

Mark Allen Case

Dear Mark, Jim told me this a.m. that you said you'd use or might use this affidavit as a courtesy to me. And I gather then with some uneasiness. It won't offend me if you don't use it, it won't flatter me if you do and it will be neither a courtesy nor a discourtesy. However, you might want to be looking past Smith, every time you look at him, and see the appeals court and wonder what you don't have in the record that you might wish you had so you could draw on it. Aside from this there is the question of what ought be in the record at district court level to contend with the omnipresent dirtiness of the dirtyworks dept. Its you case and all decisions are properly yours, so I'll have no complaints although I might later have a few I-told-you-ses.

Good luck! HW 1/23/80