

Dear Jim,

10/28/85

I'd intended to work on the relatively short response I plan for Smith this afternoon but I've grown unsteady and will let that wait for tomorrow. I had to return to the dermatologist today for him to check the place from which he'd cut a cancerous growth on my right wrist, Lil had some things to do at banks, and I spent too much of the morning at my therapy sitting, I guess. I'd moved a cart of wood into the house for heat tonight, then moved another to the stack at the house and suddenly this was too much. The doctor is satisfied with the healing of the infection where he'd cut the growth out. He also treated about a dozen more with the liquid nitrogen spray they use, including a small one on the lower lip he suggests has to be watched and must be ended. But I don't think this caused the reaction I felt.

I'd intended writing you yesterday but when a friend who could mail what I sent came and he could mail it, I didn't have time.

I think that you should write the clerk of the court and tell him that you do not represent me in this matter. If you'd like you can tell him you forwarded the judgement. I would like this so I will not have to worry about compromising you and I think you ought do it in your own interest. I have a formulation in mind.

I think it should be a pointed, for-the-record letter. I also think that when they make messes they ought not be helped out of them and that their messing up ought be in the record. So, I think your lett should be explicit in stating that the government contrived a situation in which you could no longer represent me because of a conflict of interest, that it fabricated this conflict for ulterior purposes and by unfactual representations that are refuted by the only evidence in the case record, and that because of this conflict Mark Lynch of the ACLU Foundation undertook to represent me for limited purpose, the appeal, but that he continued to represent me for a short period thereafter and then filed a motion to be excused that, to the best of your knowledge, has not been acted on. You should also state that the court and the government recognize the fact that since Lynch filed his motion I have been representing myself.

I want the record to show that the government created the present situation without any basis in fact or evidence and that I alone am responsible for what I have filed and will file. And I do not want to be concerned about the possibility, no matter how remote, of retaliation against you.

I do not think that you have to file the kind of motion Lynch did because the circumstances contrived by the government had the effect of doing that and that the record is already clear on this, going back to the appeals court.

Absent some compelling reason I'd like you to do what I ask and the way I ask it to be formulated. I think it is worth the slight effort and in time may be of some importances.

I had a letter from Jimmy today. When I answer it I'll send you copies.

Otherwise nothing is new.

Best,