never kept the first part until he was desperate, after the waste of a young fortune. To this day he has never kept the last. He and the young lawyer Jim Lesar went down 7/29, without asking me, which suits me fine because there was no interest here. They got only two things new from him and didn't realize it! Unless there is more on the withheld tapes I shook out today after complainin about getting unskilled dubs. I'll listen to the full tapes tomorrow. Anyway, Friday we had a meeting because I'd read the incompetent draft of the petition and wanted to get that and personal relations straightened out. No fights. But a legal problem, not entirely unanticipatable, had come up; jurisdiction, better now than in a few weeks. Problem: getting into this court with an inadequate petition far from ready for filing and the affidavits on which I'd done all the real work and had just refused to draft-what the hell, the damned lawyers ought to do SOMETHING- hadn't been done in three months. So, while they kept saying they could get it done I merely repeated impossible until they finally admitted it. Question: how to stop the clock. Answer, from the only non-lawyer-file other papers that can be done fast and ~~serve~~ serve other and legitimate papers. What? Order for delivery of withheld evidence needed for the proper preparation for a petition that must be filed in federal court. Having been turned down in general and in toto by the state, the only avenue is the federal court. Jurisdiction is established by the filing of the motion. I was brief, feeling that the principle would be upheld. And what I had with me, some of the pictures for which Bud had refused to pay, really tickled them, as I think they will you. Remember that sketch that looks so much like one of the "tramps" from Dealey Plaza? Well, I've got a complete photographic tracing and if the truth every comes out, it has to be the wierdest. I have a picture of the original sketch being prepared by an identified Memphis artist the day after the King job, with Charlie Stephens, who had been drunker than can be described easily and had seen nothing, telling him How. It DOESN'T look like Ray and it couldn't look more like those tramp pictures. There is a subsequent history part of which I got from Ray that I ignore for the moment. Then I have a picture of the picture being landed and delivered at the Mexico City airport.

Now, if you didn't read FRAME-UP, Charlie, I call him Bourbon Charlie, is their "star" witness and ONLY one who identifies (sic) Ray, and here he is creating a man who couldn't be Ray, with the verbal description also eliminating the possibility. This bears on more than exculpatory evidence but its deliberate withholding. Yesterday Jim told me that he had been in touch with one of the experts in this area, sterile as most, and expert says court will not likely recognize the move. So, between yesterday and his coming here today, in addition to writing an indignant memo on negligence and my personal feelings and abuses that must end once and for all. I did the rest of the legal thinking, decided to dip into my trove of pictures for another, and Jim is not satisfied that we should proceed along my Fridat tehory, despite his expert, because I had carried it further and laid it out both factually and so utterly prejudicial to all those against whom discovery is to be filed that it will be quite a scandal if any attention is given to the content and the judges rule against it. The more I got into it, the more Jim liked it and the more he saw the potential. I'm not gojnt to list it all. We'll see what comes out of it. He plans to get it drafted over the weekend and I've said that if he can't reason with Bud to let me know, tha while I want no fights, and some of mine with Bud have driven him to drink and to leave his own office, he has in each case come around, as long as I am right. I'd do it. In this case I think he'll agree. If they do what I've laid out, it is one hell of an indictment, not a mere motion. And there are no immunities. The judge even withheld letters of protest by Ray that are relevant. I've ~~not~~ got proof that the prosecution gave to the press what it withhold from the defense, which is pretty raw. And more significant things. Against almost everyone and all relevant to the petition in its present, unamended form, unrevised, that is.

I gave Jim a long memo taking it apart last week. He seems to be in agreement with both the things needed and those to come out. Today I gave him the impleasant one that I began four a.m. and it lays out all I could then remember of the t ings that were to have been done and weren't-and I've demanded that they now be done promptly. If up to Jim, he will. I roguh drafted some of the letters, and I told him to pray for no answers or better, refusals. He laughed and agreed.

The point again is not that I'm so bright. It is still a other indictment of lawyers who can't escape their training, who don't do work, and people in general so blind they can't see the obvious. There is nothing in this not obvious. The crime is that with about two years nothing was done unless I did it. What I asked wasn't.

So, wearily, I've resigned from the practise of law again. I've made an extra carbon of this rather rough thing I did today, both ways rough. The personal way less so than I feel justified but enough so that maybe somebody will get the idea that the promary consideration is the obligation to the client and the added idea that if neglected I might make some noise + it has been beglected.

May I repeat there really is little ned to oppose us, that we do so good a job our-selves we eliminate most of the need?

There are other political potentials of this kind of approach I think you'll see if others don't. It is the kind that can't lose and can't cost more than the time of preparation. With the thinking done, it is a relatively simple job of putting it on paper and using what I call intellectual judo, the crookedness of the local courts which denied what will be asked for and what will be asked for will have a couple of interesting samples attached. I gave jim two more pictures today. One is of a handprint on the bathroom wall- a SINGLE one - Not Ray's and not given the defense. Would you think the average not-too-corrupt judge might have some interest in who owned it? And the same picture shows that the wrong part of the windowsill was removed, the reason it had to disappear although under court seal. He had to have been shooting the moom. The outside, on a downward shot is still there-except for the piece I have-dealed, dated and witnesses-and it could hold no mark less than that of an ax, if you know the story. So, I think we'll have a little fund, finally, whether or not it makes news. If I can be there, it will make Tenn. news. And that in this case counts more.

Tired and gotta get to bed. The rough outline of this period I did want to note and it seems like the kind of thing that might interest you. I'm out of the 4 a.m. habit, finally, and I now feel it.

Best,