

Dear Jim,

12/10/84

As you may recall from all those trying and hectic days in Memphis I never had any trouble falling asleep. After the surgery, although they were prescribed ad lib, never any need for sleeping pills. Since then I've slept almost as soon as I had my head on the pillow. But Saturday night it took me about an hour. Last night I was immediately and happily asleep immediately after the visit of a great niece and nephew and their two little great-great nephews. With that remarkable and exciting Redskins comeback adding to the happiness. But then I was awake at about 2, tended my own needs and the fire, and instead of the usual immediate return to sleep I was wide awake and thinking about this newest judicial atrocity and its even greater and I think simpler excesses. I never did return to sleep and finally I got up and did a little work at my desk. Then, after the protime when I was walking I gave the whole thing more thought. I write you about some of this.

On remand I will want to move forcefully for Smith to recuse himself. And I do mean forcefully.

I think that as a result of this decision there is a greater conflict of interest. I do not know if Mark will be willing to represent me.

As I recall the justification for moving to collect from you it is that in order to collect from me they must take me to Maryland courts. Fine! I will force that. While I am inclined to believe that they are yellow and will not dare do this, if they do I will insist on going to trial and instead of having a fool for a client I'll have an old and much-bured fool for a client.

I have not thought all of this through and I've made no inquiry to determine what is possible, but I will want to defend myself by attacking, alleging, among other things, that the judgement was obtained by fraudulent misrepresentation.

I have other things in mind but they are not really formulated and you ought be separated from them in any event. I have to give this more thought and begin some kind of formulation for the future.

When you phoned you denied that I had opposed discovery from the outset. I think you are confabulating to obscure in your own mind the fact that you were ill-advised to tell Smith that after you conferred with me I'd comply, the import that can be taken if not the exact words. If you go over your own file you'll see that you filed an affidavit from me attesting to the fact that I had always opposed this and that you had come up and spent most of a day trying unsuccessfully to talk me into some kind of pro forma compliance as a lesser evil. I think you had something else in mind and that at some point in the litigation you expressed it. I am not at all convinced that Willkie's formulation/interpretation is factually correct. Rather is it the government's interpretation.

This whole thing is so monstrous, so unjudicial, so political, so intendedly dishonest, I think that if there is such a creature as a lawyer with balls we could do something about it. But I'm not in a position to get to the haystacks to search for needles.

After you've read this "Pearl Harbor" decision, issued 12/7, perhaps we'll discuss it further.

Do not miss the ultimate silliness in it, that when I've steadfastly refused to take your advice, insisted on litigating the question and got you to ask Smith to expedite it (God are you afraid of mandamus!), that when I've dared contempt to persist, somehow Willkie sees you coming up for me to do through you what I've endangered myself to refuse to do.

If you hear from LaHaie on this there is but one thing (printable) that you

are authorized to tell him for me: he has his decision, now let him enforce it.

Well, maybe more than that one thing. Also that I never looked forward to seeing him. But that I now do in my local courts.

With his bare face hanging out.

I don't think you will, but I do wish you would, by reading this verbatim.

Gird you loins, counsellor!