

August 27, 1967

Dear Peter:

I received your letter and approval of my letter of August 22 to Stefan Bitter. I trust you misinterpreted my comments, in the first paragraph - that I have decided to withdraw my defenses and papers of the case against Stefan Bitter in his letter to me of August 15 - I should tell you that the reason for my decision not to appear before the appellate court of the second circuit in my comments was in no way predicated on agreement with his basis for those views. I was only, with their essence, that it should not be done, and I could care less about the effect of raising the issues might "confuse" the matter now on appeal. I didn't elaborate on this to Mr. Bitter because I thought he might take it as an insult to his professional standing, which it is not.

Although his views show a sound knowledge of the law and legal theory applicable to my predicament, that is, what would seem the best approach in accordance with the law as it is written and how it is supposed to function in practice, they also indicate a naivety as to how the law does in fact function in cases involving a national interest. I do not intend this opinion as an effort to give you a heads up. It is the exception rather than the rule to find an attorney who has not been blinded by academic conditioning or hoodwinked by past court decisions suited only to the occasion. Those who have not been misguided, it would seem, are no longer devoting their efforts to the realm of criminal law. Our jails, prisons and mental institutions house a good share of people who are there simply because the law as it is promulgated is in fact so fractious, porous, or so deeply unapplicable to them for cover never cited in the open records. Sanity, innocence, sincerity, or soundness of mind had little to do with their convictions and commitments, as did the evidence presented at their hearings. One could go some time on the scenery and of our judicial system in order to appreciate and depict what I have just stated as fact. So, I don't dwell on the grosser features. But please remember, Peter, I have been situated on both sides of the fence.

Hence, you may question the main reason for my decision, despite what was meant to be the polite wording of my letter to Mr. Bitter. It is going to take a lot more than registering a complaint with the appellate court to get my freedom or an own trial which I can testify without fear of reprisal. It is going to require much more than the "substantial legal aid that the future might dictate," adequate funds or the "right lawyers."

So, as the man once wrote: What is to be Done??? Well, frankly, I don't know. I know the volatility of what I have already written and I feel that there is absolutely nothing I, myself, can accomplish from the confines of the prison. I suspect that there are others who are quite cognizant of this fact too. I don't think I can count on any real assistance from my dear sister, Eleanor, either. She is a staunch Republican and "conservative (called for Barry Goldwater in 1964)" and seems afraid of taking any action which might taint her precious Good-Citizen - Activities reputation. Since January 1964, when the Federal Tapp first interviewed her about me - placing her under oath and swearing her to secrecy - she has been shifting little green apples but the truth come out concerning "the former volunteer soldier who became so completely altered, etc., etc."

Perhaps the not-so-obvious reference contained in your letter of August 22 would provide the solution or at least disrupt any plans to sell me away permanently in someouthouse. One thing, however, is certain: Any effort in that respect will be with my blessings, one-hundred percent, though they would not be secret. It will be directed in an equivocal since the sum of things as I have them might generally speaking, as were the gossamer who were making the water bill but the poor fool (ridiculous with ghouls and) left holding the bag to be, was supposed to perform his two obligations, though...

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\* Sometimes during March and April 1964 (exact date uncertain), petitioner caused a letter to be mailed, addressed to the Warren Commission, ... ..  
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Also, at sometime during the same period (exact date uncertain), petitioner sent a letter through private channels to the Warren Commission, then conducting an investigation of the assassination of President Kennedy. Petitioner offered the letter to the Warren Commission ... ..  
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*Handwritten signature*

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On May 1, 1964, the day before the trial, petitioner visited by the counsel who attempted to persuade him to submit to psychiatric examination at the U.S. Medical Center for Federal Prisoners in lieu of standing trial. Mr. Coleman advised that he had spoken to the district court judge about this and that the judge said he would agree to such a commitment providing petitioner did not object. Mr. Callie stated that petitioner was going to be tried before a "Dine-vision jury" and that he would be convicted, because, as Mr. Callie put it, "they'll check anything who walks into a hall with a gun intent to commit" or words similar and to that effect. An explanation of the coercion tactics would apply to convince petitioner to submit to such a commitment in lieu of standing trial would only be repetitive and superfluous. Petitioner informed counsel that he wanted to stand trial, that he had just been found medically competent to stand trial, and that counsel knew he was "being framed."

On May 3, 1964, the day before the trial, both counsel, accompanied by an El Paso psychiatrist (Dr. Manuel Hernandez) who had examined petitioner previously, again visited the jail. Mr. Coleman stated that he was going to hold a trial hearing "tomorrow" and that he intended to show petitioner was not mentally competent to stand trial. Whereupon, petitioner became angry and said to Dr. Hernandez, "I thought you told me you thought I was competent to stand trial?" Dr. Hernandez replied, "Yes sir," but that it was a matter of opinion. Petitioner exclaimed there was no difference between being in a hospital or prison, and that he thought who would do anything. Mr. Coleman, "you know how your hearing hearing," but that he would do anything he was not sincere. Both counsel and Dr. Hernandez, then left the jail and one hour later all three returned. Whereupon, Mr. Coleman stated to petitioner that he would not try to show that petitioner was not competent to stand trial, that he would stand trial as scheduled, but that he (Mr. Coleman) would petition for complete cooperation on the defense of insanity. Mr. Coleman stated that they had long been "testing" petitioner.

\* Immediately prior to the selection of a jury as being ready hearing was held at which petitioner was adjudicated mentally competent to stand trial.

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