

5/4/73

Dear Harvey,

As we discussed Tuesday, I have written Morse and Hellegers. Carbons enclosed.

And as I said I would, I raised the question of the possible effects of the trial on my wife with her and with the psychologist we see. With my wife I also raised the question of the acceptability of the settlement offer.

Her view remains what it was when you asked us in your office some months ago. It is, of course, possible that she may change her opinion.

There is one point we did not address, as I recall. You said that two weeks had been estimated as the time required. I did not think to ask you if you would want my wife in the courtroom every day. I gave both my perhaps uninformed opinion that you would need her only for the time of her testimony.

It happened that the psychologist wanted to see me alone for most of the time he spent with us this week, and he told us that in advance. So, after he spoke to me about what prompted this departure from his usual procedure, I raised the question you posed with him. I told him it was your view that the strain might be too much for my wife and my view that aside from other considerations, I felt an actual confrontation and as real an effort as is possible for us is the best therapy for both of us.

He seems without doubt that this is best for me and indicated that as of now it is probably true of my wife. I think it is not impossible that his opinion with regard to my wife can change if her condition does. I think you know I will not do anything that holds the possibility of any real harm to her.

If there is any change in this, I will let you know.

Your letter to Hellegers refers to several amendments you were considering, one on a taking. My interpretation of some of the discovery material, I think Leahy's, indicates the belief this is not far-fetched. I think you once said you would amend to include the Tucker Act, as Taft also said he would. If there is a probability the government will prevail on the running of the statute, I think amending to this end is more important. Thinking not as a lawyer thinks, I believe that with all the other genuine evil in this case, if the judge has to rule against us on that, he may well be looking for a means of dispensing justice despite the possible inhibitions of the law, which we both know can deny justice.

The only other thing I was supposed to do is give you Taft's address. You found that before I left.

When Williams responds to your letter, I'd appreciate a copy of both. If he does or offers to do nothing meaningful, I might want to speak to him. Nothing that would embarrass or compromise you. You have my files, so at the same time I would appreciate a copy of my "justice delayed" letter to him. His response was to invite us in to see him personally. There are so few letters from him in that period, about 1964, it should not take your secretary long to find this.

I expect to be away all next week.

Sincerely,