

Dear Bill,

12/18/74

Several days ago, in response to my having to take up with him what you should have and ignored entirely, I had a long letter from Jimmy. He spent little time on what I'd asked of him because he had already complied by sending it to Jim and much time on other matters. It is the longest letter I've had from him in some time.

He gave me his impressions of your visit last month, at least of those things that meant something to him. He also has some questions about what was not done that he thinks should have been. These happen to be areas of our agreement, when I had wanted those things done, had made what preparations were possible, and you had not done them.

I did not exploit any of these things against you. At the same time I had to be honest with him. Instead I undertook to try to explain to him what the problems were and what the actualities we all faced meant. It was not easy to be honest, not to lie or deceive, while still meeting my obligations to him.

The last thing you appear to want to do in this is to think, be rational, and meet the obligations you undertook so I'm not going to take more time with long explanations. You seek to justify what, if you are ever called to book on, simply can't be justified, ignoring even consideration of whether you have hangups that dominate you and instead attribute exactly this to others, particularly to me.

However, I want you to know that because you have been as imperious in all this as you have been, as absentee a chief counsel as one could be and have any participation, you did not know what was on his mind, did not know that Jim and I, separately and together had discussed it with him, that he has strong feelings about some things, and that for whatever reason you went too far. It was not necessary for you to tell him that he should not file any civil suits. It would have been enough to tell him that you could not undertake this additional pro bono work. He knew that. Despite all the silliness with which you had stuffed your head, when I learned this from both you and Bill, who may remember that I discussed it with him and assured him that it would not end pro bono from work I had done and evidence in my possession, I did precisely the opposite of what you attribute to me, undertook to protect and explain your position. This presented me with no conflict because it is comprehensible that there is a limit to the pro bono work any law firm can engage in. He also had no trouble understanding it and he was not in any way resentful about it. Once you and Bill made this clear to me I then undertook to explain to him in some detail how this could still be done and what it would require in part because I knew the importance he attributes to it and in part because I am in entire agreement with him and see more probability than he does. There is no point in giving you more details because I have limited purposes here and you never pay attention anyway, always having other things in those remote recesses. Here I do have some advice for you and I mean it quite sincerely and without ulterior motive. Don't address this with him even if he misunderstood you because if you do you'll make a situation you have already made for yourself worse. And there has to come a time when I will not have to take care of these kinds of things to keep the case going and you out of trouble you make for yourself. He is not about to do anything, I'm not about to encourage him to do anything, and he'll only think you are lying if you undertake to tell him other than he understands on civil suits. He could not have been more explicit with me. Moreover, he by now has great confidence in Jim and I am certain that if he plans anything along this line of any nature if he does not take it up with me he will with Jim. If he does with you, and I'm inclined to think that after the explanations I gave him he will not, I strongly encourage you to take it up with Jim or me or both before you respond. If you tell him only that he misunderstood you - and even if this is true - you are going to undermine yourself even more. If you doubt me or attribute some devious motive with me, I know you won't ask yourself what it could be, your suspicion being enough. So, I suggest you discuss this with Jim, who has enough awareness. I think it is the only way you can avoid getting yourself in a worse position. However, although I will now find it extremely disagreeable and do not think you will want it, I will take the time to discuss this with you.

You did not persuade him on the subject of the interview. At least for the moment I intend doing nothing about it. I think this misaddressed envelope informs you of the alternative. I intend taking no initiatives with that, either. I have for some years wasted more time on this than was necessary or I wanted and almost all this waste of time was by you and for no need. This is merely another illustration and that too is going to stop. I do not say that I will not because if there is a change in the situation that in my opinion requires me to rethink this, you know me well enough to know that I will.

You underestimated his sharpness and his intelligence with your totally unnecessary letter. Reread it and you'll see where he knew you were not honest and where he can think you were pulling something on him. You were not truthful and he knows it. This hurt you and him, not me. In the long run, if there were to be anything to my personal benefit from this whole matter, you have improved the chances by what you have done. You have also given me credentials and destroyed your own.

Do or do not do what you will about it. For now I'm doing nothing. But I would strongly caution you against overplaying your childish hand all over again. Take my word for it or not, you did not persuade Jimmy but he also intends doing nothing about it for now. You would not take advice on this so I will offer none. He does not want open disagreements among us and I don't, either. So far as I am concerned, all this is now out of my hands and I have other things to do.

The only reason you did not know what is in his mind on civil suits and what I knew and had done and what inquiries I made of independent experts is because on the one hand you live fictions and on the other you have neglected your obligations. You could have been informed. When I started to you rejected it without even listening. Since then you, not I, made it impossible, in part only by your own detachment and playboying. However, neither he nor I want any conflict, including if possible by any civil suit. Yet there were quite a number of significant developments in this area. You are unaware of them. He is less than fully aware, but he understands enough of them. In time he will have to know others. Now is not that time, I believe.

Here another of your failures can hurt you and you should know. Instead of going to see Jimmy to wage a counterproductive propaganda campaign you should have done other things but you are the creature of your self-justifications and emotions. If you had told Jim that you were going to see Jimmy and he had told me, I would have done nothing to undercut you and frankly, I would not have dreamed that you would have been as foolish as you were, so I'd have been without reason to. But when you were at the jail you failed to do the one important thing that was to be done there. However, I would have told you more than I had about an important matter you have ignored since I first informed you and I would have prepared him to help with it, as he could. ~~If~~ such secrecy is the proper conduct of either chief counsel or a lawyer I'm surprised.

You ~~was~~ were as usual unavailable when I learned of the newest evidence of hawer and continuing violations of his and our rights, so I discussed it with Jim who was too busy with legal work you left entirely up to him. I wrote Rose and sent you and Jim both copies. When you were ~~back~~ away and so indifferent, I sent Jim only Haile's belated response and mine to it. It was ~~misconstrued~~ evidence at best evasive, and what Henry ignored in what I wrote is significant. And, instead of ceasing these violations after the inquiry that really also was a warning, they continued. Jimmy's mail is still being read if not also copied at the jail by being ~~xxx~~ opened outside his presence. Aside from whatever law there is and Jimmy's statement that it also violates regulations, even Battle said this is wrong. Aside from the many other considerations to which you will be unresponsive, you should know that this means that everyone on the other side knows all that Jimmy says and thinks about what he writes anyone, including you, Jim and me, and what any one of us tells him and what it reflects of our thinking. In time it can be used against you by them. This leads to another mistake you made, not just not doing about this what you had agreed to at the outset of the hearing or at any point thereafter, making a sharp and separate issue of this alone.

I must be blunt about this because you can be hurt badly by a man you give every sign of not beginning to understand and Jimmy and the entire case can suffer.

I did nothing about all of Haile's prejudicial misconduct until, after you had long not done what should have been, he gave me a proper opening. From then on I have been fighting him. In the course of this, especially during discovery, when you were vacationing and neither then nor later allowed time to learn of it, I came to understand him much better. He is a complex man of great daring, considerable ability, a lack of scruple I have never seen exceeded and is driven by some unperceived (by me) emotion, force or need. He has run personal risks in this I would not have believed a lawyer would. As you should know, I never allowed him to have the initiative with me and I defended you as best I could. You happened to be there once when he blurted out that I am the one he wants and intends to get. There were other manifestations.

What I am saying is that he is a desperate man and is capable of anything, including what would get you disbarred. Jimmy has sent us the news, that he is being sued because of his defamations and persecutions of a man he has been relentless in trying to ruin when he has neither the obligation nor the need of right.

I saw Jim yesterday. We had earlier discussed what Mike Lollar had indicated to Jim, that Haile had not filed a reply and there were indications he might not. There also remains the possibility that he asked for permission to file later without telling us. So, Jim phoned to speak to him and get the score. He was told that Henry is out of town. This could be innocent or it could have meaning.

If it has meaning then something else may be relevant. I don't recall if I sent you a copy or not but I did send it and my response to Jim. This came at a time when you had just ~~xxx~~ written that untimely and at best dubious letter to Jimmy so I may not have sent you a copy. When Henry should have been overly busy preparing his Memorandum he went to Windsor, Ontario, of all places. He then sent me and me alone a card from there. If this fits with anything, it fits with what I presume he knows in detail, what I've been doing to try to crush Bob and what Jimmy's attitude toward that insane caper is. Jimmy wrote me about it several times and his mail is still intercepted. (In fact, the last letter I got from him had been opened after sealing, as had one he sent in the same day. Each also had the 10¢ stamp removed.)

Henry has always known he could not try his case on the facts and you have never used as you could have any of his improprieties. This has merely encouraged him to more, both points well illustrated by his Memorandum. So, if he is up to another of his tricks and if there is meaning to his going to Windsor when he should have been very busy - he did file 70 pages - all you have done recently can play into his hands because he has to know all he needs to about it. If my purpose may seem to be to chide you, it isn't. I'm trying to give you a full explanation of the potential as it can be seen through other than your own eyes and mind. My purpose also is not to impel you to do anything else because I fear that almost anything could complicate or worsen a potentially dangerous situation for you. What I do think is that you should sit down quietly by yourself and think this whole thing through, to try to get as much understanding as is possible, so that if and when he pulls something you will not be surprised and particularly to caution against any of the hasty and often ill-advised statements ~~with~~ like some of the past. If he is not up to anything, the time should not have been a waste for you anyway.

In all of these foolish things there was no legal purpose. If there had been, it was very premature and it was wrong when you did each. Your purpose, whatever it is or in your concept is, clearly is pushing me and doing that deliberately. Except in my reaction to you I have been patient. Don't stretch it further. I am not, as you know, by nature a patient man in matters like these. In doing these things you have made yourself even more vulnerable. When you are so obsessed by and indulge these hates and jealousies and neglect an obvious legal obligation, whether from ignorance of fact or plain neglect, as I believe you did on this last trip to the jail, you put yourself in an even worse position and you have effectively undercut a major point in the overall case. I'm not exploiting it but I do wish this kind of thing and the dangers always present could end. Sincerely,

J. H. Wall