Dear Jim, 1/22/74

After we spoke a few minutes ago I went out and pulled in a load of wood I'd cut Sunday, enough to heat us for a couple of days with what I cut this morning before I called and I have still to collect and bring in. So, while I'm resting up for that, a few comments and responses to your yesterday's letter.

Williams matter: Rosen- use your own judgement, but I wonder if it should not be delayed until I have a chance to talk to Williams, or make another effort? I have a separate file of correspondence once the government made the allegation in court. I sent him a copy asking him to help counter it and got no response except reference to his former staff, who didn't respond at all. Peter Taft. And Iam inclined to await making that move until the check is cashed. If you think otherwise, let me know. If he carries insurance, he ought to want to settle. If there was a formal ruling on the formal motion, I do not know about it. The discussion was informal, not in court. The judge ruled in his chambers. The settlement amounts to more than 15/25ths of what my lawyer said we could claim for after the Williams messing up. The judges evaluation of the amount is over $15,000, of which I'll get $12,000 and the lawyer $1,500 (instead of his regular fee, which the judge said would have exceeded $3,000). Of this $12,000, in order to run no tax problems, the judge has agreed to a breakdown of $10,500 for person injuries and hence certainly tax exempt and $1,500 for hurt to chickens, perhaps exempt. Prior to the judge's learning that the federal attorney had not even checked with IRS despite agreeing to a tax-exempt descriptions of the $12,000, it had been specific that the minimum terms of the settlement was 100% tax exempt, described and acc unted in any way the government wanted. I was told I'd have the check in about six weeks. A week ago, or now about 5.

Agreed on what you say of spectro. All you said. I suffer the same "genetic defect."

Other suits reminds me of Lefcourt The Silent. Let me write him a stiff letter. But I'll need his address. I'll need counsel in NYC, he did promise, you wrote him more than once, he made me promises, I want my stuff back, so there is plenty and because I'm old enough to be his father a severe letter from me may work and given his silence can't cost anything now. For Dell for sure and maybe Dimondstein.

I do want to write I think you said your brother on the Calif. matter but for that I also need to know how. Name, address, etc.

Colonial Parking. If you haven't phoned the woman, let us file vs them because it is an attended, not a park-yourself lot. The attendant flagged people where to park because there were negligent in having him there alone at rush-hour. I went where he directed and he could have checked her car instead of parking another. Unless we do this we'll be whip-sawed between insurance companies, hers claiming Colonial has the liability. Besides, we have no way of knowing that she did park her own car and that the attendant didn't move it.

I discussed Dorland, Smith and the Hunt books briefly. We should talk more and I would like to talk to each, separately or together.

Later. I was correct about the beginning of a new phase of Nixon's counterattack. I heard the noon CBS b'cast and later and intermittently as I moved around, the little WAVA had. WTOP broadcasting oil hearings. I'm probably going to make a few notes of the advance indications, separately.

Vidal: have you written him? Still think we should. Even invite down, promising to show allhe wants to see but in confidence.

You and I should discuss Szulc and possibility my doing an article separately.

Maybe you have the wrong decision on law-enforcement purpose. I seem to remember that Hart was the judge. Makes no difference now. We should also plan to discuss the preparation on a few non-law points in case cert is granted.

I know of no local fuzz interest, anywhere.

If we can't spend a day together this week, let us do it when we can and when we are alone so we can talk fully and freely.

We should include State stuff. I think it is not impossible.

Hope your dental problem is transitory - and painless!

Best,

JAMES H. LESAR
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TELEPHONE (202) 484-6023

January 21, 1973

Dear Harold,

The spectro petition for cert. should be filed sometime Monday, a day ahead of the due date. I think I'm fairly well satisfied with it on the whole, though undoubtedly I will later spot improvements that could have been made. Right now I'm just glad to be done with it. It was a terribly exhausting week and I am just now beginning to recover from the illness that I've had for more than a week, which is a very long time for me to be ill.

I checked Aspin and didn't find Judge Pratt saying what you thought he had said, so didn't use anything on it at this point. I also read LBJ's Fourth of July speech, but decided to leave it out. Main reasons: too easily dismissed as just that, Fourth of July oratory, and the quotable parts of it are too intertwined with references to national security and public interest, concepts which I wanted to avoid. Also, I felt the aesthetics of concluding with the Warren quote are much better if it is the only such quote.

Should I send a copy of the spectro petition to Martin Waldron? (If, as you indicated, he's in St. Paul, it's probably in connection with the Indian leaders on trial there.)

I'm fairly optimistic about getting cert. in spectro, more so than Bud and the other lawyers with whom I've consulted. Of course, for me optimism is a kind of genetic defect, but I just find it hard to believe that the four strong dissents in Mink won't be terribly distraught of Danaher's opinion. (In the end, I suspect Danaher is our best ally.) This assumes that the political aspects of the problem have been overcome. A good article in the Washington Post or the Times would certainly help there.

I filed John's petition with the Supreme Court Friday.

Now that you've won the Baltimore end of your helicopter suit--and heartiest congratulations there--I assume you want to hit the Washington end of it as soon as possible. If you want, I'll go talk with Sol Z. Rosen about it, or, if you want, I'll handle it myself. In any event, I think you ought to place priority on it and get something initiated in court (after first approaching the Williams' firm) before the statute of limitations runs. Next time we meet I think we ought to lay most other matters aside and let me get a better grasp on what's involved. (I'll need copies of your correspondence with the Williams' firm and the judge's ruling on the limitations problem over in Baltimore and anything else that is relevant to the running of the statute.)

I was able to do a little spade work on the other lawsuits we've been talking about this weekend. By the time we get together next I may have done enough to recommend how we proceed. (In this regard, do you know of any surveillance or other illicit activity against you by state or local officials working in conjunction with federal officials?)

Hal Dorland called and passed on word to get Rolling Stone and The Coven. Will do as soon as I get a chance.

Jim

P.S. I finally found the biography of E.H.H. which I was to send to Jim White. I'll get it in the mail today.