

July 3, 1964

Mr. Donald Nelson
2228 Wren Way
Campbell, California

Dear Mr. Nelson:

Thank you very much for your letter of July 1, 1964, in which you pose several questions concerning the trial of your son, Douglas, and others, arising out of the Van DeKamp Sit-In demonstration. I am taking the liberty of sending copies of this letter to the other defendants in the case because the questions you asked are undoubtedly of concern to them as well.

The trial of the case has been set for July 20, 1964, in Division 20 of the Municipal Court at 110 North Grand Avenue, Los Angeles.

It is difficult to estimate the length of the trial, but I am allowing approximately ten days, which would mean the trial might last until around July 31, 1964.

The charges against Douglas, and all of the other defendants in the case, are threefold: First, violation of Los Angeles Municipal Code Section 57.110.11, which makes it unlawful to block the exits and passageways of a public establishment; secondly, violation of Section 602 (j), which is a (trespass) and Count 3, which charges disturbance of the peace.

You asked what my opinion as to the probability of conviction. I am an eternal optimist; I keep believing that justice being on our side, that justice will prevail. There is, of course, a possibility of conviction; but I think there is a reasonable possibility

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of acquittal on all three charges. That possibility will depend in large part upon whether the prosecution is able to successfully prove acts of destruction or malicious mischief, which I understand was introduced into one of the other trials.

So far as punishment is concerned, I would normally say that, depending on the proof, it would amount to a fine. Much, of course, depends on who the judge is; and much depends on whether we are dealing here simply with a peaceful demonstration in which neither property or persons were injured. In my judgment, however, a jail sentence is unlikely.

You inquire as to the possibility of further postponement. The case was originally postponed to its present date mainly to accommodate those defendants who were undergoing final examinations. So far as I am concerned, the case will be going to trial on the 20th as scheduled subject to the following qualification: I have been engaged in a murder trial in Pasadena since June 8, 1964. That case will go to the jury probably around Tuesday or Wednesday of next week. If the defendants are found guilty, there will be a penalty phase to determine the punishment, such procedure to be also held before the jury. That proceeding could last a day or a week - who knows? If the trial is not concluded before the 16th of July, I shall ask for a short continuance of a few days. However, it is my judgment that the penalty trial, if any, will be concluded sufficiently in advance of that time so as to permit our trial to proceed on schedule.

As to what can be done in the meantime, really there is nothing. I am setting aside, on a tentative basis, Friday, July 17, for a conference with all defendants in the case, commencing at 10:00 a.m. in my office. This date is subject to the foregoing trial; but unless you hear from me to the contrary, the conference will be held as planned. At this conference we will discuss the merits of the case as well as the strategy to be used during trial. In the meanwhile, I will have had the opportunity to review the statements of witnesses and any pictures which the prosecution may have in connection with the case.

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I hope the foregoing is sufficiently helpful to permit you to make plans for the summer. Should you have any further questions, however, please do not hesitate to let me know.

Very truly yours,

HUGH R. MANES

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HRM:pmw