

31 July 1966

Dear Mike:

Bob Stedman called about two weeks ago and informed me of your recent change in fortune (or which I have heard several versions since). Please excuse me for not writing sooner.

I want you to know how badly I feel about the decision that you shall not clerk for the Supreme Court. Beyond that there obviously isn't a great deal that I could say to soften the blow or brighten your spirits.

The most surprising aspect of all this to me is the fact that Justice Brennan could be pressured into changing his decision. I think that the response from some circles to your appointment, while regrettable, certainly isn't in the realm of the unexpected, and that an initial decision to reject you for that reason would have been understandable--understanding and justification not being synonymous. Indeed, it would have been the decision I would have most expected. Having once selected you, however, it seems to me to display at least a lack of guts on the part of the good Justice--a quality which I would have hoped him to possess.

As I didn't get to see you after the ceremonies at Boalt, I'd like to say now that I did enjoy your speech--as you promised, it certainly was lively. While, as I'm sure you may have guessed, I found myself disagreeing with most of what you said, it was a pleasure to listen to a most articulate and well reasoned analysis of the view that we should not be in Viet Nam.

We're now fairly well settled and I am rapidly becoming an expert in the areas of walnuts, avocados, and related matters. I have been off the job for a week now--allegedly getting ready for the bar. I am rapidly getting to the panic stage, so hope to start accomplishing something along that line soon.

I guess that the "May" issue should be out momentarily. I look forward to thumbing through another letter-perfect issue of the CLR.

My best to Pam. Let us hear from you.

Best wishes,

A handwritten signature in cursive script, appearing to read "Jim".