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62/11/08 Letter from F. Lee Bailey to Russ Sherman

F. Lee Bailey

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LAW OFFICES
F. LEE BAILEY
FORTY COURT STREET
BOSTON 8

CHARLES E. ORCUTT, JR.
ASSOCIATE

LA 3-4975
CA 7-6132

November 8, 1962

Russell Sherman, Esq.
203 Lorain County Bank Building
Elyria, Ohio

Dear Russ:

I received today your letter with the two additional checks for Mrs. Zorzy.

I have talked with Mrs. Zorzy at length concerning the checks which were exhibited to you. She indicates that she never received such checks, but that she did give her attorney authority to endorse and cash a reasonable number of the checks received by him in her behalf in order to pay himself a fee. She had no idea as to what he was receiving and what percentage of his receipts were being forwarded to her. She has informed me that she does not wish to go after the lawyer who represented her originally, although she has not gone back to him this time because she became distrustful of him. For my own information, I would be very interested to know how many of the checks bear a signature resembling the one which is on her sworn petition, and how many bear a signature in her name but in a different hand. If the other attorney will cooperate with you to the extent of permitting you to examine the checks in detail, you might make some observation in this regard and let me know. If it appears that she was deprived of a substantial and unreasonable amount, I may decide that it is appropriate to go after the other lawyer myself.

So far as the present case is concerned, you are authorized to acknowledge receipt of all of the amounts which were claimed

as paid during your conference with Mr. Beers' attorney, and attempt to negotiate a settlement of the balance.

I have a letter from Paul Holmes bearing on the Eberling matter, a photostat of which is enclosed. I think that if anything is going to be done about Eberling, we will have to do it and the investigator will have to be hired by Steve. I don't think this is quite as big a stigma as he contemplates, although there is certainly some merit in his suggestion. It will be very important to keep extremely quiet the fact that we are investigating Eberling, for the reasons suggested by Paul in his letter. I am also enclosing a letter which I recently received from Steve indicating another possible suspect. I think that you might check this out yourself as soon as you have an opportunity, and interrogate the party involved. It is possible that this is just another crank, and it is also possible that there is something there. If you can make a preliminary check, I would expect to be in Cleveland before too much longer and if it appears to be worthwhile, we can probe the matter further at that time.

I am heartened by the response you received from the BCI in London. If Jay Hubroch will write the necessary letter so that we can gain access to the reports on Eberling, a look at these polygraph charts should prove extremely interesting. Despite the enthusiasm of several others, I just cannot stack Eberling up as the killer. However, anything is possible.

I had several conferences with Coroner Gerber while he was in Boston last weekend showing slides on the Sheppard Case and lecturing on forensic medicine in general. He is an extremely frightened little man who all but begged me to drop the case and stay in Massachusetts. He was good enough to make the following statement: "Even if Sam should be tried again and proved innocent, I would always know he is guilty." Obviously Coroner Gerber is a remarkably conscientious and objective law enforcement official. Crushing him into infamy will be a distinct pleasure.

I think we have scored rather well in the elections - at the moment of this writing, Kingsley Taft looks good for Chief Justice, and DiSalle may feel rather vindictive about the way the newspapers (including Seltzer) turned on him. If so, he

might get back at them by authorizing a test in Sam's case.

Keep in touch, and I will do likewise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee".

FLB:fvp
encl.