

James H. Lesar
1231 Fourth St. S. W.
Washington, D. C. 20024
& Harold Weisberg
St. 8,
Frederick, Md. 21701

May 22, 1975
Rt. 4, Box 137
Franklin, Tenn. 37064

Dear Friends:

Good news! Today, in The Tennessean, page 19, big headlines: "Contempt Threatened Asst. Att. Gen. Haile Submits Resignation." by Kenneth Jost.

I'd heard unverified rumor that Haile was fired last Friday, from wife of another Assistant Attorney General. Today, according to the paper, Haile had submitted an "impertinent and wholly unsatisfactory" answer to Chancellor Ben Cantrell regarding a case under dispute. Cantrell gave Haile ten days to answer properly, or he'd be charged with contempt of court. A copy of this was placed in the suit and a copy sent to his boss, Attorney General Ashley. Ashley later had hot words with Haile, and ordered him to divest himself of his cases at once. Thereafter, Haile resigned. Ashley says he's still considering whether or not to accept the resignation. So, pending that final decision, my three Attorney friends, one news reporter, and one radio station owner, and myself are preparing a big celebration. Should you and yours be around at that time, surely you are welcome.

Haile had also earlier sent personal letters criticizing the decision of the five State Supreme Court judges.

Perhaps you'll get a copy of the original article from James Earl/ Ray.

My disbarment suit was filed May 2, 1975, while the letter to Cantrell was filed May 1, 1975. My filing was simultaneously done with a Civil Rights Complaint in U. S. District Court here in Nashville versus the three Board members of the Land Surveyors Board, and Haile. Copy of the disbarment complaint was attached to the Federal suit, as well as petition for injunction on behalf of my boss (which we won), and several other suits. I asked for damages against the three Board members and Haile for violation of my Civil Rights (preventing me from getting my license to practise surveying), and also asked that the Federal Court declare the Tennessee Land Surveying Act as unconstitutional, respecting aspects of Federal Constitution. No response from the Federal Court has been received as yet, but based on a week's absorption of the Civil Rights Encyclopaedia (C.J.S.) I don't see how the judge can legitimately keep me from presenting my case. Simultaneously I've asked the Chancery court State judge to set a pre-trial hearing to clarify unethical motions attached by Haile in my permissive suit challenging the constitutionality of the Land Surveyors Act based on state Constitution. No response from that Judge, either, since May 2, 1975. Meanwhile -- and most amusing -- you should be interested in my filing of the disbarment suit. I bypassed Chancery courts, going to Circuit Court for my filing. The clerk informed me that I'd have to file disbarment in Chancery Court. I pulled out the TCA, quoting where I was permitted to do so in Chancery. Without cracking a smile, he underlined Haile's name with his finger, and asked if that wasn't an Assistant Attorney General. When I said yes, he informed me that suing such was not permitted because of immunity. I quoted further law, pointing out that attorney generals in disbarment suits were to be treated just like any other attorney. He then went back to argue that the Bar Associations always file their disbarment suits in Chancery Court. I said I knew that, but that I felt it was time for Henry to be judged by a group of his peers, namely lay people. Without cracking a smile, yet, and without further argument, he stamped and filed the suit.

Meanwhile, I've also had a two month delay attached to my teacher tenure suit in State Appeals Court, because neither Haile nor my attorney Petersen were ready. Soooo, I've now got ~~three~~ cases in ~~three~~ different courts, and only one attorney, on one case.

Jim Petersen some months ago offered to take on the disbarment suit against Haile, but then after some reflection, he changed his mind, because, he said, he didn't feel like doing the state a free service when he really had to get back to the business of earning a living. He has sent copies of my suit to other attorneys in other cities who have had cases begun against Haile, and who have inquired of Jim about what to expect.

I've also filed the suit with the two Bar Associations, receiving the predictable answering correspondence of nothing. I revised the material somewhat, and also added several more footnotes, among which is the New York Law Review study that shows that only two one hundredths of one percent of attorneys under complaint are disbarred, and that ~~virtually~~ virtually one hundred percent of those are for "stealing the clients money." The obvious conclusion is that Bar Associations, generally, considering this act as the chief and only reason for pressing a claim.

I do believe that if Federal Judge Morton permits my claim, I'll be able to attract an attorney, particularly if the Judge also permits legal fees, as I've requested. However, the disbarment suit is very likely to have to be run by myself. I don't know court etiquette as I should, and I've never before argued before a jury. However, I think the brief is so tight respecting the proof and order of proof that I will have less trouble with that than in Federal Court, though the latter is more straight forward. As an ex-school teacher, too, I think I can argue before a jury better than I can before a judge. If only one statement in my brief is amendable to trial, the trial will have to go before the jury. To prove my claims before the jury I can draw upon the following two important sources: The Governor's office, to verify that Haile did in fact interfere with my right to take the land Surveyors exam, and that he did unduly prejudice the Board against me — a news paper reporter who, two nights ago, finally agreed to testify on the slander. Otherwise, virtually everything else I've quoted is a matter of public record amendable to proof either in the documents (and Bills of Exceptions) themselves or some five other attorneys who, like it or not, must come and testify as to the events that transpired, what was said, and the outcomes.

Furthermore, affidavits from such as yourselves (or your personal testimonies, were you free to come), plus the latest foorum reported in today's paper, should leave little doubt that Haile has a pattern of unethical behavior.

I would dearly love an attorney for this job — since I really dislike courtroom work — but I frankly see no way to get one. That fact may change, however, if the Attorney General makes the decision not to defend Haile on the disbarment charge.

I am probably more familiar with Haile's psychology than most attorneys would be (I was a research psychologist for 4½ years, plus later a psychometrist, plus other things) so I probably would not be as likely to overlook his possible behavior responses as others. I've endured three days of steady questioning by Haile, under the most adverse pressure designed to break me, and have maintained a steady and amused attitude toward his juvenile and quite predictable responses, even to the point of watching his gorge rise — so I think I can handle that part. I've also submitted as many as 169 questions (interrogatories) to Haile in a former unsuccessful slander suit, so I know those rules, too. However, as I've already said, I'm not at all happy with representing myself, nor of having to face the test of "on the feet thinking" in public. Sooo, please give me whatever advice, strategies, questions, etc that you think advisable. Be assured I'll find a way to use them. And if, perchance, a helping attorney comes along, I'll put the two of you ~~(names of you)~~ in touch at once.

Meanwhile, thanks, much, much thanks, to both of you ———.

Perry A. Chapdelaine

P. S. Interesting legal question: If Haile is disbarred on unethical grounds, what effect does his past behavior have upon important lawsuits? And how presented? effect does his past behavior have upon important lawsuits? And how presented?