

Dear Bud,

2/7/85

Congratulations on your west-coast haul. Hoch's ought be valuable, Tink never had anything original except the sketches (which means he used prior publication w/o credit and some stuff was of no value) and I know nothing about what Stetler has. But Paul's should be remarkably valuable and I'm sure he was it well organized, another great +.

As I recently wrote Mark Lynch, I'm surprised that lawyers collectively have not made any effort to do anything about the permeating official mendacity, esp. to the overly tolerant courts.

You all assume that nothing can be done and there is no better reason for it to continue to be done.

The abuses in my cases are greater, for various reasons and they thus provide opportunities with greater probabilities of accomplishing something.

If there were to be any attention in Washington to what I've provided to the appeals court it could do some good. I had little hope of any when I did what I did and sent out some copies but, having been old enough to comprehend what was happening to the work beginning in the early 1930s I do not assume that if a fight is worthwhile enough, significant enough, one doesn't fight it because of the estimate of odds. I didn't have to see their decisions to know what the GOP appointees would do, and the changes in Willkey became apparent long ago, esp. when he inveighed against the exclusionary rule. But I am also aware that those I refer to as the traditionalist judges, the minority, have been vocal in en bancs and I thought I'd take a chance that someone might read what I filed and that they'd be able to make their own uses of it. To put this another way, I do not have to prevail before the full court to have a worthwhile accomplishment. This does not mean that I am certain I will not prevail. That depends on too much. But if there is any en banc discussion the activists sure as hell will be seriously embarrassed, more so if there is a decision that includes what the minority is now able to say. I doubt you've taken time to read what I filed. I think you should and the amount of time it will take is very little. I think you'll then see what I mean and perhaps something will suggest itself. If I were able to get around I'd be looking up people like Hirschkop who, if wealth hasn't changed him, might see possibilities I envision. These people have gone too far and doing something about it is not impossible.

As you understand better than I, Jim and I have not had a chance to explore any of this and we do have a conflict of interest. I'll need counsel on the remand and as I've told jim if necessary I'll be my own and will move, with polite vigor, for Smith to recuse himself. And take chances with another. Armed as I now am to make very serious charges. You ought read the attachments to my (first) addition. They refer to information sworn not to exist in this litigation. And there is more. Also sworn not to exist - and located. Some pretty significant in potential. It is not only fair maiden that faint heart never won.

Congratulations on your coup! And by the way, if you read the petition, please understand that I was well aware that my use of "lie" would raise hackles. But I had reasons for using it anyway.

Best wishes,