

Please send to Sylvia

4/15/71

Mr. Elmer Gertz
120 S. LaSalle St.,
Chicago, Ill. 60605

Dear Elmer,

After reading your article in the Chicago Sun-Times' Showcase of April 4, I was so depressed at the self-portrait of Elmer Gertz as an icon for injustice. I got out our correspondence to see if I recalled it incorrectly. I did not, but I will have the press go to cite it to you.

I also recalled the afternoon of a dinner the first Friday in January 1967, when you and your wife and I spent a long time in the WMM cafeteria in Chicago, and our long talk was well as the Madison story as later did - and what you should recall as an estimate of me, that you were there only because that other Chicago legal columnist, former senior counsel of the Warren Commission, Elmer Jenner, copied out what he found he would be featuring (and that not for the only time). On that occasion I offered you access to all of my research. You may recall you then planned your book on the Ruby case.

When you first wrote me, on June 7, 1966, and told me you were part of the Ruby defense, in my "and I" response, among the many things I said is that "if there is any way in which I can help you, please let me know, for while there is no doubt in my mind that Ruby is history's most public murderer, there is, likewise, no doubt that he got something less than justice." I then went into my letter to Paul Berkman and Dan's perjury and the character of his tainted testimony (which I brought to light and what you when you asked) and the fact that Bill had had no interest in it when I wrote him, and I recall you that that is which I could not interest Bill was the basis of the Ruby reversal - that I was right when his lawyer was not? (and as I now note, although I was without income and deep in debt from this work, I billed neither of you for what I sent you.) Your response of June 14 concluded, "I deeply appreciate your helpfulness and you may be sure that I will get in touch with you soon." Your "Dear Harold" letter of July 6, 1967, after publication of the last of my books on the JFK assassination to be printed, ends with "Warmest regards". By July 9 or 10 you sent me a renewed offer of help with your book and a caution about your personal involvement with one of the most disgraceful arrangements ever to tint the literary scene, the one you associated with doubt to his striking of your client Ruby of more than 50% of his take on Ruby.

Let you now part of that, and that very shabby business of the tape recorder hidden in the lawyer's stacks case and the striking resultant commercialism and related dish and inn and libel. Or do you prefer not to recall?

Should one judge Elmer Gertz in court or in print with his association with that justice Larry Schiller? As you know, I am talking about reality. Now let us quote you on actuality:

"The most depressing commentary on his (meaning my) work is that he was one of the experts associated with the New Orleans District Attorney Jim Garrison in his started frame-up of Clay Shaw."

Elmer, you are a lawyer. I tell you this is libel. I do not propose or suggest suit,

so this is in no way a threat, but this is false, it is malicious, and it is a very serious accusation against me. I defy you to show a single case, that of Elmer or any other, where I have been part of a fix-up. I was part of effecting exoneration of several others, and I was ~~part~~ part of ~~my~~ investigation of Elmer. What my own independent investigation of other things in New Orleans did me to go into what Garrison did ~~not~~. In the course of those other pursuits, I did stumble into some data on Elmer - unpublished. So my guess if you want to be shaken up, nobody has ever seen it.

The sad truth is, Elmer, that you have no personal knowledge of the nature of my relationship or lack of relationship with Garrison. If you want detail, all you need do is ask. Which is what you should have done before libelling. You could afford the phone call or the postage stamp.

But my relationship or lack of relationship with Garrison is utterly irrelevant to my writing, my dependability as an investigator or researcher, my beliefs, or anything else. It is, actually, less relevant than your voluntary association with that truly contemptible slave abolitionist.

What I am doing is asking the lawyer to play doctor and heal himself. All you so-called "liberals" are hung up on your own ignorance of fact, your own prejudices, your unwillingness to confront reality. It will soon dog plague you, and I will be sorry.

This is a very dishonest piece of work, in intent and in expression. I think if you have any self respect, you will attempt, in your own interest, to re-evaluate it and your motives and do what you can to reclaim your honor.

Let me give you a very simple way of seeing it and a challenge if you do not:

Reconsider the book as a defense attorney and ask yourself two questions with that evidence, do you think any jury, racist or other, would have convicted your clients could ~~any one~~ of the so-called prosecution witness have survived your cross examination with what I have in the book only (which I assure you is not all that I have)?

(You might ask yourself is Elmer Gertz as prosecutor would have dared take such a case to a jury.)

If you do not agree with me, this is my challenge: You arrange a jury of your own impartial selection in Chicago, you play prosecutor and let me be defense counsel and let us have a "trial". Yes, I still trust you to select an honest "judge".

I have no harsh comment on the minor part of your "review" that deals with what it pretends is the content of my book, for you are entitled to your own opinion, and it need not be honest or fair to meet modern standards, most of all on writing about political assassinations. I am, of course, disappointed that it does not meet the standards I would once have regarded as those of Elmer Gertz, defender of the unpopular, the highest calling of the lawyer in our society (and is it not for the writer, for how else do we establish truth and justice, bludgeoned not being notorious gangsters, rapists or murderers).

It is too bad that you seem still to start from what I administered on that Madison show. I warned you in advance that I regard this subject as one of utmost seriousness, one that addresses the integrity of our society, and I would brook no trifling with fact or its manufacture to my face.

A final comment on your beginning and on your end. Your opening sentence is that "Zelmsberg...believes that there was a gigantic conspiracy to suppress the truth." If you for one minute doubt this, accept my invitation now five years old and let me show you

what the Commission withheld and more, what is a withhold from the Commission. If this relates to the King case rather than that of JFK, how can you make an attempt to compare a court with the contents of the last chapter of the book and its appendix? How many summary judgments have you gotten against the Department of Justice, in all your years of legal experience? Is not that manipulatory evidence did you find space for citation of one ten-page-long bit of it (fewer inculcations would have provided it)? How not this suit and what I cite of it in the book add up to a "gigantic conspiracy to suppress truth"?

"...come up with answers rather than questions." This coming from a defense counsel? Do you prove your clients innocent by proving who is guilty? What kind of system of justice would require this of you? But it is fair to say that all I do is ask questions? Is there one element of the evidence I did not destroy, one witness I left credible? In fact, Kless, there is not one I did not address, nor is there any of the evidence, no matter how irrelevant, that I did not demolish.

I dare you to deny this.

The great tragedy is, Kless, that when the lawyers fail it sometimes falls the lot of the humble survivor to attempt to save society from the consequences of their failure.

Or is this what really haunted you?

I lament what you did to yourself more than what you intended to do to me.

Sincerely,

Samuel Hays

Harold Weisberg

P.S. My apologies for inflicting the inevitable typographic errors on you. I don't have time to correct them and frankly, with what I'd thought of you, I just do not want to reveal this painful obligation to us both.