

Route 8, Frederick, Md. 21701
2/23/73

Dear Jim,

Had you not switched, I'd not be writing you. Your leaving New Orleans tells me that you have more freedom, whether or not this was the or one of the reasons for your change. If I had a family today, I know I'd rather not have it in a metropolitan area.

I've just finished reading Kirkwood's book. It brings much back to mind. Aside from its partisanship, tediousness, not infrequent dishonesty and general incompetence and unoriginality, the most conspicuous thing in it to me is the utter lack of confidence in him by Shaw and all the defense team. They didn't even give their own book-writer the time of day. I don't know if you read the book or, if you did, this occurred to you, but they actually, between all of them, told Kirkwood absolutely nothing. If they were this way with everyone, then the mystery deepens. I wasn't there, as you may remember, so I don't know.

I never had Jim's interest in Shaw. If I could not visualize Shaw in the role in which Jim cast him, I did assume that Jim had more than Russo. You may recall I said this in Oswald in New Orleans. In that book and more later I had doubts about Russo, but I never could interest Jim in doing any checking. I've learned much more about him, without ever investigating him. Likewise, without ever investigating Shaw, I learned much about him.

In all of this, and with some cost and pain, I also learned a little about Jim. Frankly, I regard him as a tragic figure. I would not dream of writing him as I do you and I know his word means nothing, not what I think of yours. Besides, his dislike of me and sufficient of his reasons at various times were clear enough. Were I to say the sun shines during daylight hours, he'd say I'm crazy, that is the moon.

So, seeking advice, I write you, asking that this be in confidence pending any advice you might give. If you want me to regard your response the same way, fine.

If I was not surprised by the decision in the criminal case, I was shocked when Jim filed perjury charges in such great haste and stunned when Shaw filed his civil action. Isn't anybody down there rational? It is not that I doubt Shaw did perjure himself, for I have proof that he did quite apart from Jim's charges. Shaw was not alone in defense false swearing that I believe is perjury.

Based on the past, this is something I can't take up with Jim. There are also other considerations I think it is not necessary to spell out to you, having sat next to you at the MOAC during a "chalk talk" and seen your face. There was a time when I would have felt I could take this up with Ivon, but that also I no longer believe. Recently, and not for the first time, I have been told of the appearance of what I gave him in strictest confidence only in the files of those I regard as nuts, people so unconcerned about such considerations they let others ramble at will through such materials. I doubt if even God knows the misuse to which those files will be put!

I have no idea what the status of the case is, nor do I know who represents whom. I do know that Shaw's lawyers are out for all the money they can get, and that they can't get from Jim. Sal was honest and direct on this point last time I was down there, when I tried to suggest to him that he was sincerely interested in Shaw and his reputation he would not pursue the civil case. Sal, personally, would like to let a little of Jim's blood, and I don't doubt the reason he gave me. After the Rault fire I wrote Rault, but there was no response. From this I presume that he spoke to Jim and got squashed in denunciations of me and elaborate assurances that there was nothing to fear, that some kind of deal has been made, or that there are considerations of which I am not aware. I can't imagine a rich man being sued for a big hunk of cash not having any interest in evidence that can save him all that cash.

You will remember that, although I had agreed to be your Commission-evidence expert and was in New Orleans when the trial began, I never entered the courtroom and left before.

the jury was selected. I take a simplistic view: if it is wrong for an innocent Shaw to be hurt, it is wrong for a Shaw to hurt innocent men who crime appears to be wealth. I am less certain of Shaw's innocence of everything than I am of these T&E men, not one of whom I've ever met. Moreover, on the question of the use of private money in a criminal action against an individual, I am confident that never happened, as I have long been confident there never, ever, was what I would consider any real investigation of Shaw. If there had been, with no more than you offered on the crime itself, there might have been a different outcome.

This is my appraisal of the evidence I have. I had some of it before the trial but I was never able to carry it further until long after the trial. I have the witnesses on tape, there is more than one, I spoke to each independently of the other and at different times, each being in a different place. I am satisfied that their uncorroborated testimony would be enough. However, I already have confirmation and know where to look for more than can't be assailed. I don't see how Shaw can win the civil suit if it can be proven that he perjured himself in the trial.

All of this relates to what you never went into in your "investigation" or the evidence the prosecution presented.

In addition to this, and here I am not making as positive a statement, I believe I know other things that can be quite helpful in the civil action and could shed considerable light on what really happened in the criminal action that wasn't visible in the court or to the prosecution. I have in mind a discovery motion.

I realize all of this is general. I think for the moment generalities serve both our interests. I have no desire to complicate your life that you seem only now to have uncomplicated a bit.

On this: I had nothing to do with that Good Friday trip you, Ivon and ^{and I} took across the lake. I was surprised when you and Lou pulled in. Not until 1st Affair Boxley did I know what happened. Moo told me as we were driving to his home for dinner that Sunday. It was Jim's doing and, typically, he neither discussed it with me nor asked me. At best it was premature. So, I didn't take your holiday away from you or make it impossible for you to go to church that day.

Anyway, inherent in all of what I am saying is also a kind of vindication after the disaster of the trial, a chance to establish as a matter of legal record that all was not kosher.

Moo once told me that there are people who would not testify in a conspiracy trial who would in a perjury case. Assuming this to be true, when the Tadins were not believed by a jury, I think there is not enough. Although I am not a lawyer, I do believe that the evidence I have is enough to decide the case. I don't know what to do - if anything - and long ago I learned that in New Orleans you can't always tell the players with the most recent score card. So, having no doubt that I can trust you, I seek your advice.

All I know about Houma is the heist. I do hope you enjoy it there and prosper.

Best regards and thanks,

Harold Weisberg