

Dear Jim,

4/16/74

The combination of your phone call today about Jimmy's latest caper in court actions and some of the content of the Enquirer letter which I read to you have again led me to wonder about the existing Ray situation and the right course for all of us, mostly for the rest of you.

I am not unwilling to continue to be the heavy in these matters but at some point you lawyers are going to behave like lawyers or you will be entirely without any control on your client or any related matters.

My only strong personal feeling deals with the amount of time it wastes for me, and that is not all that great.

For whatever my opinion is worth, what I have already done with the Enquirer matter eliminates the serious problems it could have caused, except for the bad public relations if the state uses it.

But if you lawyers-nothing personal - you begun to behave with him like lawyers this would not have happened to begin with.

And quite aside from that of which Jimmy is capable, there is that crazy Jerry who apparently writes or phones complements for disasters.

Jimmy keeps telling you that he can't control Jerry and pretends to be against what Jerry does and does and does and does. I tell him once don't give me that stuff, Jerry is no self-starter and he admits it.

If he is going to fire you, let him do it and get it over with. But if he is or he is not, unless you have more control you are all going to wind up ashamed of yourselves and worse off than if he fires you now.

Had I been seeing him I would not have been reluctant to try to lay it all out to him. But I have not been and none of you do anything except sympathize with his plight. True, his situation is bad. But truer, he is a major cause and an even greater jeopardy as things get tougher, as inevitably they must. So, sincere sympathy can be expressed only by addressing the problem and the causes. This means as an absolute minimum that the lawyers must be in control, not in fear of being fired.

This business of the interviews gives you a lever. He has been insane on them. He refused to go into those that could be helpful to him and in fact were and I had to argue with him, meanwhile on his own contriving or collaborating in one that could not help him if it had been a good one and as it turned out is a very bad one. He now realizes it.

So, lay it out straight. You have no objections to interviews if a) a lawyer is present and b) you agree to the interview. And if he does not agree in writing, tell him to start looking for other counsel.

You are now in a better position to do this than you will again be and if you do not do it now you will regret it many times.

If he does not agree to go back to his old system on mail, insist. He'll do it.

There are other reasons for your being firm now. These include future needs and preventing the inevitable future problems unless you are firm. And in control.

He has no emergency so urgent he can't phone you if he really feels he has to do something.

There are good reasons for doing this now and while politely also with firmness.

You have just won him his only victory to date. This brackets with the threat and that is precisely what I told him would happen when we got to this point. I told him that three years ago and he will not have forgotten it.

You do not have all I have that he needs and you are not going to get it, as I have told you before, if this kind of foolishness continues. He can have it or his self-indulgence but not both. I'm much too tired to not resent even small wastes of time, like this great stupidity with the Enquirer. It also seems apparent that had I not taken the steps they would not have been taken.

In my view you should be the lawyers all the way. This is to say that he is not to dare go off on his own unless you agree. God knows what he'll do next if you don't have some control on his acts.

In one way or another these are all irrational people. At just the moment I anticipate all the crazy things they can do. When Jerry can be delighted with a story that is twisted to plead James guilty, what more need I do to illustrate this?

It may not be possible to stop all these irrationalities, but unless most of them are there seems to me to be little prospect that you will carry this to a better point for yourselves than the present condition.

And if the time comes when you have no alternative to firmness and it is new and unexpected, the chances of it working are not good.

Then if it is important it will be too late and you will have a crisis under conditions that will have to be more unfavorable.

But particularly when there is any kind of operative threat he can't be in control of everyone else and the lawyers must be in control of him.

Aside from questions of embarrassment that he can cause lawyers and your own self-respect there is what I would encourage you to consider seriously, the professional appearance of not only not controlling your client but having to take whatever he at any time takes the notions to dish out.

If it gets no worse and if we are lucky and there is no crazy incident, there is still the question of the advantage it gives "aile and his over you for they have to know all about this and in enough detail. They may find a way of exploiting it.

As it is now everyone to whom it can mean anything knows you are all afraid of being fired. At some moment when you least expect it this can be a lever against you and against his interests.

If this were the only reason for getting firm with him it would be more than enough. But it is not by any means the only reason.

In addition, we all have entirely too much to do to toy with the whims, stupidities and impulses of the Rays and what they from their inexperience, political preconceptions and general craziness deem at any moment to be a stroke of genius when there is so long and painful a record of their never doing anything that is not hurtful.

We just can't afford to continue to be their creatures. We don't have the time and it is about as opposite what serves Jimmy's real interests and those of justice as anything can be.

Now that you have a combination of levers, I do hope you will decide to exert the pressure so long overdue!

Obviously I am not going off on my own. I am willing to do it for you, or at least try. You know I have already made many hints along this line and that when I last told both of them off I also broke off with both.

And is there any other way, really, of even trying to cope with those "sinister forces" that are real here, not a Haigian convenience.

I do hope you and Bud will give this the serious consideration it should have had long, long ago.

Sincerely,

Dear Jim,

4/16/74

I'm going into the Enquirer things separately, having just written you about leaning on Jimmy. Believe me, I'd rather be in bed!

I know enough about how these things work to know that they put together and represented as part of one interview what had to have come from the Jerry ploy.

I also have had a decent relationship with the fellow to whom I wrote. He is some kind of executive there.

He read me clearly, decided or knew I was right, and bucked the response to the lowest man he could. It was to me all the admission I needed. Under any other circumstances he would not have waited for his WATS lines to be available. He would have phoned me immediately. That he did not do this told me the same thing independently.

You will remember the semantics I emphasized for you, the single sentence in which he bracketed having a tape and a claim to accuracy. That also was all I needed, if I had had nothing else.

Maybe there are other clues I'm too tired to remember, like a reporter using a secretary for a letter or maybe 100 words. He could write it faster than he could find a free secretary.

So, as a courtesy to them and not to freeze what they did on paper, after making it clear enough between us I phoned him and spelled it out without any indirection.

We have to assume that Haile will make some effort to use this, whether or not knowing it not to be accurate and truthful. And the last thing we want to have to do is go through a whole long and public mess straightening it out in court. No matter how well we might do it it will still look very bad.

I am willing to assume that this is their regular practise, taking this kind of liberty for sensationalism. But I am by no means unaware of the kinds of pressures to which they are uniquely vulnerable from the federal government. (Aside from the owner's friendship with our Glorious Leader.)

So, I have given them to understand that there is no possibility that this will not be used by the state, no possibility of our not countering it with all the vigor we can, and no possibility of their not being hurt when this happens.

It should occur to them - and if it does not I'll help them a bit - that a simple letter of apology for the unfortunate consequences of journalistic haste in which two things, despite their traditional care and best intentions, got mixed up, can clean it all up with as little embarrassment to those who can be embarrassed as is now possible.

If this happens, and I believe it is possible, and Haile then uses it, it will hurt him not us and you can make the most indignant of lawyerlike orations about his failure to use due care, diligence and responsibility.

Before a jury you could even add that this has always been the way your client has been treated by officialdom.

If this does not work then I'll have a few suggestions for you to consider.

You should also know that the man who signed the story is not the one who interviewed James. He is some kind of sub-editor. The interviewer, South, is the one who wrote me.

Best,