Dear Jim, 12/31/72

When at 4 a.m. on the last day of the year I learn that a hack judge and a government stooge is that rare thing, TIMEBs man of the year, I have to know that we live in a society that can't distinguish between shadow and substance. If he is used as a symbol, perhaps it is not as bad and maybe good. It was not the year of any one man anyway. But while shaving after hearing this my mind wandered to other things having to do with the understanding of those with whom we deal. Rather than this being a time for new resolutions because a new year is coming, I think we have to resolve to try not to repeat the mistakes of the past, and all that is represented by this current Ray situation is one of them.

It may be that I do not show it, and I hope I do not, but the kind of experiences I had in Bud's office Thursday and what followed are not easy on me. If that was necessary at that time and should be done again, it is also the kind of thing that should be avoided. It and Bud's indulgence of some disappointment with himself at the cost of abusing Lil and me. I simply won't have that. Our lives are hard enough, I am trying to do too much, so I have no alternative and I will withdraw from Bud even more.

For the moment the important thing is that the official plotting seems to have been frustrated. I hope that Bob will phone me after his visit today but I don't know that he will. He expected to hear from Bud or from me after Bud supposedly saw me on his way west. Bob is primed for the right kind of speech is there is need for one. He was not of the opinion that the paper Jim may filed would stop the move. What I did followed by his warning to the warden should have. Yesterday Jan gave me Waldron's story. My reading of this tells me there was more of DJ in it that showed on the surface, so I do believe that the calls DJ got were crucial because the state told Bob they were doing it anyway, without legal authority. I don't think it has happened without being reported, although because of the holiday the chances are better that it could have. We'll have to wait and see.

I gave Bob an encapsulation of what I did and how and through him and cautioned him against disclosing it not to close off a source of intelligence about what is afoot.

If nothing has happened by Wednesday, there are things that still ought be done. I am a firm believer in exploiting each opportunity, no matter how slight it may appear to be. Here we have one for an injunction or a restraining order or whatever name you lawyers give to the mechanisms that are available for delaying and for the requiring of showing cause. Any forcing of the showing of cause now has to be important because it has to make an official record of the fakery and the real purposes of the nature of James' conditions and this despite all the notification to the coryts, beginning not when Bud declined to listen to me in the first memo I gave him for his first argument before Judge Williams but with Bob's arguing of it in 2/72 when I was there and prepared him for it. To the last argument you made. We have been consistent in telling what they have now made the truth and in making this the truth they have proven that their representations have all been false, knowingly and deliberately false, and to any unbiased tribunal, assuming that a majority of 6th circuit may be, this should be a powerful legal approach. I think that in addition to new moves of the egeneral nature above, there might well be a new approach tp 6th circuit if it has not decided by the time it can be made. This is one of the arguments and perhaps Vesco can be added to that, now that there has been an interpretation by the British courts of the meaning of "political" under that treaty. And Vesco was charged with specific crimes where, unlike this case, there was probative evidence.

It is tragic that the legal brains dominating what can and can not be done have no capacity for learning, as it is tragic that in order to dramatize the situation it was necessary for the crazy Hays to pull a stupid one. We may never know what had any effect in this, but I am inclined to think it is that what they did made it possible for the challenges that followed and that it is these challenges that did the job that seems to have been done. We could not figure that Foreman would help but he surely has if the effort is made to exploit his bombast. The need for something dramatic was obvious years ago. That is the reason I went to Memphis the first time prepared to go to jail for contempt even though what I planned was not in any sense contemptuous. Now we have it. We must use it. But I can t and if I could wouldn't propose it to Bud. It is obvious that each time I do what he should have and didn t and couldn't his dislike of me that I presume is hidden only when we are together grows. And I am not going to permit myself to forget this weekend. This does not make it easy for you and I am sure that some of the dislike is transferred to you.

Because the one thing on which we can depend is his disposition to do the wrong thing and resist the right, perhaps the immediate best chance, lacking some development with Ray, is via the move you are to be making for John. If some attention can be drawn to it. If Martin Waldron comes here I'll plumb his interest. If he keeps his word it will be this week, and for several days, which will give you a chance to get together with us and make the legal argumentss By now you should have better control of the fact than I retain. Your friend under Dudman at the Post-Dispatch may be another and in any event should be backgrounded. It IS a St. Louis story, too. Millman backed off when I saw him, as did his expert to whom he referred me. My notes give the name, but these two are to be avoided if at all possible.

On the McCord thing, there is nothing I can do to withdraw what I have done and I have no disposition to anyway. Right is rights regardless of the wrongs of others. However, from here on my help and participation are conditional upon something in return. Bud understands nothing I have tried in the past. Perhaps he will understand this. it can mean money for him. He seems to "understand" money well enough not to pay it when he owes it besides his wealth. He won't get my correspondence files without some quid pro quo and Bill has agreed that they eliminate innocence in the libel. It is bad enough that nothinb was done when I notified Bud with exact quotation prior to publication. He can't even find his files on it!

McCord seems to be the same type. I did him a not inconsiderable favor in giving him the means or the beginning of means of doing something about Alch. If he really knew his business, anything besides whatever spooking he did and his specific job at CIA, he'd have found and understood this on his own. I don't care if he is, remains or ceases to be Bud's clinet. My streets must henceforth run two ways. He can help. He wil or he will not. I will do as he and Bud do. I think I can help them and the record shows they can't and don't even know how to help themselves. I think I can see a way to keep him from goingnto jail now. I'm not mentioning it without knowing more of what to expect because it can be costly to me.

These people understand nothing else. Perhaps, if they can understand anything, they can understand this.

By now we have ample deminstration of the permeating incompetence of all the touted legal minds in any way involved in any aspects of these two things, including those of the Nader egos and those respecteds used by the Democrats.

I made direct offers to Williams and to McGovern through his AA and to O'Brien and to Shriver and through Bud to at least Cohen, whether or not Bud conveyed it. And to Bud for his own purposes. You know he would not even talk to me about it except by phone and you know that in advance he knew I would not talk about it by phone. You may have a contrary opinion, but I look back and still believe that IF anything could have altered events, what I then had could have. So could the civil suit I proposed for myself to them before I went to Nirschkop and Shattuck. If these are fine lawyers they are also blind lawyers, each blinded by his own personal interests. They failed to see what anyone should have been able to see as a real possibility.

It is all spelled out in the Old Testament. My fault is that I have been a heathen and haven't heeded the true word of the true faith. Maybe I can't. But I'm going to have to try harder. Turning the other cheek has not helped.Maybe demands will, the basic philosophy of eye-for-eye but not in the sense of vengeance.

There is a real problem, of getting to make the proposal. But what are the alternatives? More futilities of the kind of the many of the past and the too-many of the ending year?

It is like the horse taken to water compared with the 2x4 and the jackass.

We are dealing with those two stupid to know when they thirst or too bullheaded to admit they are thirsty when someone else takes them to water.

Even Bill has been a disappointment. When I suggested that I do what I did and he opposed it, I was surprised, His argument was spurious for under no circumstances was any breach of confidence involved. But the real way to do what I did was for counsel to do it OPENLY and Immediately. When neither Bud nor Bill hand any suggestions to make and when what was done you and I had to think of and then do, well! do we need more? Was there anything we proposed not obvious to an average competence? Like we had to suggest the phone calls you made?...We are boxed in by our situations, but let us try to learn for it is the only way we may be able to deal with these people who respect only what they fear.