5/8/69

Dear Gary,

Your 5/5 with interesting enclosures arrived yesterday. Before I forget, also heard from Hal, who seems to remember Fred showing him a letter from you saying Gary Sanders spotted Boxley as a man who tried to recruit him into the CIA. Such a tale would fascinate me, for if Boxley did that he had to be nuts. Senders is an animated zero. Also, why did he wait so long to make this disclosure? I do not think Hal made this up, for he would nawwr do such a thing, and he cannot be this far wrong, therefore, I am very intrested. Gary is one of the minor Lane-Sahl inflictions on Garrison, but one who consumed a lot of money in just wasted pay.

I would not contest your diagnosis on Penn. But, aside from us being agents, this is not at all new. I think, in part, it may stem from his many frustrations, among them being on the scene and coming up with little or nothing solid. If you were to be able to compare the things he told me to my face when I took him around everywhere I could in Dallas and showed him how easy it is to do things with what he is now saying you might wonder about his integrity, but I think that is not involved. It is more unfortunate because he is a guy of such decent intent. But I wonder who he means by the "we" in this line"..I know a lot about the matter in which we culled out Harold, Ray, Vince, Shoener (sic) etc." and why Ray? Who besides him and Boxley? It just might be worth knowing, if there is anyone other than Penn. Try and find out who else he met with.Like Lifton? It might be good to know what he projects for his third book, for there has been nothing in his paper he could use. Perhaps a great expose of the "culled" agents?

That Fisher letter is more significant than you think. I have another similer but not as specific from someone I have had writing him. The difference is this: he is more explicit to medical people. In the other letter he specifies (for he was asked) that they had no interest in whether Connally could have been hit by the same bullet. They did not try and learn, which is the same as saying they knew damned well it couldn't. And they did know of the fragments in the thoracic area. This is quite culpable. I have not yet heard from Cyril on this. Is there another medical person we could get to write him?

The Betzner letter is consistent with the earlier reports on him.

Your letter to Bernabei: Didn't I send you a copy of my letter to the Times? They responded with an inappropriate form letter, I wrote again, and I got a short but to the point letter from Bergman saying they were looking into it and would be in touch "presently". I expect him soono after school, and we'll do some work in the Archives and here, on a police range, one some of his and my beliefs. I've got the local arrangements made and the experts, including NRA masters and photographic, lined up. I think you'd enjoy being here. I still believe that if you spend the summer in non-scholastic persuits, you can spend it best at the Archives. I think more remains to be established than Dick does on some of it and that some may not have the motivation he sees. On the essential fact we are in accord.

What does Penn hold against Ray?

On the Fisher letter, do you think it can be quoted without the source being indicated? When I get to making the additions to PM III? Or paraphrased?

Your experience with lawyers duplicates my own. I think in large part it comes from their inability to become as expert as their experts and the shibboleths of their calling. The reason may not be as important as the effect. But be prepared for it, the best are often that way.

What you say of Mark is what I would expect. He is not only constitutionally dishonest, but he has the strange kind of vanity that requires he give the impression he owns the business (hence he would not want to say Fred saw what he didn(t) and his whole self-cpncept becomes involved. Further, having done no real work, ever, and having done nothing but exploit since his book appeared, he can maintains, in his own and public eyes, the pretense of being the master only by restricting himself to the past. He is more firmly rooted there than, say, Sylvia.This would not have surprised Fred if he had believed what I tried to tell him a year and a half ago.

Your researcher told Shaw is till evading trial: that is par, need not indicate anything sinister. Not that he is not guilty - or that when the charge was amended the DA's office added what it should have. The present delay, if it can be called that, is entirely Garrison's fault. He delayed until the last minute adding to the charge that the alleged perjury was material. This meant Shaw had to have time for response, or something like that. However, defense counsel always seek to delay cases like this, for it may benefit the client and does run up the bill. If I were Shaw's lawyer, I would seek to delay the trial past the DA election, for if Jim is defeated, there is a good prospect that whoever succeeds him would drop the charge.

It is also par for Andrews to continue to file pleadings, for each delays the beginning of the sentence.

I agree Russo was the key. Matt spoke to most ofnthe jurors and learned they felt he was not credible. Again, they were warned in April 1967. And regularly thereafter. On a number of basis. Kevin's was a legitimate journalistic approach. But it was journalistic. There is a certain symbolism in Andrews, and a pathos.

If you have not yet received the Vosjoli artcile back, itmis lost in the mails. I sent it promptly.

I have been spending much time in physical activities, with some qualms. The upper half of my body has improved considerably, but the legs seem to me to continue to deteriorate. I am concerned. I will now seek an orthopedic consultation. The outside is looking better, getting cleaner, and I've begun to organize the basement. Got sunburned and have to keep shirt on. But I'm outside working part of every day. Lil's continuation at work louses the day up and means I have to stop whatever I'm doing twice.

The memos are helpful, but the problem remains, how in the hell long can I make the book? The parallels should be added to and emphasized, and the Malcolm part in particular needs tightening. How and how much remain the questions. That there are serious questions about the fact of the case is without doubt, but that we really know the answers I am not satisfied. The remarks were not those of a professional job. It would have been too easy to do it without the certainty of getting seenif not, in all likelihood, caught. ...Lola Belle might make a good addition on the character of H's stooolies, with a few clips on her earlier career and some on her Wallace acivity. Vince never did make and give me the memo he promised. It is not bedtime and there is something I must write first.

Sincerely,

memos under Addy, Cup

UNIVERSITY OF *Minnesota*

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May 5, 1969

Dear Harold,

I write to you with a great sadness. Enclosed is a copy of a recent letter from Penn Jones to Fred Newcomb. It appalled Fred. The fact that Penn, as you may remember I thought possible from his last letter to me, thinks me an agent is not surprising. But to class you, Vince, and Ray as agents is just beyond belief. I am afraid that he is a full blown paranoid state and perhaps a paranoid schizophrenic. I have watched and charted his gradual decompensation in the Mirror, but still it is a shock. What is most sad about it is that paranoia is a very uncomfortable type of craziness which involves an anxious and fearful state. This is far beyond, unfortunately, lack of ability to evaluate evidence.

Item #2 is a copy of my last letter to Dick Bernabei. Then comes something from that SOB Fisher which cannot be used publicly until I can get permission. Don Olson had his dissertation adviser use his position. Next is a letter from that SOB Betzner to Olson. It contains the same lines he told me.

Then are enclosed the memo I promised you on the FBI in the south, taken almost entirely from Cook. It is more than you asked for, but that never hurt. When writing a book, sometimes additional stuff will yeild ideas in other areas. Then there is my four page memo on Malcolm. I point out from time to time parallels, but my suggestions are by no means exhaustive. It is late Sunday evening--actually, now it is early Monday morning, and I just finished them, so that's why I couldn't send them sooner.

Our side lost in the trial on Saturday. I was in court from 8:30 AM until about 4:30 in the afternoon. We were seriously handicapped by the facts in the case, but in my testimony I built a case for the fact that the person could have been mentally ill in the past but have been OK at the time of the crime. My lawyers were inept during the cross-examination, although they themselves had warned me before hand that the cross-examination of me would be the cornerstone of the defense. I was forced to become fairly belligerant and try to screw them up, which I succeeded in doing. They were not careful with their terminology, so I could surprise them continually with answers which were technically correct but which at first sounded like perjury. They mixed up impression, diagnostic impression, and diagnosis, probably due to the fact that they expected me to venture a diagnosis. I pretty well guessed what they were up to and therefore didn't. After all that grief and hardwork, the lawyers blew it. I came back in for rebuttal, which was our only chance, and they knew I could stand up to the cross, and in fact, perhaps, as I had done before, damage the defense a bit, so what counted was the direct during rebuttal. They failed to ask me some of our prepared questions and missed allowing me to make the distinction I wanted. (The other side was quick with objections based on answers non-responsive to the questions, so there was little I could do.) Then they really blew it with an incredibly bad closing statement. The jury decided the defendant was insane based on a history of disorder, not having had the point brought home to them that the only time that counted was the time of the crime, and for that time the evidence for insanity lay with the witnesses. In other words, I wanted to do the one thing they never expected--get the jury to disregard the psychiatric testimony and judge the witnesses. I had interviewed the patient for about 1/2 (the defendant, that is), but the defense expert, head psychiatrist at the Mayo Clinic and a state psychiatric officer, had seen her as a patient for 2 years, had access to her medical records, had given her many tests, etc. etc, etc.

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Bernabei is quite excited about his new work and so am I. As long as Turner or someone like that doesn't get onto it he will be OK.

Fred wrote me that he showed Mark his 133 A and B stuff but that someone who went to Mark's talk said that he was still using the 2 suns argument. In case you are not familiar with the famous two suns argument, it states that to get the shadows on the

ground and the shadows on the face that way, one would require two suns. That got us into trouble out here after CBS shot it down, and that was the specific thing mentioned by the reported who said that the DBS special convinced him. So, although Mark should have abandoned it a year and a half ago after CBS, and although he told Fred he would not use it again, he still persists, although after seeing Feed's work he tunes it down. Incredible. This is something for Citizen's Descent.

One of my researchers called the office the other day, on his own, and got Alcock who was very helpful and friendly and greatly impressed him. Alcock told him that Shaw is still evading the trial which raises interesting questions about why he didn';t show in Ithaca. He said that they will definitely stall past the election, and probably longer if need be. ###### will be coming to trial in June or July and Andrews is still pleading.
Bethell
He said that the two alternate jurors voted guilty. He indicated that it was Russo who was the key to the case,not Andrews as Kevin suggests. The jurors who were interviewed by Lane confirmed this, I know. The bull session statement did much. By the way, Kevin's report on the trial has a certain Epstein flavor to it, like he forgets all of the fat man's history and reports his testimony as purging himself of his earlier lies. According to both Alcock and Vince indppendently, when Andrews testified the whole court knew what was coming off, and at several points there were snickers.

We found that a trial transcript will cost @ $2500 from the firm who may do it, but that they won't print until they have at least 6 different copies on order. Thus far, only one has been ordered, and by a guy who I didn't know could read: James Kirkwood who did the Esquire thing. I will have a memo on this for you. We checked by phone.

By now you should have the Vosjoly stuff and everything else I have promised. For the citations on the King material, all of it is mentioned in Hanes' articles, although I can get you some news accounts when I have time. By the way, a view of the FBI's functioning can ## be gotten from my last Galt memo on Bolden--remember his experiences. It should be in your Bolden file. If you need more details I can call him up. We are on very good terms and he is still here.

Give my regards to your wife and I hope that you are getting out into the sun and getting into shape. Sorry to hear that your legs aren't in such good shape. I am exhausted. Take care.

Gary