

Dear Jim,

1/12/78

What happened in 75-1996 today is not that much of a surprise to me, as you should realize from my having called you early when ice kept me from getting away from home. How it would happen I did not know but I was reasonably sure something like it would, for a number of reasons.

One is that events have a way of assuming their own momentum if allowed to build any momentum up. Another is that it is difficult for any of us to act out of our natural characters. It is no insult to call you flower boy. It is praise. But it is no way to succeed against the kind of powerful, unprincipled, amoral opponents we have. Still another is that neither of us would do anything that could redound against Shea. (I'll tangle with him now that he is safe if the transcript permits, as I would expect it to, one of the reasons I'm anxious to get to go over it. When I heard from him I'll tell him. My tangling with him will give him points with those who want to get him.)

Still another is that you have not yet escaped the nonsense about how law is practised that they inculcate in law school so that there will not be any real possibility of endangering any applecarts. You still intellectualize and that never works. Take your own experiences with Gesell, who is probably the best and the most intellectual of them.

We have never filed a case in which we were legally wrong. The government has never prevailed on an issue in which they were legally right. It really is this simple. All our accomplishments, and they are many, are political, not legal, and I can't think of one in which the legalities swung anything. Maybe I'm wrong but please try to think this through and cite illustrations if I am not right.

There are few successful advocates of unpopular or minority causes who prevail because they have earned the affection of the judges or their opponents. They prevail politically, even if it appears that they prevail because the law is written that way. The law is often written the way of the loser. While I would prefer that a judge not dislike me there is little chance of prevailing against the FBI or CIA without having to mix it up with a judge.

Perhaps the greatest inhibition under which I've been patient is my concern over your getting you fee(s). I would like you to take what steps you can in each of my cases on this because in each after we filed the complaint we got what we had not gotten before getting into court. Perhaps the next, if not the first, is the affection I have for you of all flower boys. My belief is that you can get your fees and that you should start making the effort as soon as it is within your capabilities. Also, I think you should be prepared for more resistance than you found at the time of the Gesell decision in 2155. They were not going to risk the political consequences of fighting that. But now they will chisel and resist and you may have trouble getting it as good a rate.

After you succeed in junking all intellectual considerations and all concepts of right and wrong, which are never relevant in contending with the spookeries, I would like you please to rethink your refusal to stop their assaults on us, mostly on me. I could not care less about what these characters and their kind think about me or say about me, per se. But in not stopping it or at least making a strong effort you let them shift the cases almost beyond remedy and to try them on me rather than the issues, legal and political. And of course stall, which is their game always. It is what I've never been able to get through to you on, the Alger Hiss mistake. The reason you do not see it this way is because you rebel against it intellectually. It should be the way it is. But alas it really is.

To get out of this without quitting we have some hard things to do and they will not be liked. Therefore I strongly urge you to first ask for your fee and do not in this eschew the emotion (while not jerking tears). Once you are where you can do this and get it at least started we'll be able to do more. I will, anyway. Best,