

Dear Bud,

10/24/73

I write this right after our interrupted phone conversation.

First, what we didn't talk about. Jim says you plan a visit to your son. We should discuss several things before you go.

If you get the Panorama/Dash tape, I'd like a dub. If they give it to you on a cassette, I think Jim can now dub. If not, we can dub directly from one of his machines and one of mine and while not listening to it, or no sweat, no interruption.

Now, quite aside from that about which I have written, there is an observation I hope you can get a chance to share with some of your Hill friends of decent predisposition. We are in agreement on the possibility of new information to come to light and what it can mean. However, there is something to which nobody has tumbled.

Nixon controlled all the initial work, all the fake FBI investigation, all that was presented to the grand jury and to the court. So, everyone has forgotten ~~mk~~ that the original investigation, the original proceedings, hid much. Ervin's work did not even go into it, if they ever looked into it. They had enough with the initial witnesses so that good TV did not require any real investigation. One illuminating example, I think, is their failure to investigate the investigation. Even when they had those who limited and misdirected it on the stand - and they had all but the prosecutors - there wasn't even a whisper.

All of this has now been forgotten. It is, I am confident, a fertile and an extraordinarily incriminating field.

In some elements of this I have not tried to do definitive work. I had enough to make the point I wanted to make, wrote that, and went on to other writing. But I believe that with the power of subpoena, one of two things would show: criminality not yet alleged or criminality in destroying the records of it. I also believe that it is possible to get testimony on these things, including by deposition.

Furthermore, I am confident that the Cox operation did not consider any of this because I believe that they wanted to "move forward" as they conceived it. Moving forward, I am confident, meant moving past without looking, or even beginning past without thinking.

A general comment: I think the present situation gives any member of Senate Judiciary an unparalleled opportunity to become a front-running presidential candidate in 1976, if he is an able examiner and has personal courage. He won't need a big staff, but he'll probably need some help he does not now have. What they muffed in their Gray hearings, which were excellent compared with Ervin's in bring the new to light, satisfied me on this. They didn't really make effective use of what they had. Some of the questioning, however, especially Bayh's, Tunney's, Byrd's and Kennedy's, was better than any in the Ervin whitewashing. (My book goes heavily into documenting the whitewashing and the deliberateness of it. It is not at all as you said, a law professors is not a good selection for committee counsel. It is much, much more.)

I can perhaps summarize one aspect this way: To date there has been no single competent investigation. To date there has been no single Nixon diversion that did not divert. So, to date what should have been exposed at the outset has not been exposed and seems to have been forgotten. What can be proven on Nixon, given determination and facilities, is almost without limit. What can be telling, after the numbing effect of all the disclosures and the cowardice of most politicians, is available and hasn't been indicated.

Best,