

6 March 1969

Dear Tom,

The charges filed against you, and the re-indictment of Clay Shaw, are manifestations of vindictiveness which seem to be in direct proportion to the humiliation and ridicule rightly heaped on the prosecutor after his mortifying failure in the Shaw trial.

I can only regard the action taken against you as a malicious effort to punish you for an act of conscience which, in itself, in no way undermined the prosecution case and was not technically different from the repeated acts of the district attorney himself. I have in mind his free handing-over of official reports and documents to outsiders (e.g., personally giving to James Phelan the Schiambra report on his interview of Russo) in order to create prejudice against the accused, to obtain publicity, and the like. I have in mind also the carte blanche given to all and sundry "critics" of the Warren Report to examine and even to make copies of the files on the case.

You will remember that it was the prosecutor who asked for a "preliminary hearing" and that he explained his unusual request as an expression of his intent to be scrupulously fair to the accused. Subsequently, however, the D.A. resisted adamantly repeated attempts by the defense attorneys to elicit from him the specific details on which he based his charges, in order to prepare a proper defense.

Had not the defense obtained the needed specifics from other sources, what would the effects have been? The witness Charles Speisel, for example, might have taken the defense completely by surprise; and his testimony, seen by itself and outside the context of his history of alleged victimization by various conspiracies and his several litigations, might have led to the conviction of the accused. That would have been a shameful and tragic miscarriage of justice and if your intercession was instrumental in averting such an outcome, you should feel serene satisfaction.

I see a close analogy in the case of Senator Dodd, and the attempt made to pillory the members of his staff for having collected the evidence of his wrong-doing instead of dealing with the wrong-doing itself (see Above the Law by James Boyd).

Please let me know if I can be helpful in any way, Tom.

Yours sincerely,