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Dear Sylvia,

I thought you might like to hear a few comments about the Clay Shaw trial at this interim stage in the proceedings. I suppose the high point of the state's case came at the end of the direct examination of Charles Spiesel. He had looked quite good on the witness stand, a CPA and seemingly well qualified, and there was nothing inherently incredible about his story, (except: does one remember the face of a man you are introduced to at a party four years ago, remember the name, and then recognise the person from photographs in the newspaper? Very unlikely, but I suppose not impossible.) He had told his story well, and was suitably vague about details one would not remember. ~~After~~ Alcock "tendered the witness" to the Defense, who appeared to be rattled and asked for a recess before beginning the cross examination. Shaw's lawyers went out of the court room, and I noticed them in a huddle outside. Alcock also came out of the court room, looking understandably concerned. Nearly all the reporters were also taken by surprise, and I think some may have begun to re-evaluate the validity of Garrison's case, and ~~xxxx~~ and were wondering if Garrison didn't have something after all. Martin Waldron of the NY Times, for one, did not think this way. He came up to me in the intermission and asked me whether it was true that Spiesel had sued the City of New York for \$16 million etc. (I am almost sure that Spiesel's name was given to Waldron in advance by the defense, and most of the background research on Spiesel was done by the NY Times.) Jerry Kirkwood, who wrote the Esquire piece on Shaw, and now is a good friend of Shaw, was worried, however, and remarked that the situation was "hairy".

It is worth pointing out that, at this point, the defense had known of Spiesel since last August, and more to the point, that the state knew that the defense knew this. The question therefore is: how much of Spiesel's background did Garrison and his staff know about? It would seem reasonable to conclude that they didn't know any of it, but this definitely is not the case. Ever since Jim Alcock went to talk to Spiesel in New York some time in the late summer of 1967, they have known that he was something of a nut. At least Alcock told me that he didn't think that Spiesel could be taken too seriously in view of the fact that Spiesel was in the habit of finger-printing his children because he believed that the Federal Govt was substituting "dead ringers" for them. I am not sure that the D.A.'s office ever knew about Spiesel's suits or his belief that he had been hypnotised against his wishes "50 or 60 times". ~~xx~~

It is universally admitted amongst people I have spoken to that Garrison's case would look much better if Spiesel had not testified at all, as I am sure you will agree too. The cross examination of Spiesel not only discredited him, but made the whole case seem extremely dubious, and surely Garrison's most ardent admirers, surely even Mark Lane, must feel this way. (Have you had any reaction? I wonder, for instance, what Weisberg thinks? Or Vince Salandria? Well, of course Spiesel is a clear CIA agent, and Salandria will no doubt argue this way, but how would he react to the information that Garrison knew that Spiesel was a nut, and knew that the defense knew it?) Actually, if Garrison had not had any reason to believe that the defense would be prepared for Spiesel, he could reasonably be accused of extreme cynicism in putting him on the stand, but since we know that Garrison had every reason to believe that the cross examination of Spiesel would be a major disaster, why on earth did he use him? Once again, it seems to be a case of appalling judgment more than anything else. Presumably he felt that it would be better to risk bolstering a very weak case against Shaw with his testimony, and take a chance of his being exposed as a nut, than not to use him at all. Of course, using Spiesel in this context amounts to both bad faith and bad judgment. However, I am still amazed. I can't believe that Garrison and his staff believed that Dymond was such a bad lawyer that he wouldn't even bring this

out. I can only presume that they miscalculated on the effects of the exposure of Spiesel. What do you think?

One point was of considerable interest to me personally: would the defense have known about Spiesel if I had not given the "Clay Shaw Trial" memo to one of their lawyers? Dymond, in his cross examination, had rather created the impression that they would have by asking Spiesel--before bringing out anything else about his background--whether or not he had tried to sell his story to CBS in the summer of 1967. He also asked whether Spiesel had approached Bob Richter at CBS etc. I therefore wondered if Richter had told the defense, and if so, when. Then there was also the point about the attorney in Denham Springs in La., (Spiesel had called him up and told him he believed he was being subjected to a communist conspiracy.) I learned last night, from one of Shaw's lawyers, that Richter had told a friend about Spiesel and the friend had called the defense on Thursday, ie., 24 hours before Spiesel testified. The lawyer had called the defense on Friday morning, ie. the same day he testified. It seems from this that, in that short period of time, the defense probably would not have been able to prepare for Spiesel's testimony. Of course, they would have had time during the rest of the presentation of the state's case, and then called Spiesel as a defense witness. (I presume there is nothing to stop you later calling a state witness as a defense witness.)

As for the Clinton witnesses, it seems that the defense is likely to present other witnesses who will testify that the man in the car was Banister, not Shaw. "Not sure", I almost said, because really, one can attach no more credence to an identification of Banister as of Shaw when you are talking about seeing a man sitting in a car for a few minutes, 5 years ago. The same objection applies to Bundy equally. On the other hand, if the defense has some kind of documentary evidence that Banister was there, then the state's case is almost completely demolished. And of course Banister is a much better candidate than Shaw for being there: he was just the kind of person who would have mounted a self appointed surveillance on civil rights activities, and moreover was a good friend of Ferrie.

Russo testifies tomorrow, and if he breaks down under cross examination, then we could be heading towards a directed verdict, except that I don't believe Haggerty would ever have the nerve to so direct the jury. There are so many strikes against Russo that it is really pitiful: off-hand, one can think of half a dozen witnesses who will contradict his testimony, Marina Oswald, Ruth Paine, Jim Phelan, Dick Billings (if he comes--I believe he is trying to steer clear of the whole business), Bill Gurvich, Lefty Peterson, possibly Sciambra himself (inevitably), possibly Fatter, and maybe some others.

Personally, I don't see any way Shaw can be convicted, but I suppose you never know with juries. I was talking to Charles Quinn (NBC News) tonight, and he says he already believes it is going to be a hung jury. Waldron, by some mysterious divination, says he believes the jury is "10 to 2 for acquittal". Quinn's argument is that the case is so complex--and will have become more so by the time all the (irrelevant) Dealey Plaza evidence has been produced--and there are so ~~many~~ many doubts about the assassination in general, that it will prove impossible to get 9 out of the 12 not very intelligent jurors to agree one way or the other. As things stand at the moment, a split jury would be a major victory for Garrison.

Mark Lane had the nerve to show up for the trial, and was sitting in front with the assistant DA's with his girl friend (his wife presumably never came back from Denmark after the birth of her second child), until it was determined that he was going to be a witness and therefore cannot sit in the court room. Heaven knows what he is going to testify to. His girl friend remains and takes notes. I have heard that Mort Sahl is also in town but I ~~also~~ have not seen him. Sprague was here for a few days, but I am glad to say he has now left. Like Lane, he sees the case in purely ideological terms and allows his judgement as to what is true and what is false be warped accordingly. Thank God, no sign of Weisberg since the trial began, nor of Salandria nor any other of the WR critics that I have been able to detect. Must stop now; let me know of your impressions, and any reaction amongst your friends etc.

All best wishes, Tim