

Dear Jim,

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In a sense making Robinson face Robinson is important to this, too. We have one kind of record in these cases of presenting the most solid fact and never been disproven on fact or any other allegation. That is not enough because we ~~also~~ ^{also} have a record of infinite patience and of taking all this crap except for an occasional allegation of perjury that nobody pays any attention to.

You speak often of how judges do not like to be reversed. I believe you. I also believe this has broader application for us particularly because of the subject matter of these cases. You took the absolutely correct first step in this spontaneously when Pratt threatened us. He backed off in shocked surprise when you stood up to him. He even expressed it, then and there. So in the context of the subject ~~matter~~ and this unique Act we have to make the judges and all the other institutions and representatives of institutions face themselves. If we do not prevail at first or even at all is not the essential thing. Making the effort is, I think, essential and I do think the odds are with us on it. Regardless of his initial reaction I do not believe Robinson will want a record of himself as what in effect is a judicial Tom and that in time he will realize this and straighten up and guide right, not just make fine promises, as with Green, and not keep them. In letter and in spirit this is a different law. It really is what I have always called it, the ~~passionate~~ ~~essence~~ essence of the American contribution to government, the right of the people to participate in it. The only thing wrong about these fourth of July speeches on its become effective is that the orators were not sincere. The words are perfect. This gives us a strength, a special handle, and we must, I think, not only use it but use it in a manner that makes the kind of opposition, ~~strong~~ denial and frustration of effort if not impossible at least of passible cost to those who are responsible for it.

This may sound Pollyanna-like but I do mean it and I do think it has a good chance. What people do not understand about me is that I adhere to these ancient American principles. Most of those who dislike me and my way have no principles or fear these. While my expression is often ~~taken~~ ^{is violated} by today's standards, even that, I believe, has these roots. In part at least it is because in order to write I have to feel and feeling I have to express what I feel. But I believe the feeling, whether or not the expression is acceptable today, is appropriate and comes from what can be our strength in these matters. My one concern is that in taking this course you not be vulnerable. Because I do not want this and do want to take this course is why I began to write as I did last night and add to it this morning.

Such of this is instinctive with me. The instinct is the end product of years of experiences, some crucible experience. If you have read the State files I have received you have a glimmer of some and I think you might well wonder how I was able to turn that around, all that power, all that fascistic willingness to use it and use of it. I did to the point where nobody dares mention it to my face. There are not many people, especially not many young people, who have laws passed to make them criminals when they are the opposite of criminal. How how could I have survived that. How could I have avoided going to jail when I was broke and unemployed and Alger Hiss have gone to jail? I could add to this record of doing the seemingly impossible and to surviving such powerful enemies, which is what they made themselves.

In seeking to encourage you to see it this way I also remind you of what we have learned together in some of the many difficult situations we have faced. Often what we could and could not do was beyond our control. When I failed in some of these, as I did, it was because I was not faithful to my way of the past. One example is when I was silent when McInnes's malpractice case was interrupted. That was my mistake, not yours and it was a very serious mistake in a number of ways. But we can look back on what I wanted to do and we could not do and see that whether or not they were in accord with normal concepts they were correct. To a degree I think we can do this with the FOIA cases.

It is over-simplification but what we now have to do is try these cases on the judges. For reasons I will discuss with you if you want this gives us the intellectual judo of the present situation, especially because the government has already started its effort to weaken the law and because there is now a new administration. I do not mean that a new administration means reform. It does not. The bureaucrats will be the same. But the political situation of a new administration when it becomes aware that there will be public hearings on these questions will force new considerations on it and they can work our way. There will be a few in the Congress who will feel this way and on the right committees.

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