

Dear Bud,

12/13/74

Our meeting went very well today. I'm gratified that you and Bill see the potential of what is all as completely in hand as any case can be, extraordinarily so, I would hope you would agree, for a case in every way as extraordinary as this one.

Bill and I spoke several days ago about the kind of little thing that can go wrong and can blow the best case. I would be quite upset were this to happen now. So upset I can't begin to imagine how I would react.

There was one thing on which we did not seem to communicate very well. I felt that if I were to have carried farther than I did it might be embarrassing in front of Bill and I did not want that to happen. I'll try to explain privately. I hope you will also understand with utmost sincerity and purpose.

There was a time Paris Flamonds went to England. I was a bit perturbed then and mentioned it to Jim and Bob. They shared my feeling and spoke to you. You told them Flamonds's publisher paid for this trip.

Then there was this CIA show in New York with an old friend of yours and mine. Someone who didn't know any better thought it was wonderful and sent me a tape he'd made. I didn't think it was quite that wonderful so I played the tape ~~with~~ for Jim. He agreed with me. Not at all wonderful. In fact, the lack of contact with reality was one of the least unattractive and immediately least dangerous parts of the outpouring from Flamonds and Sprague, to mention just two.

On that show one of the questions that came up was about Flamonds's writing plans. Strange thing, he said he had no publisher and no intentions on this subject. In the intervening years it is a fact that he has come forth with no book. This is one of the few blessings we have enjoyed in years of very hard work. At least for some of us. Work that at this moment is on the brink of success of a magnitude that could not have been foreseen.

There is no point in my going into that show in detail. I am certain that if you have a good recollection of your friends' appearance and their associate you should, if you think real hard, understand me.

A long time ago I told you that I have reconstructed a mechanism for surveillance on such appearances. As I think of the content of others and what lies ahead, assuming nothing does go wrong I shudder. Not assuming that there is not this kind of incident that can blow a case shuddering hardly describes how I feel.

These and other shows are taped and transcribed and filed. People do this for a purpose, not for sport. One purpose is retrieval. Another is for immediate information and that, too, gets filed after it is analysed and collated.

I said something today that you appear not to have understood. This would be better than assuming you ignored it. I pointed out how unusual it is that Haile risked angering the judge by insisting on what the judge has shushed him on so many times. In his most recent discovery motions he again included CIA. How do you think he is crazy enough to risk angering the judge without any purpose? I don't and I think making such an assumption is childish. So, why not ask yourself as I did without firm answer until today why he would wave a red flag in front of a judge? The obvious answer is he hoped for something from it. Or had reason to expect something. A chance, anyway?

Thus far we have two certainties you had better assume with me are certainties: Some silly things were said by ego-tripping green men and they were recorded and preserved. All three were CIA and all three were in their better moments silly. They were in all aspects of what they said at the very best ill-advised.

You also appear not to have comprehended the belief in and I have that there has been current surveillance. Remember, I reminded you of Verdig's meddling of you? That is in what I wrote Haile and sent a copy of to the judge. Remember I am certain my room was

entered in Memphis, that I had set a trap and it was sprung, that I had anticipated this and for the first time had carried no attache case? And then you told me of your and Ken's experience in Milwaukee, when your room was entered? And I told you that one of the clear readings Jim could get from what Maile was feeding him and the judge both is that Maile was up-to-date on surveillance? (I also had a suggestion of this in my ~~letter~~ letter to him, copy to the judge.) This was not without purpose. Nor was my desire that all our conversations be outside. I haven't exhausted myself as I have to play games or to have games played on me. I'd take what ever for me would be a very dim view of any game played on me at this juncture. Very dim. I think our associate Jim would feel as I do and would be unwilling to accept any blowing of anything at this point. Even the possibility. And that even if remote.

Remember I spelled out what we should do if a certain writer is in the courtroom? Jim and I discussed it and there is no problem. It will be quite a blast. But blasting can go both ways. I want none against me/us. I'm fully confident Jim feels the same way.

You said that Flammeade had written to the judge to be admitted and when I asked why you said to write a book. Flammeade? On this subject? At this time? With a contract in hand? With the record of his last unauthorized biography, that big bomb/theft? You would perhaps prefer that I carry this reasoning no further, but if there is one subject I know it is the publisher attitude toward this kind of thing and this subject. I also knew that for purposes of writing a normal book, by which I mean something other than another unauthorized puffery, there is no need for him to be at the evidentiary hearing or for him even to know that there is this hearing on the 47th. In fact, there is only one way of which I can think he'd have of knowing of this immediate hearing. It is totally unreported in the press. Jim is away. I haven't spoken to any outsider about it and I would not speak to Flammeade under any circumstances. I do not think he is a buddy of Maile's. Or the judge's.

I don't think I have to carry this any further, either.

So all of a sudden there is Flammeade in the courtroom, with Henry Maile, who has without reasonable doubt knowledge of all the surveillance, all the taped public shows which do not involve bugging or phone tapping or anything illicit except for the way public money is spent. And Henry Maile has been screaming of the literary and the conflicts of interest and the CIA.

My, my! What a show Henry would have!

I do not for a minute believe this is the only show taped or the only show of that content. Sprague on it was at his best. As Henry would see it anyway. The others were not from Henry's view much inferior. There were other announced public meetings, like one at Penn, without Flammeade but with Sprague. How Henry would love to play these tapes or read these transcripts! And what he could not do with them!

If your memory has dimmed I'll be able to refresh it Tuesday, when I'll be in Washington. I would strongly encourage you to push your memory to the fullest because you should know much more about other shows - not that these are not already much too much - and ask yourself just how much fun Henry could have. And what its consequences would be.

I think it would be a catastrophe if any member of CIA were in the courtroom at any time. The courtroom would become a disaster area. Were this to turn out to be wrong, and I'm confident the odds are the way I've explained this, the psychological disadvantage Jim and I would be under would be much too great and there is no need for it to exist. We both have been aware of and worried about this kind of potential. When it became an issue we each made lightning rods of ourselves. Having to once is too much.

You said you had nothing to do with Flammeade's plans and with whether or not he would be there. So, let me put it on a different basis. You just phone him, preferably from a public phone, and give him to understand very very clearly that it will be quite dangerous to the case if he is in the State at any time during any proceeding, and I'm

without any doubt at all that this man in whom you have imparted such trust and in whom you give every appearance of having all the faith in the world would reciprocate and would accept your judgment and advice, as I am also sure he would honor your request.

You also appear to have forgotten that Jim and I are on record in this, under oath and completely honestly. You should consider what anything that might even give the appearance that we were in any way less than fully honest might do. Including to the judge.

And what I think should impress you such, what alternatives Jim and I would have.

And, of course, what it could mean to the case and to others involved in it.

Jim and I have brought this case that is in every way no extraordinary to a point where the absolutely unprecedented is/ by your own and Bill's evaluation. You both agreed with my evaluation and my recommendations on what to do. This represents in every way one of too many people much too much for any carelessness to in any way be permitted to jeopardize it. We achieved the final touches while you were on vacation. You are, in effect, picking up free chips. It doesn't happen very often and selfishly it would not be wise to throw them away.

Aside from all the other considerations that should be apparent to you and weigh much more heavily in my scale of values, I want you not to be unaware of the amount of sacrifice this has meant for Lil and me. For uncompensated years of such painful days so many in number. We simply will not live this way, if by your standards it is in fact living at all, for idle indulgence by anyone else.

I most strongly encourage you to think this through in terms of what you know of me and what you have seen me do under similar circumstances in the past. My own kind of unauthorized account would be the least one should be concerned about, commercial as it could be. I will regard my options as limited and my obligations as great. And this is without regard to personal considerations that I would not be inclined to believe I could then ignore. Do not in any way discount this, which is quite separate from whatever reaction and feeling Jim might have.

When I expressed my concerns about other matters to Bill on Friday his was a very lawyerly response, that great taxes are lost in court over simple mistakes or carelessness. Let us all do what we can to see to it that with the prospect before us there can be nothing like this.

If you want any fuller explanations I will take the time Tuesday afternoon. If you have forgotten details I will have enough of them in mind.

Sincerely,

cc: Jim Lesar

Dear Jim,

12/13/74

This is hardly the kind of coming home present a friend would prefer but I see no real choice. I have to let you know.

Aside from this, which I downplayed not to embarrass Bud before Bill, perhaps a mistake, everything went exceptionally well today. We are in accord on everything and they have agreed to just about everything I proposed, including legal moves.

I was able to give them with a little time for thinking when I finally took time for a walk this morning, more they regard as relevant to the constitutional issue I have called beyond remedy. Their evaluation is that it is relevant. In fact, they left with all of my discovery material. Even what I had selected out of the Public Defender's discovery for use in testimony and the rest for return to you, with that red expansion folder including carbon of everything for you. Except for the draft I began as an affidavit and then decided could be a summary of that part of my testimony. I have numbered the rest of the Public Defender's discovery into a summary I made as I read it of what I could testify to.

If you have not been informed and you get home late, Bud has heard from Petter Stewart on Hiale's petition and has to respond by the 21st, obviously so that he can be in a position to issue a stay prior to the 22nd. I'm not certain I recall clearly what the final decision was, but I think it was restricted to the orthodox. I kept pressing for inclusion of tardiness and unreasonableness. I'm confident Bill's judgement on this was lawyerly where we may have disagreed and that in the end he and Bud were in agreement, so I'm not worried on that score.

As of now, Flammonde and what that kind of insanity represents are my one major concern. The others are restricted to what can happen in any case and I'm not seriously worried about them.

A name other than Hiale's appears on the petition to the Supreme Court. This can be significant or can mean nothing. I simply report what I was told.

Bud has decided other than I'd prefer, that we all remain in Memphis when we go there. His basis was, at least as he expressed it, cost. I feel this can be a very serious mistake and that it involves needless possibilities of ripoffs as well as other problems but there is nothing I can do about it.

I have urged that Bill do a little research on the law and be with us for the 17th only. Rather than what I had intended to urge, that we oppose this hearing, for which I am certain there is ample basis, that we exploit it. That and the manner of also agreed-to proper exploitation was also agreed to. We really got along very well on all substantive issues.

We had company we did not expect not long after they left. It is now late but I want to mail this at the post office in the (legal holiday) morning so that you may have it on your return.

While it is the last kind of thing we should at this juncture have in mind, I do think we can't avoid looking ahead to emergencies and what we can do should they come to pass.

Also, after you have read the memo on what I think I should testify to - I've told them both that I agree with your recommendation of zero on Stephens - please let me know what you regard as the minimum I should take with me. I think you also should restrict yourself to the minimum for you and that you should have extra copies of all the most essential outside your home and possession. These cats are desperate and now is no time for taking chances if eliminating risk does not intrude upon preparations.

We have agreed that Bud should even and handle me an effectiveness of counsel and that you should handle the crookedness, etc.