

Dear Jim,

2/1/72

Recently we discussed Elmer Gertz briefly. I then suggested that we wait and see how he reacts, if he reacts, to some recent needling. He has been silent. I'd wait a while longer and, if you have time, courage and a strong stomach, read his book. It is tedious, boring, annoying, self-justifying and self-glorifying, vicious in his own way, as it is egocentric, but it might be worth the time. If you can take the time for almost 600 pages of punishment, it might be worth it. Especially if you call the miserable bastard's bluff, as I'll come to.

He seems to have spent an enormous amount of time getting copies of everything everyone ever did. He plams much of it off as his even when a careful reading shows he is not really saying this by the way he puts it and the manner in which he uses "we". This is one of the more dishonesty of the self-proclaimed holy, something I'd not expected. However, an incredible amount of research was done by many lawyers, some pretty good, and I think it is possible you could find relevance in some. I think, for example, I saw quotations from Estes and Sheppard that you didn't use and might have wanted to consider using. Even parts of some of the controversial decisions, like Miranda and Escobido could be held to enunciate a doctrine applying even more to the lawyer and, of course to the judge. I don't know these things. I just felt that way in reading his quotes. One of the decisions really lays out the responsibilities of the judge, I think Sheppard.

I think in writing Kunstler, unless he has duplicates of the files, too, you may have written the wrong guy. I think they had him in for two reasons: his brain and his experience in the areas of interest. Maybe also oratory.

I am not quite finished. I'm up to the beginning of his assault on Lane, having phoned Lane into the symbolic representation of all who dare think good men can do wrong. I've gone through all of the preceeding crap, though, all to and past Ruby's death. If you agree, I'll suggest a way to approach him if ~~you~~ I have not heard from him by then. I think, if you believe there may be some usefulness in it, he just might come across.

This man has an inordinate self-concept he thinks he hides and does only slightly face to face. Not at all in the book. Frankly, I can't imagine its commercial publication without subsidy, surely not without ~~an~~ ^{an} arguantuan cutting.

I was with him the day he talks about in describing Ruby's funeral. He at that point also lies about how "very busy" he was.

Some time earlier I had been asked to go to Chicago to tape a Sunday, two-hour TV show on the CBS station. Jenner had agreed to be on it. I had a late-night show to do in Washington that night, but I agreed. I got there a bit early, as I always do. It was suggested to me that I might want to go to the cafeteria for coffee with Mr. Gertz. I asked. Oh, yes, Jenner had a Christmas party he had forgotten! This in January 1967. The invitation, by the way, was after Xmas. Jenner has never faced me. Anyway, I went there and there he was, with his wife. We'd had previous correspondence. We were there for a couple of hours, because some kind of studio problem developed and the show was quote late. He was not at all hurried, not fretting about all the "very busy" things he was not able to do. I don't remember ever seeing a man less concerned about the waste of time. And there was a blizzard.

So, he starts lecturing me, making up evidence as he goes. I was polite for a while and then I told him that what he was saying just was not the evidence. He paid no attention and rambled on, pontificating, manufacturing, lecturing with the condescension of the great and tolerant. Finally I told him that I thought he was a nice guy, that taking the Ruby case was a principled thing to do, that he might remember I had offered to help him in it in any way I could, but that if he were to pull that kind of stuff before a large audience I'd have trouble restraining myself and I really didn't want to fight or embarrass him. His wife was by then a bit edgy, but not the sublimely confident Great Man. Well, we got on camera, and I did hold myself back more than I usually could in those days. But restrained as I was for me, I also let him have it. And it hurt. The guy who ran the show was thereafter afraid of me. Former Newsweek correspondent John Madigan. His staff wanted me back but he was afraid and told them so. Elmer cannot have been happy about having all that gas escape in the faces of all he had ~~never~~ spent a lifetime telling how great he is.

You may remember that he got even in his "review" of Frame-Up. I told him partisans don't honorably do such things and that men who have had a fight also never do. He can't like that, either.

It is not necessary for him to defend the Warren Report to defend Ruby, but he does that, too, and can't distinguish the two.

So, he is in doubt about the "ay" case and he said so in that review, that was one of the more vicious ones.

I think if I were to ask him for what he has that could be of help, he'd let us have it. If I can't get it, you may have a better chance after he turns me down than before. His self-concept is the only thing that will get him to do it, if anything does.

And, of course, if it is worth it. He has a very large amount of research and pleadings of assorted kinds on the Constitutional issues.

The Schiller record had not yet been aired, when I was with him. It was the first time that night, in D.C., and I took it and Schiller apart. Remember Schiller when you read Elmer's tome. Remember that Larry was Jack's agent and fleeced the "ack for whom Elmer proclaims this noble love. Eva said of more than half of what she knew that Larry got. You'd never know this from Elmer's book. Larry, too, is a noble soul, not one of the more wretched of two-legged swine.

The story of how the Ruby tape was made is the story I remember his telling me that afternoon in Chicago. Imagine the chutzpah of this roly-poly nobleman, he spends a tremendous part of his book and his real-life effort trying to establish what was obviously true, that Ruby was insane, and then he says the tape is the truthful account because Ruby says it is, in his own words. An insane truth, one might say. But how the hell can a lawyer say, at one and the same time, that his client is unable to tell right from wrong, can't make a responsible judgement, can't help in his own defense, ought not be allowed to talk to anyone but his family and lawyers (and not all of them) -with elaborate quote to prove it - and then say he is rational and trustworthy when his mental illness has progressed to its worst stage and thus must be believed? Before writing this, Elmer also knew that there really was brain damage, too, as the autopsy showed.

You may also get the flavor of some of what will come from the prosecution, more than you have picked up already from Rusty Rhodes in court and their pleadings. Elmer's representation of it may not be as faithful as he would like you believe, but even exaggeration might help prepare you. Frankly, I think Henry Wade is an able man, and I don't think that of Rhodes. He is just dirty. Mason is, I think, less uninhibited in his dishonesty and as of the time I saw him was just a little embarrassed at the need for it. Alexander, who also is not exactly rational as you understand the word, is closer to the personality of Rhodes.

I know Henry, know some of what he knew of Ruby and didn't use, and I am without doubt that after Belli was out of the case there would have been no trouble making a decent deal with him, for a rather short time in jail. So, when Elmer gives indications of this, I find myself wondering about the defense team, mostly Gertz and Dann, I'd guess, that would not make such a deal. I don't think Ruby was their chief client. Nor truth.

Sincerely,