

Dear barrister-to-be, aka Howard,

5/21/74

Tonight I got to the last of the clips, the Inq. story of 5/9 headed "Nixon Stand May Help Ex-Aides." In my view it is a considerable understatement and in my recollection it does not faithfully represent the reasons for the enactment of the Jencks Act.

This section, by the way, is one of the few with which I am satisfied in my newer WG writing. The understatement, according to what I have write, is that Nixon did this on purpose, so that, esp. after what I interpret as a threat from Ehrlichman, the Jencks Act could be invoked.

I am not familiar with the exact language of the act. I recall the real reason for passing it was to weaken the excellent Jencks Supreme Court decision (where the fake reports of finking fink Harvey Matusow and perhaps those of others were denied the defense). The decision was too good, so it had to be cut down, hence the act.

Matusow later tamed on the government he had served and wrote a book exposing his career and it.

And the law goes much, migh farthur back. The principle, as I now recall, stems from the Aaron Burr case. Brady v Maryland is not as definitive as this story makes it appear to be, but in spirit it is accurate.

Jencks holds, briefly, that potentially exculpatory evidence can be withheld by the government only at the cost of turning the defendants loose, free.

My stomach is tougher than yours, so I had less trouble with Specter's articles. But if I could sicken, he would have done it to me. Thanks,

HW