

2/16/69. 3:30 p.m. At about 11 a.m. our time I phoned Moo because I ~~am~~ concerned that they seem to be running out of witnesses. I asked him about their dropping witnesses (he had not heard the Connallys are to be), citing Frazier, and emphasizing the impirtance I attribute to not making the Washington case moot. He said the press has grossly misrepresented the impression conveyed to (and by) the jury, that outting on more edience in on Dealgy Plaza is like whipping a dead horse, and that he does not see how they can go for more than three days with the witnesses they have (they are not going to call Forman). I tried to explain the potential of what has happened in Washington (he still had the idea Halleck is a crazy judge), that it may, in the long run, be more important than what can happen in New Orleans, that it is necessary as a backstopping for New Orleans, where a loss can, by this, still be a victory, and I suggested calling Humes as a witness. I told him that Humes would have to either deny his own evidence to the Warren Commission, say he gave a false account of the President's murder, or perjur himself in N.O. I read him 2H364 and cited the doctors' and the panel reports as disproof. I told Moo he had already committed perjury before the Commission. I also said it was not desirable to help the rats by bouying the ship, for they'd now have to desert it.

He said he was going to see Garrison, that he then was already late, and that he would take this up with him. He suggested I phone Oser, whose case this is, and I told him I had phone three times but there was no answer. I asked Oser also phone me. I didn't expect Garrison to. In more than four hours neither has.

He said I could never imagine how little of the case Dymond knew, how stupidly he was conducting it. He said that once in chambers the judge had chided Dymond for bringing in the Sciambre memos, without which Moo could never have testified to their content and explained the seeming discrepancies (which he says are really of no consequence). The press, he says, is entirely misrepresenting the record that is being built, even with Shaneyfelt.

On Phelan, he says Phelan is worried because he knowws the office has tapes, that these will show criminal interference with (intimidation) a witness, that he has spoken to Gervais about it, saying he knew all the time he was being taped, etc. But he says Phelan is really concerned, despite his nightly holding forth, as Art Kevin told me.

I Moo's account, he damaged Dymond heavily with his testimony and the Phelan part is already well in hand.