

Dear Jim and later Dad,

10/9/74
10/21/14

I have put together the attached for several purposes and I give it to you with restrictions I will specify.

When Jim faced what appeared to be dire emergencies to eventuate early this morning, I stayed awake last night and thought his and our situation through. He has asked for an affidavit from me justifying an order on the bullet fragment only. Because of the potential of the situation we faced and with Jim not able to consult any other lawyer, I decided that the time had come to make the judge go down the middle and compel him to cease giving in to Haille's slanders and pressures. This meant dumping a load on him and in the record that could not be ignored.

You will remember that long ago I said we were past the point where we could merely defend, that we had to take the initiative, and to the degree I properly could thereafter I personally did. This draft, intended as an affidavit if Jim needed it, has this but not this alone in mind. I decided last night that it would also be necessary to in effect outline the case against Foreman, Stanton and all the other framers, to accompany it with proofs, to make it irrefutable, yet not to disclose in full all the evidence I have collected.

I believe that with amplifications that will not entail a great deal of work this can be made much stronger. I doubt it will be necessary, but I do believe that it alone gives an outline of the essence of the case for the evidentiary hearing on other than conflict of interest and financial crookedness.

I intend it to be the core of what you may want me to testify to. It can be amplified to the degree you may consider necessary. My belief is that we should try to combine two objectives:

- a) blowing the case apart at this preliminary stage;
- b) doing no more than is essential to our immediate needs by way of disclosing our own defense/case.

Another is explicit enough: confronting the judge and the other side with the vast criminality of the other side. This is only part of what I had in mind in my earlier policy suggestion on taking the initiative.

If you pay close attention, you will nowhere I restricted myself to rather general statements. Canale is one example. This is not carelessness. It is deliberate. It is but one of a number of such things you may or may not detect but I do not believe any is accidental.

There is another factor of which you should be aware. I believed it was both indicated and necessary for an argument on effectiveness of counsel. There is ~~but one~~ reference to any discovery material. This also is deliberate, but I think you should think about it. What my purposes were include the flagrant nature of the ineffectiveness of counsel. Like The Purloined Letter. I could safely have eliminated that. I put it in before ~~it~~ told me the issue had been resolved as a means of taking Haille off the judge's back. This gives every promise of being a continuing need, helping Marne resist pressures and stay in a down-the-middle, proper judicial course.

We can discuss this further. My restrictions are these: you two lone see this and you agree not to discuss it or show it to anyone else, specifically Bob but also anyone else except possibly McDonnell and then only if he wants more. And that no use of any kind be made outside the courtroom. It is my work and I have done it for this exclusive purpose and I don't want either leaks or the possibility of misuse. I believe strongly that this is the minimum of Jimmy's and our immediate and urgent needs.

If either of you believes that pre-hearing amplification is necessary, tell me.

Sincerely,