

8/4/69

Dear Gary,

The Grafard memo and the excerpts from Finck arrived today. I could not resist reading the excerpts and did, immediately. It is much more gratifying to me that I'll be able to explain or probably than I will expect to you. One of the difficult periods for me, as you may have gathered, began with my accidental discovery in mid-November. The December trip was agnony and the January one, having been cancelled two days before I made it, worrying and exceedingly uncomfortable. One of those times I passed out briefly, fell against Matt's harpsichord and knocked all the legs out from under it. I went down in January only after Moo, Alcock, Oser and Bill ?? who worked with Oser, all phoned me from the NOAC. I'd unpacked and when I could get the reservation back repacked what I thought might be most important for them to have. Oscar and Bill met me at the airport and I spent the rest of the day with them. It was not a pleasant day, for in addition to informing them of fact they didn't know and trying to anticipate for them the problems they'd face I also had to face their doctrine and their inflexibility over it. My predictions were exact and correct, my reasons for forecasting what did happen are those we have since learned, as from Matt's jury canvass, were the right ones.

Meanwhile, in December, they had asked me to prepare a witness list for them and what they should get from each. I believe I sent you copies of all of them. You will recall I included the autopsy, but as State rather than defense witnesses. Anticipating they would, as they had indicated, I also took there what they would want for going over Humes, Boswell or Finck.

I did not then know that John Nichols would be there, but in the interest of his own work, I think the spring of 1968, I met him in Washington when he was at a Walter Reed seminar. I took a copy of POST MOREEM and the supporting documents (so many of which he is now squeezing into his own case) and loaned them to him. He is the first person to read PM. He was so impressed he asked if he could keep it for study after he got home and I agreed. He was thoroughly familiar with it. I also gave copies to Oser and Alford and Louis. I made these in N.O. for them, and I went over it and my earlier autopsy writing for them, for it was obvious by the time I was there that they would lose the case and the only benefit the rest of us could hope for would be a good record. When they decided to drop some of their witnesses, including autopsy, I had hot phone calls with Moo.

When I read what I did in hte N.O. papers I felt good for I knew they had read what I'd marked in the books I gave them and what I'd told them about in PM- and I emphasized the meaning I found in the Sibert-O'Neill report that everyone else missed (one of the reasons I am sometimes so reluctant for others to use first what I have discovered, for Epstein, who got it innocently, as I now know, and through people who gave it to him also innocently, did not understand it)

But not until reading those pages of the transcript you sent me did I realize how closely they paid attention that unpleasant Sunday, how carefully they read what I told them to, and how well worth it those disagreeable days before the trial really were. In all the pages you sent me, there is only a single question that does not come from what I gave them and asked them to use, the one about the newspaper story quoting Jean Hill. While there is little doubt they would have otherwise known about some, perhaps much of this without me or my work, the fact is that the most important things they would not have. The part you sent me is an important record. I will find good use for it myself, and not alone in writing.

You have no idea how closely they did heed me, the think, after Jim and my leaving, I did not expect. Those parts they used from the panel report are the parts I marked those wee hours the morning before the first hearing in Halleck's

court. That night we divided labor, Bud and Numa going over the legal brief and I studying the panel report. I marked it up in red for use the next day. You know about Charlie War'd call at the crucial moment. And how it ended our plans. But the Sunday night that I got to N.O. in January I forced Numa to meet me and give me that report, which I then began really examining and marking up and the next day I personally xeroxed the copies, all of which bore these markings, and sent them to those who most urgently needed them, including the pathologists. I am also now particularly gratified that they listened to me, in fact gave me the authority to select, their witnesses. It is I who selected Wecht, got his consent and backgrounded him. He added one thing I didn't understand myself, the unexamined left hemisphere. I was aware they hadn't but not of its significance.

So, aside from being something of which there is little for me, a reward, those few pages tell me my decisions so hard to make were all correct, I should have refused to be in N.O. when I did, electing Washington and that proceeding instead, and did right to go back at their importuning, although I had decided against it. We will never know if I did the right thing in not going back after the final Halleck proceeding. I still believe I did the right thing to get that on paper, immediately and still believe I'd have been unheeded on many other things. But I also acknowledge that, with Oser and Alford having listened so carefully to begin with, they might have continued to as long as we were in private. I may have been wrong, I may have been able to help build a better record. Now I wonder, however, if I had continued at that pace, how I'd have survived it, with all the tension

I am anxious to read all of Finck's testimony. John has promised it. I find significance in what is not underlined in the pages you sent. There may be things I'll understand as others may not because I have done more work on this than anyone else.

Those strange people. I have yet to hear a word of thanks from anyone. As soon as I saw the q and as in the paper I wrote Oser a letter praising what he had done (and he earned it- for until I got there he really knew nothing of that part of the case, he also handled other parts, and it is amazing to me that he both kept so much in mind and retrieved so much and used it so well. Those of us close to this may not fully appreciate what I regard as a really fine examination by him, because he was more handicapped than most critics will ever understand). He has yet to acknowledge it! I see some of the same, but much less, in Frazier, for he is one of the witnesses I recommended (I even had to locate these people for them to serve) and verbally and in writing I outlined what they should seek. The odd thing legally is that it is much better for them to have been defense witnesses, for it gives more legal weight to what did come from them.

Bud is coming here some day this week. I'll give him what you sent me for me to copy and see if he'll make copies for both of us and return the originals to you. In order to avoid forgetting anything, I'm keeping such things in the envelope in which you send them. I am tired, and I am trying to take better care of myself, and I do keep working while trying to figure out for myself whatever the hangup that is causing this nerve thing may be or what tension is causative, if one is, or what combination, so I want to restrict work to production. More than ever I now want to return to FMII, and I'll have to begin by reading what I have done and what I have yet to write up. The chief reason he is coming is to hear a long phone call I had yesterday from a strange bedfellow, but we are also going over what he is about to do for me with the government. I know you are concerned about my health, and I give you the assurance that I am not pushing myself now, lay down when I feel tired (took two naps today before 1 p.m., but began with a vigorous walk in these hills because the air is too cool for swimming), get into the pool three-four times a day and usually just lay in the sun a half hour to an hour once a day, thinking and listening to the radio news, and I am getting to bed earlier and trying to sleep later. Excuse haste. Another letter must get out today. Best,