

2/29/70

Gary, Dick, Paul,

Saturday's we have a substitute mail carrier. He is regular, every Saturday, so you'd think after a short period he'd learn the route but no, each week he gets a bit later. Today he is setting anew record. I waited at the box for a half hour, and it got too cold. While watching for him from my window, I'm conjecturing with you as I did to myself out in the cold, about a) the Shaw suit ~~trial~~ and b) its timing.

Let us agree in advance that the charges against him cost him a fortune and were a serious interference in his life. In other ways I do not believe he was hurt. At the end, he was saying he had been cleaned out. The word in N.C. is that wealthy Jewish liberals, led by Mrs. Stern, had picked up the rest of the legal charges. Whatever happened, it seems pretty certain that Shaw does not have funds of his own for the great expense of a suit of this sort. Among other things, I believe it will require extensive and costly legal research. Regardless of what may or may not be the case, three judges ruled there was sufficient to hold him for trial, a grand jury did indict, and after the trial the judge refused a directed verdict, holding there was evidence enough to go to the jury. Therefore, the legal definition of a frivolous prosecution cannot, in my opinion, be met. Because Tom told them everything, they must also know there were a number of witnesses who reported genuine associations but were reluctant to testify in a trial where the charge was conspiracy to kill the President. In this suit, testimony to this effect would be admissible, as pretty certain. And Shaw's lawyers have to know this and more. They are mercenary lawyers, and they did bleed him. So, there are reasons why this is a risky suit, one in which Shaw can be hurt, one in which pre-trial depositions can be taken, one in which evidence not admissible in a criminal prosecution can be used, one in which Shaw's reputation is a factor (in assessing the damage done him). This is also the kind of case in which Garrison would do what he would not do as a prosecutor. He has always refused to hassle homosexuals, for example. So, if Shaw wants either vengeance or compensation for damages, he has started a suit he is not in a position to pay for and one in which he can be hurt because of the possibilities it opens for Garrison and because there is a very good chance the law is against him.

It is possible his lawyers took the case on a contingency basis. They have to have other motives, I think, if they did. It is not like them. This raises in my mind the question, are they unworried about their costs, do they expect to have them returned, one way or another? Perhaps by those with resources seeking vengeance? This could be some of the N.C. leaders, like Mrs. Stern. It could also be official, and I think there is sufficient here to warrant suspicion. Here, as I think of it, one of the indications might be other or additional counsel. Shaw's lawyers won the case because Garrison lost it, not because they won it. Their legal work was very bad and their court-room work was consistent with this. If there is outside interest, I think it would involve those able to understand the case requires better counsel, even if the Wegmann firm has a big rep in civil law... Still another possibility is those worried about Garrison's political popularity. I think he'll soon be saying Washington is behind this, whether or not he has evidence of it.

So, while it can be the most normal thing in the world for this suit to have been filed, I think it is also something on which we should keep an eye. If any of you has any thoughts, I'd like to have them. Meanwhile, I'll see if the mail has come.

Best Regards,