

**LIFE  
IN THE  
SHADOWS  
OF A  
CORPORATE  
LAWYER**

ALCOHOL RUINS PROMISING LEGAL CAREER

**WALT JAY**

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# CONTENTS

Chapter 1	My Parents' Stories .....	1
Chapter 2	Grades 6-12 in Tallahassee .....	27
Chapter 3	Leon High School .....	39
Chapter 4	Navy Reserves Uncle Bill .....	51
Chapter 5	First Two Years at Emory University .....	63
Chapter 6	Summer of 1963 .....	73
Chapter 7	Georgia Politics/Last Two Years at Emory .....	85
Chapter 8	University of Chicago Law School.....	95
Chapter 9	My Chicago Drinking .....	119
Chapter 10	Motorola, Chicago & Phoenix .....	131
Chapter 11	Jenkins, the Dope Smuggler .....	139
Chapter 12	Arizona Attorney General's Office .....	147
Chapter 13	Kaiser and Dixie's First Illness .....	157
Chapter 14	Westinghouse Near Misses .....	167
Chapter 15	Navy General Counsel's Office, Mississippi .....	171
Chapter 16	The Electric Boat Years.....	195
Chapter 17	Early Days "in the Program" .....	233
Chapter 18	Mike Versus Police .....	249
Chapter 19	Dixie Lee Rose 4/26/44 – 8/12/89.....	259
Chapter 20	Montana .....	273
Chapter 21	Las Cruces .....	297
Chapter 22	Connecticut, the Second Time Around .....	313
Chapter 23	Very Sad Epilogue .....	331

# CHAPTER 1

## MY PARENTS' STORIES

My parents, Miriam Bell (Samuels) Jay, and William Chauncy Jay were born in South Georgia in the early years of the 20<sup>th</sup> century. Dad's birth on February 1, 1909, took place in a farm house in Early County, Georgia. That is in the far SW corner of Georgia where it touches both Florida and Alabama at Lake Seminole. The County seat is Blakely, 80 miles NW of Tallahassee. His father was Idus Phelps Jay, Sr. Dad refused to talk about him because he deserted the family while he was a child. Granddad Jay supposedly ran off to Texas where he invented some sort of novel saw mill equipment and/or technique, then returned to GA before his death in 1947 when I saw him for the first and only time. As to our ancestry on the Jay side, whenever Dad wanted to hurt me verbally, he said, "You are just like my father."

Compounding his having left the family penniless, his *spectre* apparently re-appeared in Jonesboro, GA, around the time that his sister, my Aunt Lillian, who was nuttier than a fruitcake died. Dad and Mom were going to Morrow, GA, on I 75 south of the city, week after week administering her estate. An anonymous woman called my parents at their usual motel and said that not only had I. P. Jay, Sr., come back to Georgia, but that he had fathered another child, who therefore would have been Dad's half sister, and that she wanted a piece of Lillian's pie. Dad had graduated from Atlanta Law School, an unaccredited night school, passed the Georgia bar, and practiced in Lumpkin for four years, but he did not follow my advice to have Lillian write a will leaving everything to him.

Therefore, when she died intestate, Idus Jr's son, John Carroll Jay, waltzed in and claimed half of the small estate. He never said boo to Dad or me, just claimed half in court when Dad filed papers seeking to end his administration of her estate. Dad was crushed by this, but had only him to blame for not becoming the sole legatee at Lillian's hospital. The heck of it was that the alleged half-sister never came forward.

My maternal grandmother's maiden name was named Eileen Clancy Jones. She was of Irish or Scots-Irish descent and was born in Union Springs, Alabama. Dad had two older brothers, Idus Phelps Jay, Jr, and Milton Jay. His older sister, Lillian, had lifelong mental problems. She married a kindly dentist, Hawkins Hanna, who worked at the Georgia State Mental Hospital in Milledgeville in Central Georgia. This town's other noteworthy feature was the Central of Georgia railroad tracks running down the center of Main Street, dividing the two traffic lanes.

It is unclear exactly when Dad's mother moved him and some of his elder siblings to Atlanta. He spent enough time on their farm in SW Georgia to recall having a rifle and a German shepherd while a child, neither of which were allowed my brother and me. After his older siblings had moved out of the family home, he and his mother were forced to run it as a boarding house. His mother died in 1930 of a sudden, massive coronary attack when he was 21, leaving him a true *orphan* (they had taken in borders to make ends meet after his three older siblings had left home.)

For reasons he never made clear, Dad wound up at Tech H.S. when he belonged at Boys H.S. which emphasized the classics and prepared its graduates for liberal arts colleges. Back then, students were segregated by both race and gender. While at THS, Dad had his nose broken three times by irate debtors to whom he had loaned his lunch money at usurious rates. He finally wised up and hired one of the many WWI veterans on the THS football team to collect for and protect him. Talk about trying fruitlessly to hammer a square peg into a round hole. Dad had absolutely no technical aptitude. When I expressed an interest in studying engineering at either UF or GA Tech, he said "no way"; based solely on the fact that **he** had failed mechanical drawing. He claimed this inadequacy was hereditary. Instead, he

## My Parents' Stories

had wanted to become a doctor, “study human engineering” at Emory, as noted beneath his yearbook photo. Thus, when I finished Leon H.S., I was forced to attend Emory to fulfill his dreams. While at THS, he was also a Lieutenant in the H.S. ROTC. This was only five to nine years after the end of WWI. The peacetime Army had shrunk to nearly nothing, so without a draft, the military trained H.S. boys for the next war. His militaristic, “my way, or the highway” streak manifested itself in the dictatorial manner of discipline that he applied to me, but not my brother John.

Because his mom had died when he was 21, Dad sold shoes during the day while attending Georgia Tech Evening School of Commerce. He never said how long he pursued a business degree, but apparently his only degree was an LL.B. from Atlanta Law School, an unaccredited night school. He figured that during the Depression he would make more money than with a business degree. His most famous classmate was Henry “Hinky” Bowden (no relation to Shirley *aka* Bootsie’s husband, Bob) who eventually became extremely wealthy from law and business and was chairman of Emory’s Board of Trustees during my time there. This connection coupled with the fact that Dad’s Aunt Tommie left Emory a sizeable bequest apparently kept me from being expelled for drinking and other bad behavior despite being caught several times.

After receiving his law degree and license (did not have to take a bar exam in those days), Dad opened a general practice in Lumpkin, also in South Georgia, one or two counties north of Blakely. He was a charter member of the Lumpkin Lions club (I still have his pin and cuff links) and was bestowed the honorary title, *Colonel*. But his being the newest, youngest lawyer in town, during the Depression, and before paid Legal Aid and Public Defenders, resulted in his always drawing the short straw, i.e. being appointed *pro bono* to defend penniless criminals, of which there were far too many. Dad said that for awhile he was paid in kind, e.g. stolen chickens and hidden moonshine, but after four years, when even barter dried up, he packed it in and fled to NYC where he worked as a claims adjuster, first for Liberty Mutual, then for USF&G.

When Lillian died (Hawkins finished his state career with the GA Dept of Transportation and predeceased her) while I was living in

Gautier, MS, and working in Pascagoula as a Navy attorney, Dad and I cleaned out her house on Moreland Avenue in SW Atlanta. Thankfully, she was childless. Lillian's mental problems included being an inveterate pack rat. Dad hired an auction company to run an in-house sale of the "good stuff." Prior to that, the Salvation Army filled up four truck loads of "run of the mill" furnishings and clothing. Dad and I finished up by taking still untouched "newly" purchased shoes, etc., in their original boxes and wrapping paper with receipts enclosed, back to department stores such as Rich's for refunds—ten years after purchase.

My freshman year at Emory, John Carroll Jay, Idus' son, was a senior at Oglethorpe, on a basketball scholarship; he was 6' 6," so he could not be a jet jockey. He had been an aviation machinist mate, reciprocal engines, with me at NAS Atlanta, so he went to Pensacola and learned to fly multi-engine prop jobs, e.g. P-3 Orion's on which My brother John's eldest son, Keith flies now. JCJ drove me to drills at NAS my first year at Emory. After that, I stayed with Bootsie and Bob Bowden using her Chevy wagon to drive to Marietta from NW Atlanta. That chapped all of us badly. To end that situation, I arranged for a DeKalb County deputy sheriff to pick me up at Emory during my junior and senior years. When he did not come home on Saturdays, he and I stayed in barracks and I then rode home with him Sunday night.

I have always wanted to learn about the Jay family. I used to send JCJ Christmas cards, but he never replied. His sister, Gloria, is also in Atlanta area. They are both Catholics, since Idus' first "crime" was marrying a papist. Then he repeatedly beat her, she eventually divorced him, and she re-married (within the church) after he died the weekend of the last Georgia Tech vs. Alabama game in 1963. I remember the funeral at a local mortuary performed by a Baptist preacher who had never met Idus and could not escape all his negatives. At the cemetery, Milton and Dad backed their cars next to each other's, trunks touching, and I put cases of booze in Dad's car from Milton's package store. So the Jays had some pretty unattractive family members. Lillian was crazy, but harmless.

Mom, who was called "Mimi," with the middle name "Bell" for her father, John Bell Samuels, was born June 2, 1913, in Thomson in the family's big house in town, not out at the farm which was nearly as

## My Parents' Stories

large as her ancestors' plantation at the end of the War Between the States. She was the youngest of six children, four sisters and a brother. The sisters were in descending age, Janie (Sowell), Gertrude (never married), Deana (Howard—married to a Baptist minister of some fame), and Jeanette (Martin, named for their mother, and married to an Army Lt. Col. whom she had met in Japan immediately after WWII. My maternal uncle, John Carlton Samuels, whose middle name was given to my brother, attended Mercer University in Macon for three years, then was a China Sailor, dental technician, between the two world wars, and became a successful building contractor in Atlanta.

My maternal grandparents were Jeanette Louise Walton (hence my middle name) who was descended from George Walton, one of the three signers of the Declaration of Independence from Georgia, and John Bell Samuels, a successful farmer who, before the Depression essentially wiped him out, paid property taxes in six school districts. This farm had been a plantation that during the War of Northern Aggression had the misfortune of getting between Gen. Sherman and the Atlantic Ocean. The buildings and crops were burned to the ground which paved the way for erosion of the red clay and insidious invasion of kudzu which crowds out all other productive vegetation.

Coincidentally, both my maternal grandfather and paternal grandmother died in 1930, 13 years before my birth. I saw Grandma Samuels several times at the White Oak Campground before her death in 1948 during Mom's annual pilgrimages to the Methodists' campground, but I have no recollection of her. She had been deaf as a rock since Mom turned 16 which Dad always gave as the explanation of Mom's being a motor mouth and constantly interrupting everyone else. Mom had to communicate to Grandma via written notes, which she just chose to ignore—speaking only when she wanted to order someone around. Grandma died because she would not alter her diet as advised by her doctors. Similarly, Grandpa Samuels had died of uremic poisoning when his kidneys failed. To me, Mom's three oldest sisters were my grandmothers. Jeanette was the nearest to Mom in age and always seemed like an aunt.

My father's lifelong frustration was that he could not be admitted to the NYS bar. ALS was not accredited by the ABA. Further boxing himself in, neither had he practiced the required five years for



admission upon motion to the NYS bar. Hence, he never was able to work again as a lawyer. This stuck in his craw badly, and made him jealous of his claims adjusting colleague, Roy Featherstone, who eventually became a rich personal injury plaintiffs' lawyer in Poughkeepsie. While they were at Liberty Mutual, Roy attended Brooklyn LS at night; whereas, Dad, already having an LL.B., took medical jurisprudence courses at NYU. In fact, he knew as much medicine relating to industrial and auto accidents as many doctors.

Dad brought to NYC his fluency in Cuban Spanish, acquired from both formal studies at Tech H.S. and his having lived next door to Oliver Otteago, whose dad was a doctor from Cuba. Being shut out of the legal profession, he parlayed this skill into a workers' compensation job with Liberty Mutual in Brooklyn Navy Yard. This job when coupled with his bad right eyesight caused him to be rejected when called for his draft physical. The Navy refused to enlist him, so he sat out the war in Greenwich Village.

Mom attended the University of Georgia in Athens for two years following graduation from Thomson H.S., but money was scarce because her dad had died during her senior year of H.S. Her sisters and brother contributed what they could, but had their own families to support, and the Depression had just started. Grandma Samuels also took in boarders at the large house near the cemetery where Mom and Dad are buried. Mom finished college at two different locations, living with two different sisters. She attended Hunter College in NYC her junior year, living with Gertrude who never married. She returned to Atlanta for her senior year, but not back at Athens. Instead, she lived with Janie in Atlanta and finished at what is now Georgia State University, but then was just the Atlanta extension of UGA. After receiving her BA, she went back to NYC, but no longer lived with a sister. Rather, she attended Columbia University earning an MAT, while working for a rich attorney on Park Avenue as a live-in governess. She also taught elementary grades at the Brierley School for rich girls.

At some point before WWII, my parents attended a party for only expatriate Georgians. They each came with someone else but left together. Maybe it was a case of "love at first sight." They were married at Riverside Presbyterian Church in September 1939 and lived initially in Greenwich Village near Washington Square and the famous arch.

## My Parents' Stories

In retrospect, it is hard to imagine a pair of straight-laced South Georgia Methodists living in the Village, but, then, this was the late 1930s, and maybe they weren't faithful church goers back then.

The other "given" is that I was born June 29, 1943, while they lived at 1564 Unionport Road in The Bronx, then a nice part of Parkchester, not too far from Yankee Stadium. It was near the East River (and Harlem) because Mom gave birth to me in Lenox Hill Hospital in north Manhattan. Demonstrating how closemouthed New Yorkers were towards each other even back then, through some weird coincidence, the woman in the adjacent bed in the birthing ward turned out to be their next door neighbor from Parkchester. Her daughter, Judy, my first playmate, was born on the 30<sup>th</sup>.

The fathers got to know each other by virtue of this happenstance. Bill Wettendorf did not serve for the U.S. in WWII because 1) he was too old, 2) a WWI veteran, and 3) his loyalties were "suspect" because he **fought for the Krauts** in the Great War. Dad was adjusting workmen's compensation claims for the non-government employees building ships in the Brooklyn Naval Yard. His Caribbean Spanish (years later my H.S. classmate, John Ryland who majored in Spanish at FSU, criticized Dad for speaking *gutter* Spanish rather than "Castilian") allowed him to communicate with Cuban and Puerto Rican claimants whose English was bad. At the end of the war, Dad and Roy switched to the USF&G. Dad was assigned to the White Plains office and did a reverse commute from the City until December 1945 when he moved his office to Poughkeepsie, where John was born May 15, 1947, at Vassar Hospital. Roy also initially worked in the same office, but quickly had the nerve to open his own law office, also in Poughkeepsie, living across the Hudson in Milton off Route 9W.

Dad's large territory comprised the counties east of Poughkeepsie, Dutchess, and Putnam, as well as Ulster where we lived, Orange (Newburgh) and Montgomery. He had to cross the Catskills regularly, and often was trapped in his car in the mountains overnight during the winter. I well remember his putting boxes and buckets of coal ash from our furnace, shovel, and blankets in his car during winters. Mom, John, and I became accustomed to his not coming home, or being very late. Much of that time "missing in action" was spent in bars on both sides of Route 32 between New Paltz and Kingston, the

county seat where he could appear without a company lawyer handling smaller claims versus the USF&G. He did likewise along Route 9W returning from his Newburgh office via Highland, the town just east of New Paltz, where his Masonic Lodge was located.

At some point, because Dad had too many absences from his Poughkeepsie office, which he blamed on bad weather closing the Mid-Hudson Bridge, the company gave him an "either or" ultimatum, i.e. either move the family to Poughkeepsie or move his office to Newburgh on the west bank, which, at 22 miles, was seven miles farther from New Paltz than Poughkeepsie. Dad chose the former. I well remember his taking me to the Newburgh office on Saturdays and giving me five cents to ride the ferry from Broad Street back and forth to Beacon until noon, when I was **allowed** to come back to his office for my ride home. These days, he and Mom would have been locked up for child neglect, and I would have become a ward of the state. I also wandered into the big department store, Hirschberg's, never suspecting that someday I would work at EB for Stu Hirschberg, the son of the then owner.

I was a very sickly child from birth. Mom often said that I owed my life to the discovery of penicillin, to which I became "immune" by the time of my teenage years. In New Paltz I suffered from frequent, severe ear aches and tonsillitis. In the "it's a small world" category, at Christmas 1945, my tonsils and adenoids were removed at Vassar Hospital by a Poughkeepsie ENT named Peter Rosenberg. I will never forget that illness. My vestigial throat appendages were so swollen from infection that Mom had to take me to Dr. Boetzel every day for two weeks prior to my hospital admission.

Dr. Boetzel was a kindly, elderly, German Jew who had fled Nazi Germany during the 1930s. He made house calls on a regular basis, something not done today or for many years prior hereto. Trying to lessen my pain, he painted a red bull's eye with mercurochrome on each cheek, then he injected me with a sizeable dose of penicillin. Finally I was deemed "well enough" to be admitted. I was put under with ether, but did not experience the usual nausea. To this day, I remember my dream during the operation of being on the bottom of the sea watching gold fish going around backwards on a Ferris wheel. The only "up side," if there were such a thing, was that all I was given

## My Parents' Stories

to eat was jello, then ice cream. Nevertheless, that was a pretty lonesome, disgusting Christmas.

Dr. Rosenberg also lanced one of my abscessed ears a few years later (the other burst of its own accord.) Imagine my surprise 10-15 years ago when I took my younger son, Mike, into a Norwich, CT, ENT, Peter Rosenberg, Jr., to set his broken nose. Not long thereafter, he also reconstructed Mike's damaged middle ear caused by blows from a Montville cop's four-cell flashlight. Not that many MD's hang their H.S. diplomas on the office walls with all their degrees and post doctoral certificates, etc., I asked *this* Dr. Rosenberg if his diploma from Poughkeepsie H.S. was the real deal, and, if so, did his dad have the same name and if *he* had been an ENT there during the '50s. Yes and yes. I like to think Peter the Younger gave Mike extra special care! He is now retired.

Mom used her MAT to teach at a private girl's school, Brierley, which is mentioned from time to time in Law & Order episodes where the rich wastrels send their little darlings before attending one of the Women's Ivies. In New Paltz, Mom wrote freelance articles for both the New Paltz Times and New Paltz Independent. Yes, such a tiny Place (2,500 pop.) for a time had dueling weeklies. She also was a regular stringer for the Kingston Daily Freeman. The latter is still in existence and ran Mom's obituary at my request in 1/03.

Our first abode in New Paltz was at 12 Prospect Street, a few doors north of Main Street and perpendicular to Pine Brothers Funeral Home and Dr. Boetzel's office. The former gave Mom much to write about, obits for the aforementioned papers. She made the acquaintance of Eddie Ashton, quite a character and a fellow Methodist. When I accompanied her to the funeral home, she would knock, and Eddie would answer, "Come on in, there's no one here except me and these dead people." My first inkling of mortality occurred when his 17-year-old son, Bruce, died in the crash of a rented Piper Cub near the nearby famed resort at Lake Mohonk.

Before I entered kindergarten at Campus Elementary School which was appended to New Paltz State Teachers' College by an airway and sidewalks, we had moved to 48 North Chestnut Street, aka NY State Route 32. It was a two story salt box with coal heat. We lived up a dirt driveway behind another house occupied by George Rafferty, Sr.'s,

family with whom we shared a two-car garage. My playmates included Mike Sullivan and Walter Dyer, fellow Methodist Sunday School attendees. I learned later in life via conversations with my parents that those boys' parents, despite our being fellow members of the Methodist Church, who were outwardly courteous, had continuously, maliciously gossiped about my folks. First, it was their Georgia accents, their jealousy over Dad's receiving annually a new company car, and lastly the fact that they both possessed several degrees and had white collar jobs. Mr. Sullivan was a house painter and Mr. Dyer ran the local feed store. Hence, my best friend was Judy Rubin (daughter of Rae and Ben) who had been born in Brooklyn. Our parents hit things off very well due to their shared NYC experiences. My Dad picked up Yiddish while working in the Brooklyn Navy yard, and both moms' shared interests in cooking and sewing. I loved eating with the Rubin's because they "kept Kosher," which meant I did not have to drink milk, which I hated from childhood on. Ginger ale it was.

Mr. Rubin owned a small, two-floor, Quonset hut-type furniture factory on a side road leading to the Huguenot stone houses dating to the mid 1600s along the Walkill River. It was a sewage-polluted river whose only claim to fame was that it was one of the few in North America that ran north to Kingston where it literally "dumped" into the Hudson. Mr. Rubin made weekly trips to the City where he sold his furniture and brought back kosher foods unobtainable in New Paltz. Judy's aunts and uncles from Brooklyn were hilarious, always joking, and her younger nephew, Warren, was the butt of everyone's jokes.

Other friends from Chestnut Street were another Methodist kid my age, Ronnie Weir, who lived opposite Mr. Rubin's factory, the Irish families of Bernadette Foley and her many siblings as well as the two Walsh sisters who soon moved into the Rafferty house. Behind us were the Cottons from MA. Their boys wore Red Sox caps and hated the Yankees almost as much as I. Eccentric old maids included Miss Betts whose yard behind us resembled a jungle because her gardens were so extensive. Miss Helen Hasbrouck, descendant of the village's founders who owned the lumber yard next door, lived across Chestnut Street. Both she and Mr. Dyer looked the other way while we kids ran through their lumber yard, grain mill and silo, as well as New York Central RR cars being loaded or unloaded. Can you imagine how dull

our childhoods would have been if OSHA had barred us from those premises?

The “hoodlums” of the neighbor had to be the Cheathum brothers who lived across the street from the Cottons. They carried pocket knives and talked dirty. What they had going for them were expansive, open fields behind their house stretching all the way to Mike Carem’s backyard (several hundred yards.) Mike rooted for the Yankees, but they had a TV. His dad ran the soda shop near the college and our last home on Center Street. Every neighborhood in the early ‘50s had at least “one bad girl.” Ours was Bernice (the Piece) who lived next door. Even a prepubescent boy notices a steady stream of high school boys taking her out almost every night. When she was 15, she was sent away for a year to live with an aunt farther upstate. We giggled and knew what it was for, but had not a clue how she got in this condition.

Our first pastor at New Paltz Methodist, Lee Ball and his wife Mae were very left wing. They were distrusted, if not hated, by the majority of the congregation, except for the few other educated parishioners who might have been on the faculty at New Paltz State Teachers College—which morphed into SUNY. The village is now referred to as “the People’s Republic of New Paltz,” same as Boulder, CO, and Berkeley, CA. As a footnote, it was no accident that the 26-year-old “mayor” of New Paltz during the early 2000’s briefly performed all those gay marriages until the Ulster County Court up in Kingston shut him down for good. The students, predominantly Jewish kids from Long Island, all registered to vote there instead of at home when 18 became the voting age. They far outnumbered the town folk who were very conservative Republicans when we lived there 1945-54 and at least through the Eisenhower years. The Village is now quite an artsy place with many rich professionals who commute to the City on Thruway. Cost is no concern. They work nine to seven, the super rich “bankers’ hours.”

The little boy who lived behind us, Tommie Cotton, a big Red Sox fan from MA, whose dad was on the college faculty, talked at length with me during the summer of 2001 (when I moved to MT) when I was in town on my way home from an AA lawyers’ convention at Lake George. He had just retired from a career with IBM across the river in East Fishkill. He was chairman of the Town Council and past Village

Mayor, i.e. the last *townie* before the college revolutionaries (students and faculty) took control. He was sickened by whole thing.

New Paltz had its “official religion,” the Dutch Reformed Church to which all the Huguenots belonged. The Balls, on the other hand, were called to testify by Sen. Joe McCarthy before the Senate Un-American Activities Committee. They were frequent dinner guests at our house on North Chestnut. I have no idea why my parents befriended them. Christian charity, I guess. I vaguely recall other stories about one or two other *reds* in the congregation. My parents continued to visit the Balls in their last church in Ardmore-on-the Hudson, 35 miles north of NYC, on the east bank of Hudson. I am sure my parents made some lists themselves. It did not endear my parents to people in New Paltz which had been run by the **Duzine** (French for dozen, as in the 12 French Huguenot families) for the preceding 300 years. They settled the area with land grants called *patroons* from the Dutch. These were very thin strips of land running inland from the Hudson, primarily west. The Huguenots sought refuge from religious persecution in Holland, but they soon sailed away when their children started speaking Dutch rather than French.

Ironically, Dad’s ancestors were also Huguenots who entered the **U.S.** via Charleston, SC, with the surname, Jacques, which the immigration authority *anglicized* to Jay. Despite his being “one of them,” he told them to “go to hell” when they pressured him and Mom to join the Dutch Reformed Church. Dad tossed them out saying he was born a Methodist and would die one. The town then also was totally Republican, except for a few Irish and Italian Democrats who attended St. Joseph’s Roman Catholic Church which had a small attached parochial school. Mom told me shortly before she died that Dad had finally told her why he had claimed all along that he was French. Also, “Dutch Reformed” was a misnomer because the **Duzine** had left Holland when their kids started speaking Dutch instead of French. So why didn’t they call it just the Reformed Church?

Fond memories of the New Paltz Methodist Church include my causing a ruckus at age four when I was baptized simultaneously with my newborn brother. Dixie, my late wife, and I repeated this twofer with our sons, Will and Mike at the Gautier Presbyterian Church 30 years later. I was thrown out of Sunday school for telling the unfortunate



lady teacher that I did not want to go to heaven, sit on a cloud, and play a harp. I wanted to play baseball all day. Next was the scene I created during the Christmas musical pageant when my mother was an angel with wings parading down an outside aisle and I cried out that she wasn't dead yet. I also was one of the few kids actually kicked out of Junior Choir for the proverbial inability to "carry a tune in a bucket." At least, I did not have to go to that anymore. Underscoring my inferiority, and mistrust of Negroes, was the fact that their soloist was David Oliver, son of migrant apple pickers, who also used my fielder's glove on the Little League Indians while I sat on the bench. He and his sisters, also musically gifted, traveled with the crops coming back from New Jersey and points south each year with the blossoms on the trees and staying through the apple harvest. Besides refusing to accept my Sunday school teachers' child-appropriate vision of heaven, I also caught hell for outing Santa Claus at the kids' Christmas party. I mentioned that his boots smelled just like Ralph Elliot's, a prominent dairy farmer in the congregation. Spot on again.

On the subject of apples, I paid attention to girls at an early age. JK, whose dad owned one of the biggest orchards on the Newburgh highway, and her two best friends wrote to me frequently during my first year in Tallahassee enclosing photos of themselves. I discovered the anatomical differences between boys and girls in harmless fleeting episodes such as Walter Dyer's younger sister changing into her bathing suit in front of us. Later, PC, who moved away to Syracuse in the 3rd grade played "I'll show you mine, if you show me yours" inside one of those railroad cars. And JR and I "played doctor" in our garage. Of course, nothing untoward came of any of the aforementioned peek-a-boos. By the 5th grade, however, my heart was starting to flutter when we did ballroom dancing in the school gym. I was infatuated by AG in her red velvet dress waltzing with me on Valentine's Day. Her best friend, PA, had dark brown eyes and hair usually in pig tails. Sadly, they weren't among my girl pen pals.

Every boy with a mischievous streak has a best buddy with whom to get into trouble. Mine was Jimmy Haggerty, son of the college president. This provided us a lot of "air cover" for the many pranks, e.g. pulling the school fire alarm, talking back to student interns, and food fights in our classroom. In the lower grades at Campus Elementary



(it had K-8), food was brought in serving carts to each class room and we were made to take naps on the floor immediately thereafter. By 4th grade we went to a cafeteria.

During the late '40s-early '50s there were many state teachers' colleges spread across upstate New York. They were disciples of John Dewey's principles, which, for me, meant "the bratty student is never in the wrong." I quickly deduced that the elementary school subscribed to the old axiom, "it is the squeaky wheel that gets the grease," and that *acting out* gets you individual attention from an intern such that you won't have to do those things which you don't like. In my case, I loved reading and hated math. So, when my parents put me in the 5th grade in Caroline Brevard Elementary in Tallahassee in May 1954, even though I had been promoted to 6th grade already by my teacher, Mr. Deeb, a WWII B-29 pilot; I could not do fractions like all my classmates. But, in the 4th grade in New Paltz, I already read at the 8th grade level.

My "social maladjustments" started with my missing the first half of the 1st grade at home in bed with polio, my right leg cocked immovable at a 45 degree angle. Mom had her MAT from Columbia and had taught rich girls at Brierley in the City. Before her intensive tutoring began fall 1949, I had already started reading my Dad's New York World Telegram and Sun paper. So, to say the least, I was precocious, but very retarded socially by the time I returned to an overly permissive grammar school. In AA we talk about co-dependency and "enablers." I first experienced the "self will run riot" at the Campus school.

We did have exceptional teachers. Miss Alberico in 2nd grade; for 3rd grade, we had two teachers, a Mrs. Graham from Nebraska, and then Ms. Cullen, an English woman who broadened our tiny horizons considerably. In 4th grade, I tormented Miss Jane Stafford who was from Plattsburgh which I confused with the North Pole based on her stories of how cold it got there. My first male teacher came in the 5th grade, the aforementioned Mr. Deeb, an Arab Christian and pilot, who regaled me with stories of his Pacific bombing runs over Japan in B-29s at the end of WWII. My sons forget that I was in grammar school just after the Second World War and during the Korean "Conflict." Few people had TVs, so we got our news from the papers and the weekly

black and white 15 minute *This Is Your World* shows preceding feature films at the movies. WWII was fresh in everybody's mind, and most of my friends' dads had fought in it. Some of them were even recalled to Korea. We hated the Soviets and cheered the execution of the Rosenberg's nearby at Sing Sing on my tenth birthday when I received a new bicycle.

In addition to being attacked in my own yard at least twice by neighborhood children whose parents "dissed" mine for being Southerners, I also suffered the ignominy of being traded during my first little league season from the Indians to the Giants. As an eight year old, with kids as old as 12 in one league, I was destined to mostly warm the bench, but I was further humiliated by having to loan my glove to the aforementioned David Oliver, a Negro son of migrant apple pickers. There was only one black family residing in New Paltz. They lived near us off Chestnut Street and had a French surname, DuBois, making them offshoots of the **Duzine**. While they were not on the inside, their being descended from the founders, bought them a lot of "slack." And they were childless, so we had no black playmate out of that union.

The local bully, Charlie Turner, who lived a few doors south on Chestnut Street, broke my nose at age five in an unprovoked attack with a croquet mallet. For whatever reason, my parents never had it treated. The resulting deviated septum, which made breathing difficult—breathed through my mouth after slightest exertion—was not fixed until I was 28 and working for the dope-running lawyer in Phoenix. Exacerbating that wretched situation, very soon after the operation, while I was bent over pumping gas at an early self-service gas station in Tempe, the stitches broke due to blood pressure spike caused by my bent knees, and I hemorrhaged profusely two blocks from our apartment on the day my parents arrived from Tallahassee.

Staying with *head* injuries, the Walsh sisters gave me a brain concussion, including three stitches to the top of my head when they told me to retrieve some of their toys by crawling under a huge rock suspended by a rotten jump rope from their deck. It broke, and I was unconscious quite some time before being stitched up by Dr. Boetzel. Lastly, Walter Dyer, another fellow Methodist, three years older than I, knocked me all the way off of my swing in an attack from behind.

And these were from the best of our neighbors! Perhaps the most life-threatening injury was “self inflicted” in that it occurred when I tripped over a log in the high grass behind Bernice’s house and fell on a broken bottle cutting my right wrist a centimeter from a major vein. Before the advent of two-car families, most married women were “stay at home” moms. All that Mom could do was to wrap my wrist in a towel and apply a tourniquet. Then we walked eight blocks to Dr. Boetzel’s office where he sutured the wound. Bandaged, I walked back home and did not walk, let alone run, through trash-strewn lots anymore.

The New Paltz Little League was founded by a former Major League pitcher (Giants and Phillies), Bill Lohrman. He was recently enough retired that in 1953 he arranged a bus trip to the Polo Grounds for us to watch his two former teams oppose each other. Being traded at all from the Indians was bad enough. But my going to the Giants was thoroughly disheartening because I was a **Brooklyn** Dodger fan, but I had to wear # 2, Leo Durocher’s number with the hated New York Giants. Mr. Lohrman took me down on the field before the big game and introduced me to him. I was awe struck but told him I was a Brooklyn fan and hated his team. He told me to go easy on him, to check that he only came to NYG after he was fired by the Dodgers—before my time. It turned out to be true. But I was happy that the Phillies won 5-3. On the LL Giants, I was the only Protestant and from New Paltz. The rest of the team was Catholic and from Gardiner, an even smaller town five miles south of New Paltz, where “we” played our home games. Dad traveled all over the Catskills with his company car (our only one), so Mom had no way of getting me to games and it was too far for me to ride there on my bike. Hence, I had to beg a ride to each “home” game with members of the opposing team. My parents never even attended our “away” games in New Paltz. As in Tallahassee later, they did not want me to fritter away my time doing anything other than study.

In Tallahassee, I found my New Paltz elementary school report cards (letters from teacher to parents) that recited in very clear terms that the administration had wanted to skip me one grade twice during my six years K-5. My parents vetoed it both times. I was really pissed off to learn that especially because Mike Sullivan, the Methodist boy

across the street, only ten months older than I, was two grades ahead of me and therefore would not play with me. My parents had also lied to me that a hearing test had shown that I was tone deaf, therefore, per the lie, I was not allowed to learn how to play clarinet. I just read and read, therefore I had an 8th grade reading level in the 4th grade. In law school, where most classmates had much higher LSAT scores than I, I came to the realization that I wasn't all that smart; rather, I had just benefited from a photographic memory which is a huge boon for taking multiple choice and short answer exams. I had deluded myself by confusing rote memorization skills with genuine intellect. My ego also had been pumped up by learning from those purloined report cards that my IQ was 147 (one point less than older son Will's.) So I should have been in the 7th rather than 5th grade when I matriculated at Caroline Brevard.

My other biggest, if not fondest, memory of Campus Elementary days was the choke job by the 1951 Dodgers—who played .550 ball the last two months of the 1951 season, but NY Giants played .700 and made up 13 1/2 games. Only after turning 60 did I learn that the Giants had illegally stolen the visiting teams' catchers' signs to the pitcher with a telescope from the centerfield clubhouse. Bobby Thomson's home run, the so-called "Shot Heard 'Round the World" broke my heart. I was listening to the third and final playoff game while mending books in the library with Mrs. Walker, the librarian who liked me and was also a Dodger fan. I had managed to get myself tossed from third grade class. But I was always sent to the library instead of principal's office. We listened intently on her radio. When Russ Hodges made his famous call, kept screaming "The Giants Win the Pennant," tripled, she had to grab me when I tried to jump out of window, literally.

Because I was nearly 11 when we moved to Tallahassee and had been very active in Cub Scouts and Little League, I sorely missed New Paltz for our first several years in FL. I had earned the Lion badge, but was unable to work on Webelos which Cub Scouts doing just before turning 11 as transition to Boy Scouts. My little brother John, on the other hand, never felt anything positive for New Paltz. I surmise that this was because he was too young. I remember vividly both kindergarten and first grade. Maybe his amnesia had something to do

with his having to repeat first grade when we got to Tallahassee. It really stuck in my craw when our parents had Uncle Bill and Aunt Jet bring John back from Bavaria an \$800 French horn (even though I was “hereditarily tone deaf”). It then became quite obvious to me that in New Paltz they simply did not want to pay for my instrument. Lessons from the state teacher’s college connected to elementary school by an airway would have been free. This denial of formal training has not quenched my eclectic musical tastes. I have loved music all my life and have a huge CD and tape collection. I continually amaze people with my wide-ranging knowledge and ability to identify a zillion songs after hearing only the first three notes, etc.

We moved into our last home in New Paltz at 32 Center Street in July 1953, a mere ten months before our move to Tallahassee. It was the first home my parents owned, and by far the nicest of the three in New Paltz. It had many unique features—a short driveway which made a 90 degree left hand turn into a single car garage which Dad really hated because of our snowy winters and his coming home late. I well remember Dad’s outrage over the village mayor’s penchant to send the snow plow up Center Street the moment after he had dug himself out for the drive to Newburgh. New Paltz was almost wholly Republican, and the mayor, Robert Reid, was a kindly old physician, but that did not stop Dad from calling him those mornings and really giving him hell.

The house’s main floor was above ground level which itself was terraced at least ten feet above street level. In 50 years, the only exterior change that I detected in my numerous visits to New Paltz from CT was that the rock terracing had been replaced by red bricks. The second floor was gabled, so its square footage was less than the ground floor, but we had three bedrooms. My fondest memory was my cat, Trixie’s, carrying her kittens, born in a cardboard box in the basement/garage, one by one, and placing them into my bed. The ugliest memory was my brother John’s swinging his pajama top at me and snaring a glass and metal NP Savings Bank off the dresser which broke three of my left toes at their outer joints. Walking in the snow the two blocks to Campus Elementary was very painful. Again, these went untreated, and they still bend all the way backwards.

## My Parents' Stories

Our crossing guard was "Schoony" Schoonmaker who, by 1953, had retired from being the New York Central's station master. When living on Chestnut Street, I was his daily visitor either on foot or bike. He let me play with the telegraph machine and regaled me with stories of famous wrecks including the one in the '40s, while I lived there, but did not remember, when a steam locomotive derailed and turned on its right side headed north knocking down the semaphore signal which stood across the tracks now. I recall with sadness the switch from steam powered locomotives to diesels. We could also hear on a foggy night the whistles from the locomotives of another spur of the Montgomery line crossing the Hudson just north of the mid-Hudson bridge at Poughkeepsie. It suffered a serious electrical fire during the 1970s and has never been repaired. Hence, there are to this day no rail crossings between NYC and Albany, which is a terrible national security shortcoming and makes goods in New England far costlier than they otherwise would be. I was a train buff, and Rev. Ball gave me a hardcover book on the most famous train routes for my ninth birthday.

At age ten, one does not question his parents regarding financial matters. When we moved to Center Street, all I knew was that Mom still wrote for the local papers from home and that Dad still worked out of Newburgh but came home very late, usually after dinner, from his circuit in the Catskills. Later, one of them told me that in order to supplement his salary, he had secured his independent claims adjuster's license and worked nights and weekends for other companies. My guess is that the USF&G did not originally know about this, and coupled with his nightly excessive drinking along Routes 32 and 9W, when they found out, they fired him for cause in March. That was the month that **he** left for FL. I only learned the full details in the week following my release from rehab in December 1985 when Mom and I spent one week visiting the Featherstone's in Milton.

Mom told me and John that Dad had been transferred to somewhere with a funny Indian name in FL. Playing kickball at lunch recess in March in the snowy road in front of the school, I told Jimmy Haggerty how much I dreaded moving away to a swamp. Dad took his company car, a 6 cylinder 4-door lime green Chevy stick shift on the column to Tallahassee with him. Of course, this left Mom and the kids

without any transportation, thus we had no way of getting around except to walk. Thankfully, New Paltz was such a small village, population barely 2,500 that John and I could walk the several blocks to Campus Elementary, and Mom could bring groceries home in my red Dayton Flyer wagon from Grand Union. In those days, parents, especially in quiet, all white small towns like New Paltz, had no qualms about letting their children walk anywhere in town at night unaccompanied. I went to the cinema by myself while living at both Chestnut and Center Streets. I saw movies on weeknights because we did not have TV. Of course, all the kids went to the Saturday matinee which included three or four cartoons, a serial, *Commander Cody* (name of one of my favorite western swing bands many years ahead), and a full-length western. Besides the then current stars, Gene Autry and Roy Rogers, we also saw oldies such as Hopalong Cassidy, Tom Mix, and the Lone Ranger. We got all this for 15 cents and no previews.

The entire time that we lived in New Paltz, Mom dragged my brother and me to Thomson, GA, and the White Oak Campground every summer from my birth until H.S. graduation. From New Paltz, we rode the train and Dad joined us towards summer's end and drove us home for the start of the school year. I even went there while at Emory on the way to Atlanta for Naval Air Reserve drills. It was not much fun being a boy around only old women and preachers. To lighten my high school years' reading load, I read many 1000+ page books in French (four years with Lois "Beach Ball" Boggs, Mom's union co-conspirator while in H.S.) This is probably one reason I am no longer a Methodist! And I can say with absolute conviction that when my parents forced me into Emory instead of letting me be in the Honors program at the University of Florida, I intentionally set out to become a hell raisin' drunk. Unfortunately, I succeeded beyond my wildest expectations. In AA, we describe such stupidity, as a "resentment," where we drink rat poison hoping the person we hate will die! My sponsor called it letting the object of our resentment "live 'rent free' in our heads," and beating ourselves with the club we want to use on our enemies.

For the record, the White Oak Campground was owned by the Methodist church and operated by its Augusta district. Unlike the Baptist Church, where each congregation is autonomous—hiring and firing preachers as they saw fit, Methodists are governed by District



Superintendants and Bishops. So the grand pooh baas in Augusta ran the WOCG. Tin roofed open air tabernacles with hay on the floor came into vogue in the former Confederacy after the late lamented War of Northern Aggression. This was the Age of Awakening, and Revivalism swept the Midwest and Deep South. This tabernacle was originally encircled by actual canvas tents to which families came for annual two-week revivals. Often, the women and children spent entire summers there with the only men being preachers who fed off of and stayed in turn with the families that owned tents. By my birth, tents had been replaced by unpainted wooden single-floor gabled tin-roofed living structures that had neither running water nor indoor toilets.

Hence, it was not much of a stretch to call this "camping out." I particularly did not like using the outhouse, a "one holer" in local parlance. Several times I was bitten in "my privates" by a spider. And, the smell was awful. This was nothing like using a porta-john at a modern day music festival which is pumped out and deodorized several times per day. Being older and bigger than John, and without other males around except during the actual two-week revival, it was I who was forced by mother and aunts to take two buckets several times per day to a faraway well and bring back cold water in which we sponge bathed and that we used for all cooking and drinking. There also were almost never any kids of any age at the CG except on weekends and during the revival itself. One memorable cousin was Benny McNeil, a girl from in town (Thomson.) We communicated some while I was at Emory and she worked in Atlanta. Our most heated argument had to do with the proper pronunciation of "Albany," my state capital. She said it like her name, "all BENNY," and took umbrage at my correcting her. The other time killer at WOCG involved arming myself with a fly swatter in each hand and killing the million flies that came into our unscreened front porch during the daily "frog choakin" downpours.

That was a physical distraction from reading ahead for the coming school year's book lists in both English and French (all four years of both.) The only break from the monotony were weekend trips into Thomson and visits with Benny McNeil, daughter of Mom's best childhood friend, Mary Ruth Johnson, and a non relative, Edwin "Wendi" Bradshaw. He was the son of Edwin Sr. and Anna Brinkley and was the fattest and slowest kid on the Thomson Bulldogs. Hence, his



nickname, "Fatshaw." Wendi, which he much preferred, was also a respelling of his given name. We went to dances and shot hoops at the THS gym but did not even bother going to the movie theatre because it was segregated with blacks in the balcony as was the custom in most of the South during the '50s when there was not a separate "blacks only" cinema.

Perhaps the biggest reason I hated the WOOG was contracting polio in September 1949 because I became very ill when Dad drove me back to New Paltz non-stop before there were interstate highways. His vacation was over and I had to start 1st grade, but John stayed longer at WOOG with Mom and her sisters. I got soaked in a rainstorm mid-trip. I slept on the back seat of a new four-door Plymouth while Dad drove U.S. 1 like a mad man. For years he had to live with the thought that HE caused me to catch polio. He was on a guilt trip the rest of his life. Of course, modern medical science dispelled the notion that merely getting cold and wet causes one to catch a virus. Mom became overly protective, i.e. not letting me do what other boys did. I hated it, if not her! E.g. I was not allowed to attend Boy Scout Jamboree at Valley Forge or go to the Philmont Scout Camp in New Mexico. Yet the boy across the street, who lives close by to me now in RI, limped from poorly reset broken leg, got to do both. That hacked me off badly. Again, in my child's mind, my parents were just using my polio as an excuse not to spend money on me.

Dad and late Uncle Bill Martin (Lt. Col. USA Ret.) barely tolerated the Campground. My strongest memory of them was their sitting together with a bottle in the kitchen watching Aunt Janie cook and Deanna talk a blue streak. Mom and Aunt Jet were smart enough to go for a walk and talk. Being the two youngest sisters, they were closest in age and had seen the most of the world outside of GA. My cousin who resides in Tampa, Trudi Samuels Martin Haughey, told me years later that she thought that she hated the campground, too, but ended up having a great time the last time she was there as a senior in high school. Note the 15-year difference in our ages. She met many young Thomson/Augusta folks those summers with whom she stayed in contact for years especially while at Mercer University in Macon. She remembered all the Samuels sisters yapping away and

fussing about the food. As soon as one meal was done, Janie would start another.

According to Cousin Trudi, my mother had a vivid recollection of her childhood in Thomson, not the farm. I somehow missed out on the story telling which Trudi loved to hear. In one, Mom speculated that Bonnie and Clyde stayed at their house in Thomson while hiding out. It was after her father died and her mother and Jet took in boarders. B & C supposedly hid their car in the backyard; it was a man and a woman. Someone was “not well” (the woman) and mother allegedly heard them talking about suspicious things when she sat on the back outside stairs. Mom was afraid she would be “caught” listening, but never was. She speculated this is when they were MIA and hiding out in Georgia between robberies. They were only there for several weeks and Trudi thinks Mom said they left during the night. Trudi also remembered Aunt Deana tearing around those red clay roads in that little car (Dodge Dart) of hers. She knew every inch and turn. Old Stage Coach Road was actually the initial road used by the stage coaches and they said when they put in the new road they blasted out rocks and you could see the old road way up high. Deana could have driven on early NASCAR dirt tracks because she was the master of the four wheel drift—getting sideways, but hitting nothing.

My parents continued to use my polio as an excuse to not attend my Little League and Babe Ruth baseball and Biddy Basketball games in Tallahassee. They could not believe it when I succeeded at both. They would not even let me be the assistant sports editor of the Leon H.S. student paper my junior year or manager of the football team my senior year. They insisted I had to have four years of French if I was “going to make anything of myself”. So, my love of sports and music had to be put on hold until I was a lawyer. I tolerated the Campground until about age 12, then I wanted to be home playing baseball and riding my bike around Tallahassee. In those days, the city buses had shut down rather than integrate. Therefore, it was either ride your bike or use the “ankle express” to get from place to place. I did plenty of both because my parents discouraged **all** of my non-scholastic activities.

Although John and I were born four years apart, because of his having to repeat the first grade in Tallahassee due to his contracting

mononucleosis, we were five years apart in school. Therefore, we never attended Junior or Senior H.S. together and had no friends in common except for a handful in the neighborhood. One of my biggest resentments was my parents' conditioning my participation in most activities upon my allowing John to "tag along." None of my friends had their younger siblings as similar millstones around their necks. This became excruciating once I obtained my driver's license and was out drinking beer with my friends and getting into other mischief. Then that miserable little rat would blackmail me by threatening to tell on me to our parents unless I continued to drag him everywhere.

Compounding my resentment was my learning during college that my parents had been told "back in the day" by their friends and parents of my friends that they had been far too severe with me. They then went to the other extreme with John—being excessively lenient and too trusting, e.g. they left him at home with a car while they went to campground while he was in 10th grade. He proceeded to drop the stick-on-the-column transmission in our 1963 Ford's drag racing on South Monroe Street, yet he had the *chutzpah* to blame it on me. And our parents believed him. He never set them straight. Similarly, he was the one who stole Dad's bourbon bottles from under the kitchen sink and refilled them with water. Again, I took the hit. I did not need to steal Dad's because I had my own supply.

They also vocalized their "extreme disappointment" that I "wasted my four years and their money" due to my NOT studying pre-med, then going to medical school at Emory. I told them that I at first wanted to be an engineer (hence my unsuccessful attempt to secure an appointment from our Congressmen to West Point which offered no other majors back then) or to GA Tech or UF. They were totally on an ego trip dictating that they send their very smart first born to the college of **their choice**. They also liked very much the fact that Uncle John Samuels, a Baptist deacon, could monitor my behavior. This did not stop me from becoming an alky anyway. That was why I turned down the largest scholarship ever offered by Emory Law School to take off for Chicago. Back then, I never wanted to set foot in FL or GA again. And, State's Attorney Clyde Atkinson was holding the *nolle* of my sick stunt involving Culley's Funeral Home over my head for seven years. Being sent to AZ by Motorola was exactly what I wanted. 2,500

## My Parents' Stories

miles between me and them as well as a wife of my choosing, i.e. not a blonde-haired, blue-eyed Methodist churchgoer!

In early May 1954, when it was time for us to join Dad in Florida, Jimmy Haggerty's mom, the wife of the college president, kindly drove the three of us to Poughkeepsie to catch the NY Central passenger train to Jacksonville. I remember Mrs. Haggerty's big black Buick with the straight eight and her smoking Pall Malls with an FDR-like filter/holder. Jimmy and I had gotten into a lot of trouble our six years together at Campus Elementary, but we had his dad's august status to thank for many mere slaps on the wrist. It was a cold, gray day, and all five of us in the car were melancholy. Despite Mom's later remarks about how much she hated her days in New Paltz, she initially spoke fondly of it in Tallahassee, and everyone except Dad looked forward excitedly to our trip back there during the summer of 1956.

We had a sleeper car, and I got the top bunk. Viewing the same inner cities from a Pullman car was much more pleasurable than looking up at the same sights from the back seat of Dad's Plymouth five years earlier when I contracted polio from our hurried, non-stop drive back to New Paltz from the Campground. The most amusing moment of the trip was breakfast in North Carolina when all of us ordered pancakes. The black porter brought Mom identical silver pitchers full of her coffee and syrup for all of us. It was hilarious when she then proceeded to pour the steaming hot black coffee all over her pancakes, putting John and me into stitches.



## CHAPTER 2

### GRADES 6-12 IN TALLAHASSEE

Upon arrival in Jacksonville, Dad helped us with the luggage and drove us via U.S.90 to our new hometown. I was struck by both the series of courthouse squares in Lake City, Live Oak, Madison, and Monticello—all with towering monuments to Confederate war dead—and how rolling the hills were between these towns. I had expected all of Florida to be as flat as a pool table with sand and palm trees everywhere. We made our home at Lake Ella Motel on North Monroe Street (U.S. 27 aka to locals as the Hay-Vanna road) for the first week. Dad found us a small brick house near Myers Park at 531 Hart Street. Our next door neighbors, who became long term friends, were Russ and Gladys Winterle and their children, Mary Jo and John. I also met two older boys, Andy Grant who was brilliant, graduated from Harvard College and Duke Med School, as well as Paul Greene who had just moved from Charleston, SC, and spent his time correcting my pronunciation of the Cooper River, about, and out. We were lucky that Myers Park contained one of the two city swimming pools (soon closed in lieu of being integrated) and some ball fields and tennis courts. I soon joined BSA Troop 106 which met behind Andy's house on Myers Drive. It was made up of a lot of rough and ready kids from Gaines Street. No wimps allowed. I made Tenderfoot and sold peanuts and cokes in trays at FSU football games fall 1954. Start of a lifelong love affair with garnet and gold teams.

Although I had received a letter from Campus School promoting me to sixth grade, Mom had the bright idea that I should enroll, for two to three weeks only, in the 5th grade at Caroline Brevard Elementary

on the edge of the ring of state office buildings surrounding the (original) state capitol. Besides the fiery red clay which I passed on foot or biked on the way to school, I was drawn like a moth to a light by old Centennial Field, home of the defunct Class D Tallahassee Pirates and soon to be equally dead Class B Tallahassee Rebels of the old Florida International League (Havana Sugar Kings made it "international".) Leon H.S. also played varsity football there my 9th grade year in the old 12-team Northeast Conference which included five Jacksonville schools and others as far away as Daytona Beach, Orlando, and Ocala. I also worked on the "chain gang" doing downs and yards for the freshman team games there in afternoons.

That fall, I also got my first taste of what school integration meant in terms of "separate but equal." I would sit on the stone wall behind the left field fence and watch Lincoln H.S. play its home games there on alternate nights with the Leon Lions. It was immediately apparent whose band was better, by a lot. The same difference applied at the college level. FAMU's marching Rattlers maintained a pace of 180 steps per minute, often in 90/90 heat and humidity. I never saw one musician fall out. FSU had a renown School of Music. They presented wonderful orchestral shows and had very creative formations and music of the WWII era for halftime shows. They comprised great cheap or free artistic productions for such a small (25,000 pop. in 1954) city.

My fifth grade teacher was the prototypical Southern school *marm* of that era. Either a widow or spinster, in both cases these old-fashioned ladies were white haired and terribly stern. They and the principal wielded a mean paddle, ping pong, or just sticks. My northern accent and (lack of) manners landed me in trouble for such high crimes as failing to add "Ma'am" to simple yes and no answers or saying "yeah" and "nah." While I hated her guts at the time, my sixth grade teacher, Mrs. Liner, started me both on the track to using the requisite words of respect and humility and stimulated me into learning subjects other than reading, at which I greatly excelled. Fractions were a mystery because in New Paltz I had been allowed to just read as much as I wanted, when and where I wanted. Being "special" resulted in one-on-one tutoring by education majors.

I was glad to have made neighborhood friends at the end of the fifth grade to have playmates for the summer of 1954 and during

sixth grade—at the end of which we moved to Indian Head Acres, from where I commuted the last month two miles via bike. In those days, school buses rarely transported kids within the city. Tallahassee then had only one white junior high school, Elizabeth Cobb, off Miccosukee Road. Sixth graders from next door Kate Sullivan Elementary joined 7th and 8th graders from all over Tallahassee. Being thrown together for the first time was a novel experience because Tallahassee had many neighborhoods of varying wealth and education. In addition, we underwent the usual transition of being weaned suddenly from having just one teacher the entire school day to rotating classes and teachers. Knowing almost no one, I was fortunate to have been befriended in fifth grade by Wayne Somerset, who turned out to be a very good RHP for the Leon Lions several years later. He helped me get started selling boiled peanuts (in the shell, not roasted or parched, a sacrilege!) on Adams and Monroe Street weekdays and at Tallahassee Rebel home games at night.

The most memorable moment of this gig came one night when I stepped into or sat on a fire ant hill. Yes, those little bastards did sting like wasps. I recall dropping trousers, ditching sneakers and socks, finishing up the night with an apron over skivvies much to the amusement of the spectators. Show must go on. The 1954 season allowed me to meet some extremely interesting characters on both home and visiting teams. The Rebels featured Riley Sievers and Monk Stevens from recent FSU squads plus the inimitable “Conk” Meriwether. Details are now fuzzy, but it was a gospel truth that he earned his name for both his long HRs over the Seaboard Coast Line tracks behind RF fence and for having killed his wife with an ax. Supposedly, he had been found insane, gone to Chattahoochee (state mental hospital 50 miles NW on Lake Seminole), and been paroled to the Rebels. Another Rebels’ pitcher was named Pollett. He lived next door to Andrew Grant on Hart Street. His brother, Howie, was then pitching in the National League for the St. Louis Cardinals. I worshipped these guys.

The most famous visiting player, Jesse Levan, played for the Miami Flamingos. As was often the case in those days, his was the sad story of a major leaguer on the slow way down and out of organized baseball. He wore number 3 like Babe Ruth and usually staged a home run hitting contest with the other team’s best slugger before games.



I talked to him in visitors' dugout and he regaled me with stories of his days with the Washington Senators. I later verified his MLB service using the baseball encyclopedia that Dixie gave me for a birthday. Sadly, professional baseball folded at the end of the 1954 season, partly because of the success of the American Legion and FSU's teams. Within ten years Centennial Field was overgrown with kudzu. Per my cousin, Van Lewis, it was then used as a city coal/gas plant or something similar. Having become very polluted by those chemicals, it's remained vacant for years.

Per a woman classmate, lawyer for FL DEP, Centennial Field is not technically a superfund site, but it is a massive contamination/clean-up site, funded by city of Tallahassee and FL DEP. The contamination was caused by a city-run manufactured gas plant. Lots and lots of coal tar. When Tallahassee was chosen to be the site of the capital city, the low area just south of Monroe Street was a beautiful productive wetland with all manner of flora and fauna. There was even a waterfall. Then people began what they always do with garbage, to the present day: throw it in the lowest places. By the turn of the 19th century, the area was a festering sore of putrefaction and final destruction of the wetland by putting in the ball field "was a civic duty."

Sixth grade at CBS was interesting in many respects. I joined the School Boy Patrol whose Captain was John Tait, who later attended AFA, making Colonel. As a grunt with only a white sash, I carried the orange flag on the pole to more remote crossings such as the old Perry Highway aka Lafayette Street. During the winters, a stone's throw from the Capitol, I marveled at all the Yankee state license plates that passed through on their way to what became new, *yankeefied* South Florida. After fifth grade, despite my having played Little League for two years in New Paltz, I had to settle for the Cub League for ages eight through ten which played in South City. Because I was not yet eleven by the calendar, I unexpectedly got in an unplanned year of baseball despite starting 1954 with the Giants in New Paltz. Following 6th grade, I tried out for a spot on one of the six teams comprising the South Side Little League which played in Myers Park. (There was also a North side LL playing at the field at Lafayette Park next to the city's only indoor basketball court and four-lane bowling alley.) I was categorized as a 12 year old, and despite having an outstanding tryout,

especially in the field, I could not displace an established 12 year old from any team. I appeared shutout for the summer of 1955.

Thank God for the generosity of Carter's Sporting Goods and Gene Billings, an employee there for many years. Seeing that others were excluded like I, CSG financed two *renegade* teams, one each on the south and north sides of town. We "southerners" wore red caps with white C's; the "northerners" a blue cap with red C's. All players had a CGS white T shirt, wore jeans vice real BB pants, and supplied our own cleats, or sneakers. We walked and/or biked to games all over Tallahassee. We won a damn sight more games than we lost and gained the respect of the guys on the "real teams" which helped at Cobb and Leon.

The following summer, the same scenario repeated itself in tryouts for the one and only six team Babe Ruth League. I was a slick fielding, no-hit shortstop (it was not discovered until age 15 that I needed glasses from 12 on), and I just missed getting a scarce 13-year-old slot on one of the six teams. Parents and adults who loved coaching did not fail to notice the pyramid narrowing towards the top, what with 12 official and 2 outlaw teams sending kids to one BRL. Again, fortune smiled on us. Danny Litwiler, then FSU baseball coach, had the brainstorm, and may have partly financed creating a second six-team league named after him which played its games on a LL-sized field behind LHS adjacent to the BRL field.

Despite being a Methodist, I was "drafted" by First Baptist, primarily because my uncle (by marriage), Willis Howard, Sr., was preacher at **the** Baptist church in Quincy (20 miles west on U.S.90) and he had prevailed on Dr. Howard Sanders to make an exception for me. I went two for four in my first game, after which it was all downhill—both years. I had no idea that I was beginning to suffer from hereditary acute myopia. Dad had been rejected by the Army in WWII because he was legally blind in his right eye. I did not get glasses until my "career" was over at 15, sophomore year at Leon, by which time it was too late for me to hit for a high average which I did do in seven years of softball in college and law school—wearing glasses.) As had happened in LL in New Paltz, I again suffered the ignominy of being traded, in this case to Baker Insurance, coached my Rita Vickery's dad, Glen, a civil engineer employed by FL DOT, who also became my mentor

encouraging me to study civil engineering at UF despite my dad's aversion to that major. As a consolation prize, I finally wore a blue cap with white B—just like my beloved Brooklyn Dodgers.

My first year, with FB, I was under strict orders NEVER to swing at anything—with the result that I drew 36 walks (was 5 for 25 in official ABs.) A hearty round of laughter erupted at the banquet when I was given a two-toned bat as my prize for leading the league in walks, stolen bases, and runs scored. Even the great Bud Williams, later an All State QB and UF linebacker, SEC referee, and LHS catcher could not throw me out. Despite his great talent, he opted to play in the Litwiler League for his father's Pure Oil team as a 13 year old instead of going to BRL. My best days ever were achieved playing Litwiler League games inside the Federal Correctional Institute at the east end of Park Avenue each of my two years. The inmates cheered me on, but then most of them were probably there for stealing! Rather than throwing 13 year olds out after our one year post Little League season, the Litwiler League fielded teams for 13 and 14 year olds its second season. I was traded back to First Baptist, where I hit (or not) only 3 for 26, but again led the league in walks, SBs and runs scored. Swinging against orders, I also hit my one and only HR off Gerald Dial over the head of Tallahassee S&L's CF, Zollie Maynard. Even though the coach threatened not to buy me the usual ice cream cone, he relented, but told me not to ever swing against a take sign again.

Meanwhile back in the (blackboard) jungle of the classroom and playgrounds, I made above average grades in seven and eighth grades, my voice changed, and my Indian Head Acre buddies and I formed a gang, the feared *Junviles* (we could not spell "juvenile" as in *delinquent*) as an offshoot of BSA Troop 111 which met in Koucky Park in IHA. The *Junviles* committed numerous *serious* crimes such as blowing up Coach McElwee's mailbox with a cherry bomb lit by a cigarette fuse, firing marbles across our temporary lake from lead pipe cannons propelled by cherry bombs breaking lots of plate glass windows on West Indian Head Drive, redeeming soda bottles stored out the back door of Winchester's Market on Old St. Augustine Road, and doing destructive Halloween pranks. In the fall, daily touch football games were held in Kenny West's back yard, moving later to Hartsfield Elementary School. The grossest thing we did at Cobb was precipitated

by our chorus teacher, Ms. Russ', making too big a deal out of the boys' voices changing. As her punishment, one night we packed her mailbox with used condoms containing proof of our new found manhood. Case was never solved, imagine. We also deflated all four tires on Social Studies and English teacher Ann Cunningham's 1955 Chevy for similarly questioning of our manhood. Other random acts of stupidity included stacking benches in boys' showers so that we could watch our flat-chested female classmates prance around nude in the showers.

The sponsoring Optimists determined that when a Boy Scout turned 14 he had to leave. Heretofore, we had had members up to age 18. That was where our sex education came from (pun intended.) We all watched CS's sister give nickel blow jobs in the back of her brother's jeep after 111 meetings. I doubt that most of our Cobb classmates were living like that as early teenagers. I got a badly blackened eye on one of our many hay rides when Chuck McC, who transferred to Sopchoppy H.S. and played mean RB, dared me to pinch 7th grade classmate AR on her buttocks. She hit me in right eye with very hard right cross, and I wore that black eye as a badge of honor to Cobb as a 7th grader. My less adventurous neighbors were at Baptist Youth Training Union that night. As I have related to Deacon Wulfie, when I was a sixth grader living on Hart Street, my ninth grade neighbor, Andrew Grant, took me to First Baptist's BYTU every Sunday night, and I beat all his contemporaries in Sword Drill. I always had known the Bible far better than they. Probably due to all those summers at the Methodist White Oak Campground listening to preachers doing their fire and brimstone shtick!

I had an *illustrious* Boy Scout career. Despite earning Eagle, God and Country, and Order of the Arrow, I will never live down the ignominy of having gotten lost when 12 at Camp Semialachee while still just a first class. The bloodhounds from Chattahoochee (state mental hospital) were called out, but before they located me, I had turned up at the Girl Scouts camp, and I was sipping hot chocolate with Cobb Coach Sheldon (Shad) Hollaman and drying off under blankets. I again saw Cobb girls in various stages of nakedness through the window.

On the sports front, I earned my way onto the basketball team both years at Cobb JHS, but rarely played due to uncontrolled right

leg cramps, a residual of polio that plagued me until I stop being a jock. In addition, my recalcitrant parents refused to pick me up after games. There were no late buses for kids staying late in the mid-'50s. In fact, after my frequent detentions at Cobb, Assistant Principal Cecil Rhodes, who lived next to LHS Coach McElwee in Indian Head Acres, gave me rides home. Maybe he was my first "enabler." For damn sure, Leon H.S.'s Assistant Principal, O. D. Roberts, never gave me a ride anywhere. What a doofus he was. My revenge against LHS administrators for punishing my many minor transgressions was directed at Principal Bob Stevens. To his utter disgust, I dated his daughter Cheryl when we were both home at odd times during college due to our being on the quarter system. For those of you who never saw her after 6/61, she blossomed into one beautiful woman at Agnes Scott in Decatur, GA.

Ninth grade at LHS sucked for a variety of reasons, foremost of which was the overcrowding countenanced by the sorry bastards on the School Board and taxpayers in general. They had allowed 2,100 students to be squeezed into a WPA-built 1936 brick school house built for 700. My homeroom was with Coach Gutierrez in the back of the auditorium. Who doesn't remember 500-person "study" halls in same place? Thank God for the invention of the cigarette-pack sized transistor radio with a single hearing aid type ear plug. The other blessing was that Mutual Broadcasting System back then also had daytime baseball on the radio. WTAL and WTNT certainly sucked—any hour, night and day. Football games in 1956 were played at Centennial Field and basketball games our entire four years in the WWII Quonset Hut gym on baseball field level. Clearly, the low light of academics was Algebra I with 90 year old Miss Dora Hiles who lived directly across Tennessee Street from the U.S.90 car entrance and the first floor corner room they gave her because she used a cane and could not possibly have climbed to the second or third floor. She was a spinster brought out of retirement just to teach overflow sections. That entire year I handed in perfect homework and tests, yet she deducted 10 points across the board, on everything, because this sweaty lefthander smudged his papers, in no small part due to the awful heat and humidity in early fall and late spring. Hence, I was put into Mama King's slow Geometry I class rather than Laura Lewis' brainier class. All I learned from MK was the catch phrase, "That's the truth, I tell you

no lies!" Somehow, I redeemed myself by earning an A from her and was rewarded with seats in Myrtle Rehwinkel's Algebra II and combined Trig/Solid Geometry/College algebra classes during the 11th and 12th grades.

A constant source of "fun" the entire four years was French under Lois "Beach Ball" Boggs. Unfortunately for only me, she and Mom were the top two officers in the so-called teachers' association, a trade union, by any other name. Hence my slightest transgressions were immediately relayed to my parents who disciplined me for the slightest transgressions any way. Thank God that the really big transgressions, committed four consecutive May's at the **Congres de la Culture Francaise en Floride** held at Rollins College in Winter Park went totally undetected. Riding with "loose women" from the Jacksonville schools down Tamiami and Orange Blossom Trails in downtown Orlando, pre Mouse World, and smoking at batting cages.

The other major high jinks from my years at LHS had to do with that pedagogic asshole, Joe Karras, who taught Chemistry, but mostly Physics. Due to my friendship with David and Becky Tomlinson from the downtown camera shop, stemming from my being a shutterbug in Scouts, I learned of Karras' molesting female members of the Camera Club in the school darkroom and giving A's to girls who brought him Chocolate cakes. As an alky, addicted to chocolate in all forms, I now see how that could work when sex failed. Our sophomore year, Karras' intern was an ugly female from FSU whose last name was Curry. Bad luck arrived in her form as "Madame Curie" teaching me Chemistry my junior year. Naturally, she remained, ahem, "close" to Joe reporting which of her students were giving her shit. How could I not have been included? I did excellent class work and tests, but cut up in the lab having decided early on that science was for pre-meds.

Finally, summer 1960 came. Our dear classmate Patsy Pepper lived very close to Karras in the Seminole/Old Fort Park neighborhood. She also had a swimming pool and did not zealously guard her dad's liquor cabinet and did not care about smoking house guests. My parents' 1957 gray Ford must have been spotted too many times in front of her house by Karras' spies. While Joe and a few of his pets attended the Science Fair in Seattle, one of our frisky classmates, Gordon Roberts, with the help of unnamed co-conspirators, put a possum down

Karras' chimney. It clawed up the interior, defecated everywhere, then died and decomposed producing an unequaled fragrance to greet our returning pedophile, demagogic physics teacher.

In no time at all, with no basis other than Patsy's house being a few doors away, Joe K blamed *moi* for this horrible incident. I had pre-registered to take physics, still planning on studying civil engineering in Gainesville. Karras told me to my face that if I were stupid enough to take his course, he would give me an F, so that I had better carry six courses, or take something else. Can you imagine this happening in modern times? He would have been sued by both the parents of the girl camera bugs whom he fondled or worse, as well as parents of students excluded from the only chance to take H.S. physics. I took the bastard at his word because he did indeed flunk James Tait, John's older brother, who went on to graduate from Harvard and became a lawyer. So I had to hunt for another course in order to amass the 20 credits required for graduation.

A great debater was born that very moment. Hell, I had Malcolm Longsdon for homeroom and world history, so why not spend half of my day under his tutelage? Having a big loud mouth was not qualification enough. The sainted Mike Odom, he of the swastika armband, navy suit, and red vest from the prior year's debate team encouraged me to take his place as the best damn second negative for 1960/61. That year's topic was "Resolved: the UN Should Be Significantly Strengthened." Lefties in the making like third cousin Van Lewis beat down the doors to take the affirmative. At crucial moments like these, I go *tabula rasa* as to who was my partner, first negative, probably Ann Lassiter. The sports teams had nothing on our version of the NFL, i.e. National Forensic League. The debaters and extemporaneous speakers sang for their suppers in front of Tallahassee's civic clubs, passing the hat successfully for the funds with which to defray our jaunts to Tampa, Orlando, Jacksonville, Sarasota, and—God's gift to dirt farmers—Cairo and Bainbridge GA. (Sorry, not Attapulcus, Patsy!.) These road trips in private autos and stays in motels were racier sounding than they turned out to be in practice. I will never forget how the South Florida association turned the tables on us North Florida Crackers at the last moment re-writing the rules—to conform to their prior year-long prior practice, i.e. a coin flip at the beginning of each debate



to determine which school's team had the affirmative, the other the negative.

Longsdon was a resourceful old codger. Thank God, too, that he was deaf and could not see much of what was going on in his backseat for those who drew short straws and had to ride with him. Malcolm quickly surmised that OUR only chance to "place or show" was if he split up the teams—pairing one negative with one affirmative from his two best teams. Ann Lassiter and I had been the negative team all year; whereas, Van Lewis and Nan Laird, now a Harvard Statistics professor, had been the "affirmatives" all season. Van's memory of this cause célèbre, being far clearer than mine is that both of our reconstituted teams were in the state semi-finals versus Miami Senior and one of the Jesuit high schools. He felt that his and Nan's debate was their best by far, to the point of his claiming, "We slaughtered 'em!" He was also certain that he and Nan were headed to the finals against Ann L and me. According to him, "but no, those damn crooked south Florida judges couldn't abide the thought of Leon coming in first AND second. So, because the two semi-finals were held at the same time, neither set of judges could risk allowing either of Leon team to win, since if both of us had, we would have embarrassed the whole state, neither of us won. We were robbed!" To the best of my recollection, Ann and I became the team which placed third in the statewide ranking as the better losers than Van and Nan. Despite the fix having been in, it was no insult to lose to Neil Sonnett, from Miami Beach, whom I had met the previous summer at Boys' State. He still has a full head of flaming orange hair and has served terms as FL and U.S. president of Criminal Defense Attorneys' Association with his name in paper at least monthly.

Come mid-June 1961, we graduated, leaving behind those "sacred red clay hills of Tallahassee that harbored memories dear." I really enjoyed smoking on the front steps in front of Bob Stevens waiting for the buses to take us to Doak Campbell Stadium at FSU for graduation ceremonies. My lips are sealed, for now, about the American Graffiti style official and not so official parties that followed. Don't know what others did that summer, but I went to U.S. Naval Training Center, Great Lakes, Illinois, for the full 13-week boot camp (instead of the 2-week "Kiddie Kruse" for which other Lions opted) just to get away from my



abusive old man. I do remember coming back fit, 35 pounds lighter, muscular, and kicking some people's asses who had bullied me since my arrival in 1954.

Then it was off to our various colleges—spread all across the U.S. H.S. sweethearts soon forgot each other and hated to come back on semester/quarter breaks to live, albeit for only a week, under our clueless parents' roofs. At least there was far less criticism of our drinking and staying out all night than as H.S. cherubs.

## CHAPTER 3

# LEON HIGH SCHOOL

This three-story brick edifice was built by the WPA in 1936 on the north side of U.S. Hwy 90 aka Tennessee Street, which connected Jacksonville to Pensacola in pre I-10 days. Its exact duplicate, in Frenchtown, was built for blacks. Ah, separate but equal. I wonder if they were maintained equally over the years. Because Tallahassee was segregated *de jure* rather than *de facto*, once de-segregation finally started (it took “all due deliberate speed”—phasing in, as it did, one grade at a time for 12 years), sending children to integrated schools was rather easy given the checkerboard residential patterns of working class housing. No Boston-style busing required or New England style riots, either.

But the Class of 1961 was lily white. In fact, my younger brother, John, graduated in the last segregated class in June 1966. Leon High in September 1957 was, too put it mildly, “overcrowded,” i.e. more than 2,100 pupils crammed into a building intended for 700. There, of course, was no air conditioning, and classrooms in early fall and late spring were stiflingly hot. Roll over deodorants failed, and flower power, for which Tallahassee is justly famed, could not mask the body odors, especially in the so-called “study halls” where 500 kids faked looking at their books and papers under the “all seeing eye,” well he had only one, Woodrow Wilson Riser. His glass eye periodically spun in its socket like a pin ball or slot machine token. Damned if he couldn’t detect goofing off, real or imagined, in the farthest back rows. Heck, he even nailed me during sophomore year for supposedly dropping my pencils repeatedly on the floor so I could carry on a clandestine

conversation with the kid two seats over. In fact, I was cramping up with severe abdominal pain, signs of my earliest stomach ulcers at age 15. No wonder I puked blood after drinking grain alcohol with the Chi Phi's when 18 at Emory.

The overcrowding was temporarily alleviated in 1958 when the Class of 1962 became the last freshman class admitted. Of course, my friends, Bill Slade and Pal Godfrey, went through hell for two, rather than the usual one, years because in 1959 they were 10th graders without freshman to haze. LHS benefited from being in a university town by virtue of having a faculty sprinkled with wives of FSU faculty members, e.g. "Dr. Ruth" Skretting, my junior year English teacher who also taught German I and II. Because she and Mom were friends, I stayed in contact with her the rest of her life. Same goes for Lois "Beach Ball" Boggs, from whom I tried to learn French for four years. At least our LHS club *Chez Nous* and the **Congres de la Culture en Francaise en Floride**—with its annual May conventions at Rollins Collins—produced some levity. When the Viet Nam moving wall came to Waterford, CT, several summers ago I was able to etch the names of Mike Odom, the neo-Nazi second negative on class of 1960 debate team who re-cycled himself at FSU in ROTC into an Army Ranger First Lieutenant who died on his second tour "in country" and Jack Parker, a fellow sufferer in French, who died as a Navy carrier pilot when he missed his CVN returning from a mission over the north.

In fact, of the boys who took French IV, many died tragic young deaths. Tom McCulloch, who received his MD from Duke, then returned to Tallahassee was killed at dusk on Centerville Road walking his bike roadside. Jim Yon, who received a law degree from Vanderbilt, committed suicide before 40. Tom Still and I are still around, and most of the girls survive, to the best of my knowledge. Musically, our class was in Cobb when Elvis hit the small screen on Ed Sullivan's Sunday night show. Folk, at least for white kids without duck tails, was favored. Clones of the Kingston Trio, Brothers Four, and those saps, the Lettermen, existed on every H.S. campus. Members of Sea Ship 1 minus Jack Parker comprised a Kingston trio knockoff what with their matching short-sleeved plaid shirts and khakis. They actually weren't half bad, and the price was right. Gary Ketchum, my Senior Patrol Leader in Troop 111, neighbor on West Indian Head Drive,

class of '59, was in an albino doo wop group, whose name escapes me. They cloned palely (pun intended) New Haven's own Five Satins whose biggest hit was ***In the Still of the Night***. Little did I know that the originators of that song were a bunch of black kids. Only after getting to Emory, and more so from being exposed to blues and soul in Chicago, did I learn that all the freakin' hits to which we danced or snapped our fingers were written and originally performed by black teenagers. Hell, I thought Chuck Berry was white until I saw his album covers at Emory. My absolute favorite, Ray Charles, whom I saw perform twice at Emory, was known by even me to be a Negro! My parents would not let me play his 33 rpm LPs while they were in the same house. On the female side, I recall that Betsy Harris and several other girls also had a very nice-sounding group, the *Melodears*, which sang girl doo wop classics as well as Andrews and McGuire Sisters chestnuts. We were too young for actual rock & roll bands with Fender Stratocasters and electric basses. I read recently that Buddy Holly was the first American rock artist to have played a Stratocaster in the UK where he was even bigger than in the States. Their gain, our loss. Life changed forever on "the day the music died."

In the late '50s and early '60s, jocks and cheerleaders led the popularity hit parade. At the least the guys had to earn their status by sweating and enduring pain, and were not always handsome. On the other hand the *hot girls*, before that term was used, were blessed with above average looks, and a few of them even had decent figures, but with no cleavage showing, no one ever knew who was wearing "falsies." In those idyllic years before integration, the hugest social event each year was the May Queen and her court which was antebellum style prancing around and under the largest, probably not the oldest, live oak in the grassy median on the east end of Park Avenue. This popularity contest rubbed salt in already open wounds dividing the "haves" from the "have not's" at LHS.

Academically, one could receive a surprisingly good education at Leon owing to its having a four-track curriculum. I benefited from being in College Preparatory and studied a combination of trigonometry, solid geometry, and college level algebra my senior year. The real brains, Nan Laird and Van Lewis, even took those courses at FSU!

## Life in the Shadows of Corporate Lawyer

As previously mentioned, four years of French were offered. Mrs. Scarborough taught four years of Latin, and Mrs. Dillingham taught four years of Spanish. The most famous alumnus of our era, stretched to include our freshman year, had to be Faye Dunaway, the actress, who worked the supply counter when we were freshmen and was invariably pleasant to this star-struck freshman.

The late and unlamented O. D. Roberts, Assistant Principal, was sponsor of High Y of which I was a three-year member. The poor bastard must have suffered from depression because he blew his brains out while sitting in the bath tub some years later. While he dished out suspensions to me for a crooked look, he let go unpunished far more serious actual assaults. While I was a sophomore new member of Hi Y, two ignorant bullies who played end on the football Lions, John McEachern and Billy Cash, good enough players to have earned full athletic scholarships to Georgia and Florida, respectively, turned off the hall lights in the wing above the cafeteria and brutally beat me for some perceived verbal transgression during the Club's meeting. It probably had something to do about the devotionals we gave on intercom and at assembly. Both were at least 6' 2" and weighed more than 200 pounds, big for then absolutely, and huge in comparison to me at maybe 5' 4" 130 lbs. O. D. didn't lift a finger despite having witnessed the whole affair. My Dad stormed into Stevens' office the next morning and read Bobby the riot act, demanding the two miscreants be expelled. Stevens refused because he did not want to cost these brutes their full scholarships. I never received an apology from the school, let alone our gridiron heroes. These days, LHS, the School Board, the bullies, present day counterpart of Coach Sexton et al would have been sued, rightfully so, for a huge sum for my two blackened eyes and other facial injuries. But, in the '50s, jocks and cheerleaders, for that matter, sons and daughters of doctors, lawyers, and state big wigs, could do no wrong. There was more than one double standard going on back then, any black brothers and sisters who might read this.

Cafeteria food was barely edible, not nearly as tasty and filling as chow in Navy boot camp. I ate very little of it, often brown bagging, beginning of a lifelong habit at multiple employers. As a junior and senior with my Mom's '57 Ford at my disposal, I and my friends (the

boys on debate team our senior year) hightailed it to Mutt and Jeff's or the new fad, McDonald's, to gulp down hamburgers and cokes and be back on campus within the prescribed 30 minutes. I recall backing my car in at a 45-degree angle Le Mans style on the embankment above the gym to always be "the leader of the pack." One afternoon after school, I fishtailed into a four wheel drift turning right onto Miccosukee to pick up my brother at Cobb. TPD cruiser headed other way, turned on lights and siren, did a 180 and gave pursuit. I repeated the high speed turn at Blessed Sacred and out ran that sucker, first of many such "escapes."

Another memorable pursuit was losing a TPD cruiser coming east from FSU on College Avenue after a night of cruising campus by killing the lights and driving the wrong way on Duval and snaking around the Capitol. I would have been put so far under the jail that they would have had to pump sunshine to me, as my Emory frat brother roommate, Scooter Grider, was fond of saying. Every Sunday night after MYF, I and Len McKinnon, Pal Godfrey, Edwin Dugar and unnamed lapsed Christians did road races to the home where cookies and Kool aid were served. I also did some hair-raising passing in no-passing zones going to the Coast, e.g. winding up in a roadside cemetery with carload of the aforementioned MYF'ers. It's a wonder I escaped Tallahassee alive. My Bullitt-style driving luck ran out in Gwinnett County, GA, in February 1964, but that is a story for later.

In its day, LHS was as cliquish as today's high schools, just without the blackberries, iPods, MySpace, and YouTube. Social class stratification evidenced itself in ways other than May Queen and Court. The so-called service clubs, Key and Jr. Civitan for boys, and Anchor and Civinettes for girls, drew their membership from the usual pool of jocks and pretty girl cheerleaders. A few brainiacs were tapped to lend seriousness. The lower classes had to make do with High Y and Tri High Y. I was a member of the former for three years, a foolish choice because it put me under the thumb of sponsor, O.D. Roberts, our assistant principal and resident dumbest member of faculty. Our claim to fame was giving the morning devotional over the intercom and before the Assembly on Friday mornings. I was the guest preacher so often that "friends" called me Elmer Gantry. Hell, I took that stuff seriously, but it did not reduce the number or length of detentions I served outside

O.D.'s door, ironically next to my preaching intercom. Later, O.D. gave me a break, releasing me senior year to Malcolm Longsdon, our debate coach, where I cleaned black boards and generally sucked up to the man. The last way that I antagonized both Roberts and Stevens was when I founded the Wheel Club (junior Rotarians) in September 1960 to challenge Key and Jr. Civitan clubs. At Boys' State held that summer at FSU, I made the acquaintance of a country fellow from Central Florida named C. J. Hasleem who was state president of the Florida H.S. Wheel clubs. I was still hoping to get out of Hi Y to a "respectable" service club. I hosted C.J. at my house after Boys' State. He and I contacted the Tallahassee Rotary club, secured their commitment and sponsorship. Then we presented it as a *fait accompli* to O.D. and Bobby Stevens, charter in hand. That pissed both of them off badly. The 14 charter members included Charles Ragsdale and many of my Trinity MFY friends. Although I am listed on the charter as a founder, Roberts and Stevens forbade my switching over my membership. That was the last dig by the administration. But, nevertheless, I attended Wheel Club parties and was secretly given a pin.

We non-jocks joined the Pep Club and rode buses to out of town football games at exotic places like Dothan, AL, Thomasville, and Panama City. Ah, PC. Pal Godfrey, class of 1962, and I claimed the LHS land speed record of having driven, in both his Dodge Charger 411 hemi head and my Mom's '64 Ford Galaxy with only 352 cu. in., from Tally to PC on the inland route through Blountstown and Bristol in less than one hour, in effect, due to time zone change, arriving before we left. Last time I drove it, the distance was still 98 miles. That was some severe hauling ass. Driving fast (and stupid) was the rage back then when we could still be shade tree mechanics. How many remember using the non-racers' cars to block off a quarter mile drag strip on the Old Tram Road parallel to and north of the Capitol Drive-In theatre and then drag racing quarter miles using both lanes? Hell, the makers of American Graffiti had to have copied us. Cops had to have known, but let it go anyway. Or stuffing the trunks of our cars with a case of beer and five guys and paying for one admission to Capitol and Perry Highway drive-in theatres. Almost as much fun as swapping spit with a honey on the back row, steaming up the windows for protection. Damn, those were the good ole days!

## Leon High School

The Class of 1961 seemed to contain more than its fair share of smart kids. They dispersed to colleges at the four points of the compass, and joined all branches of the military (before Viet Nam was more than an advisory mission.) Van and Charles Ragsdale went to Cambridge to Harvard and MIT, respectively. Nan and Barbara matriculated at Rice "Institute" (no tuition, and they had wealthy parents, for shame.) Five or six of us entered Emory, and we all graduated, except Linda Ohms who came home and got married. Hordes enrolled at UF and FSU. I was struck by how many accountants we produced, yes, you James Wadsworth, a hopeless doofus when we knew you. Herbert Morgan, the pimply faced Four H leader became one of Leon County's state representatives, acquitted himself with acclaim. Hell, Larry Campbell, of the preceding class, is now High Sheriff. I dare not speed at the next reunion! Over the years, a number of women have died of cancer. We lost the aforementioned good guys from French IV. Harry Friedman died of a heart attack way too young. Reunions aren't held with their former frequency, i.e. we missed our 45th. New high schools and subdivisions have been built in the "burbs" meaning that is where the white kids now go. Our LHS days could never be repeated. Some of us wax nostalgic over those four years; others probably deeply hated them and never looked back.

An archetypal instance of the cruelty of teenagers to each other, involved my so-called "buddies" from four years of French; namely, Pasco, Still, Yon, and McCullough. They were all members of Sea Scout Ship 1 which met in the Old Elks lodge on Monroe Street opposite the Florida theatre. Because the Optimists forced me (and all others hitting that mark) out of Troop 111 when I turned fourteen (because of sex education formerly provided free by members as old as 18), I asked my French class buddies if I could join Ship 1. They had room, but turned me down any way, strictly out of meanness. This also probably stemmed from envy because I was already an Eagle Scout with a Bronze Palm, i.e. 27 merit badges. Bill Slade can attest to the herculean efforts which he and I then went through trying to form a Sea Scout Ship 2 on the lake behind troop 111's hut. For awhile, the culvert on Hohoko Nene, through which a stream dividing West and East Indian Head Drives flowed to South city, was dammed to create a really huge lake. A year or two later it broke, and to best of my knowledge,



it never was replaced although there is a very nice playground on East Indian Head Drive side next to scout hut. I arranged with the U.S. Navy at Green Cove Springs for the gift to us of a real whale boat, provided I could transport it to Lake Koucky. I worked on that with the sponsoring Optimist club, in lieu of starting an Explorer Post 111, for one year until the dam burst, mooting the effort. I never forgave the snots in Ship 1 for being such unrepentant snobs. Just teenagers lording it over others from the wrong side of the tracks. Indian Head Acres was widely seen as ranking only one notch above South City socially.

Being a washout at both baseball and basketball, I succeeded greatly in Boy Scouts. As an aside—Coach Stoudemire cut me from the varsity hoops squad notwithstanding my uncle L.D. Walton's living with him and his wife in their fishing cabin on Lake Talquin. L.D., by the way, stood for Lucillius Diogenes, and he had a beard, wore suspenders, and chewed tobacco—died at 80. So he was not all that close to Beth Walton Moor on Tallahassee's Social Registry. After moving to Indian Head Acres, I joined Troop 111 sponsored by the Optimist club. We had great scoutmasters and assistants. No deviants, an FSU geology professor and a retired Army Major who took us camping twice per month to the sink holes in Wakulla County. I rapidly rose through the chairs (Quartermaster, Clerk, Patrol Leader, to Senior Patrol Leader—which really pissed over my older neighbor on West Indian Head Drive and predecessor as SPL, Gary Ketchum who never got past First Class. I also climbed very fast through the ranks from Second Class to First Class, Star, Life, and finally, Eagle. Because I had not joined Troop 106 until December 1954 while living on Hart Street, and I received the Eagle award during November 1957, I turned the rare trick of earning it in less than three years. Then I earned six more merit badges and a Bronze Palm. Bill Slade, who lived across the street, also was a stellar member making Star and getting into the Camper's honorary Order of the Arrow one year before me. Some persons involved with scouting in the Panhandle vocally opposed my earning the Eagle rank, however.

The Optimists doubled crossed Bill S. and me by renegeing on their promise to create an Explorer Post 111. Because Ship 1 would not take us, and I could not pay for moving the Navy Whale Boat from Green Cove Springs to Lake Koucky, Sea Scout Ship 2 never materialized.

Because our parents were not thrilled at the prospect of transporting us to a downtown church's Explorer Post, Bill and I then joined Explorer Post 118, sponsored by the Knights of Columbus, as their token Protestants; him a Southern Baptist, me a Methodist. They met in the Quonset hut owned by the K of C off Lafayette Street. Each post adopted a profession to mimic. Ours was becoming officers in the military. We sent numerous Catholic guys to West Point and Annapolis, e.g. Hans Wagner, Jim Croft, and others I never knew. We marched as a unit in each parade in town with khaki leggings which drew favorable comment from the VFW and American Legion. But not everyone loved our act. You want to talk about religious discrimination in the '50s? Word of the serious rock fights between Post 111 and the Demolays who met in the Masonic Hall higher up the same hill on Lafayette Street made it to both the police and back to LHS. There was no other plausible reason for these episodes than the religious hatred of the respective parents flowing down to their sons on both sides.

Unbeknownst to my parents, I took religious instruction from Fr. Miron, the youngest priest at Blessed Sacrament RCC, before my weekly allergy injections from Bobby Mickler's M.D. dad farther out Miccosukee Road. My parents knew of my attending Catholic Young Organization dances where I actually touched Catholic girls and my attending Mass every third Sunday with the Holy Name Society. They were really peeing their pants when I rode around town in Avery Freeman's souped up V-8 Mercury, going to his dad's Wagon Wheel Drive-In, famous for being over the hill past the Flint River Mill's check-board sign on a grain elevator that marked the southern city limit in the early '50s. There, sexy car hops on skates delivered cans of beer to our car. And, sin of sin, we drank them, and then ordered still more. Because Trinity Methodist, to which my parents and I belonged, was huge, it had assistant pastors helping the Rev. Dr. Glenn C. James. Unfortunately for me, there were three of such in three consecutive years as I aged from 12 to 15. Each rejected the training I had received from his predecessor, so I had to repeat the same drill twice more. By the time that I finally received my God & Country Award from BSA, I had finished one year of Roman Catholic instruction, so I felt like a horrible hypocrite while receiving the award at Trinity's altar from Dr. James with my parents alongside. But I figured, what the hell,

I earned it, and this completes Scouting's hat trick which will look good on my college applications.

At Emory, I did not attend church regularly, but I was catholic with a small "c" attending the campus Methodist church, Glenn Memorial, Anglican Mass (not Episcopalian, led by an English priest), Greek Orthodox, and inter denominational hootenannies. I took three elective religion courses beyond the mandatory Bible 101 (even then I took 110, Contemporary Interpretations, rather than 101's study of Scripture.) One of our classes went to a monastery in Covington, GA, south of Atlanta and we witnessed the burial of a monk who had died the preceding day. They were one of the silent orders so they just sewed closed the front of his hood and buried him without embalming in a freshly dug grave. No sweat with the civil authorities. Those experiences opened my eyes to others' beliefs, different cultures, and made me receptive to AA's concept of a Higher Power of our own visualization years later.

William **Van** Brunt Lewis and Susan Van Brunt happened to be my third Cousins—we were related via the incomparable socialite, Beth **Walton** Moor. Ever wonder where I got my middle name? My maternal grandmother was Jeanette Louise Walton. Descendants of Revolutionary War hero, George Walton, one of Georgia's signers of the Declaration of Independence, third and bottom name in that document's far left column (no *political* significance, I assure you, regarding which side of the document he signed!). The very first time I got drunk was at Beth Moor's son's wedding reception held at their home just inside the arches of the snooty Los Robles section of town. Champagne was carried around on trays by black servants, and no effort was made to restrict WHO got glasses, nor how many. Dear cousin Susan Van Brunt and I were both 12 years old then. Late in the evening, we two were found on opposite sides of a huge live oak tree, doing our best to keep heads off our chests and holding that big boy upright. So I can blame my rich Methodist relatives, and the Van Brunt outlaws, for my becoming an alky. Frank Moor was a prince of a guy and always allowed my brother and me to watch parades on Monroe Street from his sixth floor office in his Midyette-Moor building. He also recommended me anonymously for Boys' State and other honors, deserved or not.

## Leon High School

Dad enjoyed being in charge of the USF&G's Tallahassee claims office. At first his territory extended eastward to the Suwannee River and south to Perry. He was close to the woman agent in Monticello, Grace Winans, who had a house with fishing pier in Panacea which he and I used frequently. In fact, I was nearly dragged from her pier into the Gulf by a shark that I hooked with my brand new rod and reel, a recent birthday present. She had the presence of mine to slash the line just as I was about to be pulled into the Ochlocknee River for their dinner.

The older I got, the more suspicious I became of Dad's motives. When he turned down a nice promotion to Baltimore, I did not understand as a teenager why he passed on the extra money. Later, I understood how no one, in his right mind, particularly someone from SW Georgia who loved fishing would leave Tallahassee for the Baltimore/ Washington area. Less explicable was his declining a later promotion to the state corporate headquarters in Jacksonville. My parents had already gone so far as to pick out a house on the St. Johns River, and my brother, John, would have attended the very nice Terry Parker H.S. I was starting Emory then and really was looking forward to spending vacations and summer breaks in Jacksonville instead of Tallahassee. When Dad turned that down also, I finally figured out he was a slacker. His pal in Jacksonville, who had protected him, Wilbur Stevens, would have been his boss. His explanation was that he just liked driving around NW Florida and fishing on the job. His territory had been changed so that Tallahassee was the eastern terminus, and he had the Panhandle all the way westward to just east of Pensacola. His last ten years before retirement he kept swim trunks and his fishing (surf casting) gear in the trunk.



## CHAPTER 4

### NAVY RESERVES UNCLE BILL

As a boy in New Paltz, NY, discovering sports via newspapers and radio during the late '40s and early '50s, I was drawn to West Point football because the academy overlooking the Hudson was only 22 miles away and very close to my Dad's claims office in Newburgh. That was the last of the era when eastern, especially NYS, football was respected. Lou Little's Columbia Lions ruled what had just become the Ivy League. Ben Schwartzwalder's Syracuse Orangemen were the scourge of eastern independents, better than Boston College and Notre Dame, the latter of which was then in a severe downturn. Remember, Paul Hornung won the Heisman as the QB for a 2-8 team. Army's Black Knights of the Hudson had produced Mr. Inside, then Mr. Outside, and beat Navy and ND regularly. My Dad took me to West Point on several occasions to watch the Cadets drill on Saturdays. It was awesome for a kid. In addition, my Mom's youngest older sister, Jeanette, had married an Army officer, William T. Martin, in Japan immediately after WWII.

Bill Martin was a man's man. He was well over 6' 3" tall, had played football at Temple before WWII, and had seen combat there and in Korea, the latter as a forward artillery spotter in a Piper Cub over enemy lines. Like my Dad, he had been a claims adjuster, then obtained a law degree, but did not practice. Although he was older than my Dad who was born in 1909, Uncle Bill enlisted in the Army and saw horrific combat in the Pacific. He earned promotions, and eventually a battlefield commission, finishing the war as a Captain.

At war's end, he was offered a promotion to Major if he stayed in the Army and joined the defense team for the Japanese War Crimes Trials. He swore that he did his best, but was not sorry that he lost many of his "clients" to the hangman's noose. Sometime before 1950, he married my aunt who was a Red Cross nurse (BS in physical education from UGA.) Uncle Bill and she remained in Japan after the trials ended, in the occupation government. He was a "spook," military intelligence, and for me that is where knowledge of his career ended for many years.

I met him while very young when he and Aunt Jet, before the birth of my cousin Trudi Ann when Jet was 47, at Fort McPherson in Atlanta. All I remember from those early meetings was the roar of cannons when the colors were struck, the fact that Atlanta was then on Central time, a rattlesnake in a drain culvert that "nearly got me," and my baby brother's eating only overly buttered biscuits and drinking only Coca Cola. Before we left NYS May 1954, the Martins had moved to Ft. Monroe, VA, outside Norfolk. While we still lived in New Paltz and trekked every summer to the White Oak Campground outside Thomson, GA, we stopped off to visit them there. Uncle Bill's patience was sorely tried by my shenanigans resulting in arrest by the Military Policemen, e.g. jumping over the moat and scaling the fence inside of Jefferson Davis' cell. He was a Lt. Col. and sworn not to discuss his "work"—other than warning my parents that they were playing with fire, during the McCarthy witch hunts, befriending the leftist pastor of our Methodist church.

Uncle Bill's age caught up with him due to the services' "up or out" de-selection process. He had simply entered at too late an age. The Army magnanimously offered to transfer him to MacDill AFB in Tampa to drill the reserves as a Sgt. Major until he hit retirement age when he would draw three-quarters O-6 (full Colonel's) pay. Hence, with our having moved to Tallahassee, we saw him and Aunt Jet a lot more once we were all in the sunshine state. They had a house on El Prado Boulevard which Trudi, Jim, and McLean still occupy as well as a summer cottage out at Indian Rocks Beach, on the canal, where Uncle Bill kept his boat.

He did incur the wrath of my parents during the summer before my senior year at Leon H.S. by encouraging me to try out for football

## Navy Reserves Uncle Bill

when we returned home. Although I weighed only 155 lbs, our Lions had only one guy, Bud Alford, at center and I could have backed him up. My spinal curvature was finally cleared up. He also encouraged me to apply (albeit unsuccessfully) for a Congressional appointment to West Point. My parents quashed the football dream with connivance from my French IV teacher who conveniently scheduled it for sixth period when the football team had to be taking Physical Education to get one hour's jump start on practice in pads. After I "was of age", Uncle Bill and I did have many fond times drinking, especially if I visited without my parents. He would take us to the Officers' Club where prices were cheap and the food was invariably excellent.

Because of my boyhood fantasy about attending West Point and my uncle's distinguished career, while I was in high school, becoming a military officer looked appealing. Therefore, during my senior year at Leon H.S., I applied to our congressman, BGEN Robert L. F. Sykes, (U.S. Army Ret) for an appointment to the U.S. Military Academy. Dad drove me to Tyndall AFB in Panama City for a physical exam which I passed despite having had polio at age six and not having been cleared by Florida H.S. Athletic Association to play football due to curvature of spine because right leg was an inch shorter than left. I can't imagine that any other applicant had better academics than I, but Sykes gave all of his appointments to West Point to non-scholarship jocks to augment the football team. Damn, if only someone had known and told me about the USCGA here in New London or the Merchant Marine Academy at Kings Point, Long Island, NY. I only recently ascertained from my CGA buddies that admission there and to Kings Point is based strictly on merit, no appointments. Ignorance hurts. Either academy would have given me the free engineering education that I wanted.

As H.S. graduation approached, some hard asses like Dennis Williamson who bullied me all four years at Leon, joined the Marine Reserves. That required only six months at Paris Island, SC, followed by six and one-half years in the Reserves. Lynn McCord joined the Air Force for a four-year hitch. Vietnam was not yet much of a threat to young American males' lives, but we nonetheless had a draft, and it was smarter to pick your own poison in such matters. Disappointed that Sykes did not appoint me to West Point, I heard from some older LHS friends at FSU about the Naval Reserve Electronics Division that



met Tuesday nights in Frenchtown (a black neighborhood north of U.S. 90.) They pointed out that because the first two years of ROTC were compulsory at all “land grant universities,” which included UF and FSU, it made a lot of sense to get paid for drilling during college, then seeking a commission via OCS upon graduation. The payoff was that when you graduated college, got your commission, and went on active duty as an Ensign, you had an “accession date” four years earlier than Annapolis and OCS graduates. Many reserve officers were given an opportunity to go regular Navy, making a career out of it. And, except for corpsmen serving with the Marines and carrier pilots (like the late Jack Parker), the Navy had very few fatalities in VN as it worsened and lingered on seemingly interminably.

Therefore, against my parents’ wishes, I enlisted in USNR on May 20, 1961, tail end of senior year at Leon H.S., with about ten classmates whose parents came to hate me, as their sons failed out of college and successively had to go into the fleet for two years’ active duty. This served the salutary purpose of avoiding mandatory ROTC at either UF or FSU. More importantly, joining the reserves eliminated the dreaded prospect of drilling in the Florida heat and humidity without pay my freshman and sophomore years. Of course, there was also AF and Navy ROTC, but they were choosier. And, one did not know if he would make the cut for third and fourth years—leading to a commission—either.

The argument with my parents as to where I would go to college had not yet been settled. I was accepted by all four colleges to which I applied, i.e. Duke, Columbia, Florida, and Emory—in descending order of preference. I knew not to even waste time asking my parents for permission to apply to Tulane. I already was drinking more than they approved. Vandy sounded good, but I was not yet into country and bluegrass music, and figured them to all be hillbillies. My parents were both very manipulative, although Dad was more prone to blunt force. He and I had been having fist fights my senior year at Leon. In fact, in breaking up the last one—before I booked out to Great Lakes NTC, Mom used a belt and the swinging buckle broke Dad’s thumb. It served him right.

Demonstrating the onset of AA-type insanity, I actually chose Navy boot camp over just staying out of the old man’s way for a summer.

## Navy Reserves Uncle Bill

Compounding the idiocy, I elected to do the full 13-week regular Navy enlistee gig at Great Lakes rather than taking the two-week "Kiddy Cruise" that "wusses' like Phillip Rogers did. All of us, regardless of length of stay at NTC, had *physical exams* consisting of a few questions, especially about venereal diseases, from a reserve LCDR Tallahassee M.D., before being shipped off. Talk about naiveté, I did not even know what a VD was, mispronouncing it as *venerable* to Mom when asking how to complete the forms.

The flights to Chicago and back were hilarious, as were our boot liberties. Back in the day, Dale Mabry handled only DC-3s belonging to Eastern that went to Atlanta. We also had to land at Midway, which was far scarier then than now because in 1961 it was surrounded on all sides by high rise buildings. O'Hare had not yet been built. We went up on a Lockheed Electra four-engine turbo prop which I later learned was Rickenbacker's deadliest plane. Buses met us, took us to the Loop for the rickety old North Shore Line narrow gauge electric train that went to Milwaukee, definitely stopping for GLNTC. Before liberty, corpsmen and chaplains tried to scare us from different directions from "hooking up" with Chicago's prostitutes. It worked on me, I chickened out, went to USO in both Chicago and Milwaukee. Saw White Sox and Brave home games and drank only soda and coffee. Our return flight was on a Triple Constellation with the pitchfork tail. We were in a middle cabin with a bunch of nuns. Finally some of the guys broke out their skin mags and read them, nuns or not. The DC-3 from Atlanta got us home safely, and we went our separate ways.

Fear of being called a pussy is very strong in teenaged males. I had two opportunities at NTC to be washed out, but pig headedly insisted upon being kept in my company. First, upon arrival, we stripped down in an extremely hot gym on the lake side of the electric railroad tracks for another, more thorough, physical exam. A corpsman came by and drew a large S with a grease pencil upon my back. He came back with a doctor and said I had a scoliosis and could go home with discharge right now if I wished. Like a damn fool, I said, "Hell, no, I won't go" or something equally stupid. So I stayed with company 211 including Paul Bowdoin and Richard Shook. Could not wimp out in front of my home boys!

Soon thereafter, we took the API or whatever the basic battery of verbal and math tests were administered. I scored 73 out of 75 on both, so I was called into a shrink's office and told I was too fucking smart to be an enlisted man, that he would give me a Section 8 discharge on the spot if I wanted out. Besides being totally surprised by his confrontational attitude and the opinion that one could be too smart for enlisted ranks, I had heard in the movies that "Section 8" was for psychos and queers. So I said, "No way." That was probably a wise move because Section 8's result in General Discharges I think; whereas, if I had agreed my back was messed up, I would have gotten the Honorable Discharge for medical reasons that I fought like hell to obtain four years later just before graduating from Emory with the prospect of chipping paint on aircraft carriers for two years because I still was not a petty officer.

I was made company secretary due to my brains, and this gave me an enclosed office, a rarity for a boot at GL, but after about three weeks, I was "busted" for both smoking in my office and using an electric razor. So when we crossed to the then new barracks on west side of RR tracks, I not only was no longer company secretary, but I was working off demerits for rest of our 13-week tour. Matters got worse when someone ratted us out to the company commander, a mean Machinist's Mate 1, that we were doing the 96-count manual of arms punishment drills **without** the bolts in our M-1s. Sam Shulgold, my Jewish friend from Pittsburgh, had figured out how many tons we would not lift in thousands of repetitions if we removed the bolts. Therefore, the number of hours was doubled, with the result I did not get supper for five or six weeks. I also had the mid-watch, 0000-0200 every other night till we left. All was not lost, I lost 35 pounds at Great Lakes and went home and kicked lots of guys' asses who had preyed upon me at LHS. One "administrative oversight" which plagued me for the next four years was the color of the two stripes that I received upon graduation.

Because I had enlisted in an NRED, I got two navy blue stripes for Seaman Apprentice. Hell, guys became firemen (red), Seabees (sky blue), and Airedales (green) without having received any specialized training for the typical ratings associated with those trades. Little did I know that the next four years I would spend more time and wasted

## Navy Reserves Uncle Bill

effort moving laterally between the brown- and black-shoe navies than getting my “crow.” It never occurred to me that when I got to Emory, it would be impossible to commute across town to Georgia Tech for a weeknight drill at an NRED. It was HELD on a week night and traveling there would have involved two changes of buses. Instead, I had to ride to NAS Atlanta with my first cousin and take correspondence courses and an exam for the “privilege” of receiving two GREEN stripes to become an Airedale, i.e. Airman Apprentice. Then I took the courses and exam for E-3 Airman while enrolled in an Aviation Electronics striker class with guys who had all already done their active duty. They quit coming, class folded, so I was given choice of continuing as AT striker on a different weekend, without a ride, or becoming secretary to the XO of VP-672. You guessed it! Those assholes told me I could not make YN3 from Airman. So, I had to convert back to the black shoe navy, taking a correspondence course, then exam, to become a Seaman. That left me still an E-3, going nowhere. Then a new rating, AZ, flying yeoman was created, and I had to get my green stripes back, at least without an exam. After completing the Petty Officer 2 & 3 Aviation Yeomen (AZ) and Military Requirements exams, I took the typing test but was told while 45 words per minute was passing, I had one too many typos; hence no AZ3 for *moi*. At that point, I just said, fuck the Navy! And started conspiring on all the ways I could get the F away from the Canoe Club.

While I was at Great Lakes, Dad settled the argument over **which college I had to attend** by paying my first quarter’s tuition to Emory and daring me to come up with my own money to go to Gainesville. He knew full well that if I were “caught off base and tagged out,” i.e. not in school September – June, the Navy could and would scarf me up for my two years’ active duty. When I “enlisted,” the grand plan was not to ever serve a day-- besides annual two week cruises--as an enlisted man. I still thought I would attend either UF or FSU, both of which had Reserve Electronic Divisions which drilled one weekday night per week. Nice clean high tech stuff.

Well, I really fucked myself out of lots of goodies, such as being on Emory’s debate team, because at Emory, there was only **voluntary** AF ROTC, and it was not feasible without a car to ride several busses cross town to a NRED at Georgia Tech. So, I wound up becoming a Weekend

Warrior, drilling 30 miles NW at Dobbins AFB in Marietta, also home to NAS Atlanta. My freshman year, my first cousin, John Carroll Jay, father's nephew by older brother, Idus, was a senior at Oglthorpe, a third-tier college in the Fulton County part of Atlanta, drove me to drills. He had a basketball scholarship and was quite bright. But because of his height, 6' 6," he could not become a jet jockey as he wished after graduation. He went through OCS at Newport, RI, then was sent to Pensacola and trained to pilot multi-engine turbo propeller, non-combatant planes with much larger cockpits. He hated his dad so much that we have completely lost touch with each other.

My sophomore year transportation arrangements weren't nearly as satisfactory. Mom's only brother, John Carlton Samuels, was a Southern Baptist deacon and successful home builder living on the far NW side. Further that direction, in fact on the Cobb County line, his only child, Shirley "Bootsie" Bowden lived with her husband Bob and three daughters. They were Presbyterians and not nearly as devout, at least as evidenced by their not making me attend church with them one weekend per month.

Uncle John would pick me at the dorm Friday evening and bring me home to Aunt Edith. I always got a great meal, but sometimes there was also forced church attendance. I did not remember Baptists having services Friday. Sometime that evening, he would drop me at Bootsie's house, where I would sleep in their guest room. Saturday and Sunday mornings, I would drive Bootsie's 1956 Chevy station wagon to NAS Atlanta. Saturday nights, I earned my keep by babysitting Laura, Susan, and Mary Edith. I could not even enjoy pre-cable TV scabbling after three rug rats. Then, on Sunday afternoon, we reversed the process, i.e. Bootsie dumped me at her dad's, and we ate early supper, and I attended Sunday night service at their church on the way back to Emory. I usually did not get my Monday homework (readings) done that weekend. And my parents wondered why I hated church ever more?

My junior year was such a drunken blur that I do not recall much about reserves other than I either drove my VW, until I wrecked it, or bummed a ride with Deputy DeKalb County Sheriff, J. R. Howington, or with alcoholic Chief Nixon both of whom lived reasonably close to Emory. It was a lot smoother being picked up at Scooter's apartment,

## Navy Reserves Uncle Bill

and then Beta house my senior year. If Howington and Nixon both wanted to stay over, I used my dop kit to crash at EM barracks and get drunk on nickel beers at EM club.

My first and second "cruises" with VP-672 which flew old Neptune P2-V twin engine patrol bombers (with JATO) under wings were really exciting. Had to get myself to Marietta from Tallahassee, then ridiculously fly on a transport (because I was not assigned to a crew/plane), back to NAS JAX. It sucked being E-2. I was made to paint a barracks bright lime green, then re-do it standard Navy gray just to make some Chiefs laugh. On one of those cruises, I caught a transport out of JAX Friday evening to pick up *their* weekend warriors in Tampa and Miami. Couldn't beat a free trip to Miami. Got drunk in bright sunshine on Miami Beach, sunburn was almost third degree. When I got back to JAX, I was told I would have Non Judicial Punishment or worse if I could not muster Monday morning. So I sacrificed a pair of whites by making them into a body bandage. Pals lubed me up with orange gook, a burn ointment, and I put on whites, slept on mattress without sheets. Shower Monday hurt like hell, but I got into my jeans' work outfit and did garbage detail, etc. Next cruise to JAX was almost the same. Highlight both times was nickel beer nights at the EM club, but only from 1800-1900. Early proof that I was, or would, soon become an alcoholic was that I joined in with the other hardcore types in spending the hour waiting in line at bar to buy and carry to table a tray holding as many cups of draft brew as possible. We used dining trays to separate levels of our pyramids. So it got hot, lost head, but we pretended it was great.

One difference the second time around at JAX was that instead of flying down from and back to Marietta, I drove Mom's '57 Ford Fairlane. Upon entering base, I promptly got lost and drove smack dab into the middle of the nuclear warhead bunkers. Every Marine and Shore Patrolman in Duval County arrested my young ass and was about to put me under the brig when our XO talked me into his custody. I was by then converted back from Seaman to Airman to Seaman again and working as an YN/PN striker as his personal secretary, typing plan of day and performing other *titless* Wave duties.

The remainder of the hellish summer of 1963 is addressed in a separate chapter, *infra*. After all the hell I had raised and the trouble

with the law I was in, I was nonetheless given the bribe of a new 1964 VW Beetle to go back to EU. So, for a few months I was able to drive myself to Reserves while living four different places Fall Quarter 1963. In February 1964, I crashed the VW, was hospitalized two weeks, excused from March 1964 drills, then had very strong vibes that there was no way I could get a commission via OCS or any other way like Supply Corps (Pork Chop) School at UGA after graduation. The Marines backed away from sending me to Quantico for the Summer of '64, but they kept me in Platoon Leaders Corps (Law) even after I fractured my other (left) shoulder in Beta's first softball game of season vs. the real (southern) KA's. It was only while doing my two-week summer cruise at Willow Grove NAS outside Philadelphia that my two bum shoulders piqued the military's interest regarding my fitness to serve—in any capacity, at any rank.

My senior year, Deputy Howington picked me up faithfully at the Beta house for our ride to Marietta. By then I had passed the correspondence courses for PO 2 & 3, both Military Requirements and for YN/PN 2 & 3. PO2 Crowe, a station keeper based there permanently to drill reserves—who mentored me when I was not working for VP-672 XO, failed me on the required typing test for **my crow (Petty Officers have an eagle looking sideways with a chevron below. Even 3rd classes are treated remarkably better than E1 - E-3's in the fleet.)** He said that I had exceeded the required 45 wpm, but that I had one too many typos. Naturally I bitched, raising all kinds of hell because I did not want to go into the fleet chipping paint on a carrier as an Airman with a hash mark and a Phi Beta Kappa key (after a sailor has served four years, he wears a diagonal stripe on his left sleeve.) It is particularly ignominious not being a Petty Officer and to have a hash mark. It is the sign of either a fuck up, criminal, or both. It also signifies brig time and reductions in rank from Non Judicial Punishment. My suspicions that I was being intentionally screwed were confirmed when PO 2 Crowe broached the deal to me, e.g. go to Emory LS at night (for four versus three years), working at NAS alongside him as a "station keeper." In such event, I would immediately be promoted to third class AZ (new flying yeoman rating) and he guaranteed promotion to second class after my first year of active duty. Knowing that the fix was in, I then went all out to get out!



## Navy Reserves Uncle Bill

The previous summer's third cruise had been to NAS Willow Grove, PA, outside Philadelphia. Because the Marines still wanted me in PLC (Law) which entailed a full scholarship to University of Virginia LS followed by five years' active duty, and they were willing to let me do all 16 weeks at Quantico after graduation from Emory in June 1965, THEY arranged for a car and driver from the Weapons Depot at Johnstown (yes, the site of the world famous flood) to pick me up and take me to Philadelphia Naval Hospital for a complete medical examination of my chronically separated right shoulder and fractured left shoulder. I had already had my annual birthday physical for the Navy that June at Fort McPherson and did the prescribed pull-ups and push-ups making me fit in Navy's eyes. The oddity was that in those days, my being a jock, the muscles necessary to do the exercises worked fine despite the joint injuries. The Navy doctors in Philly had me repeat those, successfully, but then took x-rays of both shoulders while I was holding 10 lb. sandbags by my side. Both shoulders were pulled out of their sockets. Hence, the Marines "washed me out," cancelled my separate USMC service number, and directed the Navy to do the same. The Canoe Club being the recalcitrant assholes that they are, refused. So, being resolved to serve as an officer or not go at all, I got my congressman involved and filed appeals while continuing to drill at NAS Atlanta through March 1965. Because the Marine and Navy doctors disagreed, I was given the option of paying a third orthopedist of my choice to break the tie. Naturally, I selected Dr. Hutchinson in Tallahassee who had prevented my playing football due to scoliosis from polio, etc. He told me it was a close call, he could go either way, what ruling did I want? It was the classic "no brainer," I told him that "I wanted out now so I can go to graduate school". Nam was also heating up by spring '65 and I wanted no part of it.

He submitted his findings to BuMed. Suddenly, discharge papers arrived in the mail, back dated of course to January 15, 1965, in order to cheat me out of drill pay for the months of January through March (VP-672 drilled the **3rd weekend**, and I had attended, of course.) I was so glad to have an Honorable Discharge that I waited a few days before I got back to my Congressman, who eventually got me drill pay for January through March although my discharge and DD 214 still read 15 Jan 65.



I gave the Navy several opportunities to have my body—as an officer and for three not two years—by again saying I would go to OCS or to Pork Chop School, but there were no takers. Because my own orthopedist in Tallahassee had broken the tie, saying my shoulders were too bad to withstand the rigors of being an E-3 in the Fleet, they let me go. No shit, I was otherwise going to be on a CVN deck gang, not an YN in an air-conditioned office. So I took my discharge papers and medical results to my Tallahassee draft board, and walked out a 4F vice 2S. So that is how I came to be available for law school at all.

I suppose that the Navy got the last word, and its revenge, by my winding up in Navy OGC for four years' duty in hell aka Pascagoula, MS. I was hired as a GS-13/14. The slash signified both that I had replaced a fired -14, a retired JAG Captain who would not do the assigned contracts work, and that my position was "properly classified" as a 14, i.e. after one year's satisfactory service/time in grade I was to be **automatically promoted to -14** without any fuss. Never believe anything that anyone in the Navy, civilian or military, tells you. Four years later I was still a **GS-13 step 4**, and being demoted to work for my seven years' younger assistant who had risen from -11 to -14 at the Claims Office across the river which was immune from Peanut Carter's freeze on promotions and "high grade ceiling points" as decent paying billets in civil service are known. And people wondered why I nearly died of a heart attack October 1981 working 80 hour weeks suing the MF'ing Navy for Mr. Veliotis, EB's crooked Greek GM.

## CHAPTER 5

# FIRST TWO YEARS AT EMORY UNIVERSITY

I arrived at Emory in late September 1961 with a military crew cut that was not yet grown out even enough for a flat top, which was in vogue that fall, and a very tanned face and neck with a white forehead where the navy enlisted "dixie cup" had covered the front of my head all summer at Great Lakes Naval Training Command. I was very self-conscious about how uncool I looked. I also quickly deduced that I had the chance of a "snow ball in hell" of getting a bid from one of the "cool" fraternities, e.g. SAE, KA, and Phi Delt. Being both naïve and not a member of Tallahassee's social elite, I had no idea about such things except that I had sat in FSU frat sections at football games using Mom's graduate student picture idea and saw that frat boys drank a lot and got the pretty girls. Also, their painting the SAE lion showed that you had big balls.

Celia Davis' father had written an unsolicited recommendation for me to ATO, one of the goody two shoes houses at EU. Others being Sigma Chi, and Delta Tau Delta. The latter's members were also rumored to be "light in the loafers." Some unknown person had also sent a letter about my being the quintessential Boy Scout to the Sigma Chi's judging from the hard rush they put on me. I now suspect the Rev. Bobby Temple student pastor at Trinity UMC in our MYF days. I met several guys there who were OK, but the vast majority was either Preachers' Kids or had been very religious in H.S. It was obvious that they did not drink.

After the first cut, I was left with a choice between only ATO and Sigma Nu, next door neighbors. Due diligence might have aided my

selection. Turns out that ATO had undergone a significant transformation over the summer. The heavy drinkers, including Kim Taylor, editor of the Wheel newspaper, had graduated. Left behind was the 23 year old, 6' 5" bearded English major who became my big brother. Merrill O'Hara, from Palatka, FL, was plenty smart, but hated the "wusses" who had taken over ATO. They no longer bore any resemblance to their former selves—which was damn close to the FSU chapter's hell raising image. In point of fact, ATO was then fighting for its life, i.e. it blanket bid all but the obvious loser rushee's in the class of '65. Sophomore brothers doubled up, having to take two little brothers. The president, Dan Strain, who failed out of UVA LS, was also an outspoken non-drinking "wuss". The pledge trainer, Bob Molic, from Yonkers, was more this worldly, but his sole mission was to initiate as many of the 42 pledges as humanly possible, whether or not they were losers, and many were.

Looking back, I wish that I had pledged Sigma Nu. They were in the middle of the pecking order, but more importantly, their upper classmen were genuinely good guys, including Bill Edwards from Leon H.S. by way of Emory's Junior College at Oxford. One of their senior brother's, Frank "Tiny" Copeland, matched O'Hara in size and drinking ability. Weeknights they would hold chugging contests in the SN house, ATO being alcohol free because it was on "social probation" owing to the drunken high jinks at their Spring Formal when Taylor, O'Hara, and other reprobates had toasted Dean of Students, "Black Jack" Pershing, an ATO from elsewhere, calling him, inter alia, Sweet Old Boy, then shortening the cheer to his new initials. The heavy weight contenders would violently shake up 12 oz. steel (pre-ripping top) cans, punch the hole with a "church key," and let them blow down their throats. This went on till one flinched. The Sigma Nu's also had a groovy basement bar with a coiled snake on the wall. Several nights it came down and bit me!

I lasted one quarter and a few weeks with ATO. During Fall Quarter, owing to the lack of upper classmen on campus with cars, frosh not being allowed to have them on campus, and dorm residency mandatory; lots of pledges and a few brothers were left behind on campus when the richer brothers and dates partied off campus. Merrill and I usually bought the traditional six-ounce, green-curved glass bottles

of Coke out of the ubiquitous machines and drank off their tops, refilling them with rum or bourbon. One night president Strain returned from a party and fined me and Merrill. It happened again the next week. Merrill's dad was dying of cancer, so he was in his sixth year at EU because of having to take time off intermittently to run the family business. He had his own reserved booth in the back room of Moe's and Joe's, one of the three Emory watering holes along Moreland Avenue—the others being Manuel's and George's. Horace, the black waiter, knew better than to ask for my ID. He just brought a pitcher of draft and one glass. Then Merrill walked out to bar and returned with a second glass. Everyone was cool. Then he would drive me back to campus where, despite being a freshman who had not played tackle football in H.S., I was a starting defensive back, #11, in my shiny new blue with yellow UCLA, stripes over shoulders jersey. I played well, but caught hell for the beer on my breath!

I had two B's and one C on my report card for the fall quarter. This not only pissed off my parents, but put in jeopardy the Stipe Scholarship that I had been awarded for a few thousand dollars (which is why I wound up at EU instead of Columbia, Duke, or UF.) They reneged on their prior promise to pay for my initiation. Soon after winter quarter began, the pledge classes of ATO and SN got into a fun-filled friendly snow ball fight **on their front yard**. During the merriment, I ran across their yard and slipped on the icy sideway while throwing a snowball sidearm into their house. I went flying several feet into the air, and my right knee landed squarely on a lawn sprinkler head, sticking several inches out of the snow covered grass. It did major damage to my right knee as evidenced by the fact that I was found unconscious, several hours later, by a SN senior brother, Lamar Burgess, who drove me to the ER. No x-rays were taken, the significance of which is explained, *infra*. I was issued standard wooden crutches, my knee was wrapped with an ace bandage, and I was instructed not to walk for two weeks. Impossible, given that I lived in a dorm and the Quad was the equivalent of several blocks away.

That injury presented a problem for at least three reasons: 1) I lived in a dorm, not my classrooms, 2) the snow lingered for well over one week making walking difficult in the slippery conditions, and impossible on crutches; and 3) I had to somehow get to the ATO house,

in the other direction, at the end of the horse shoe shaped fraternity row, where I ate most of my meals. Besides my consciousness of the fact that NONE of my ATO pledge brothers had missed me nor searched for me after the pledge meeting resumed, Emory's doctors and administration had given me permission to trade rooms with an ATO brother living on the ground floor of the house adjacent to the Dining Room until my knee healed. No brother would swap with me for even two weeks. Nonetheless, I went through the traditional Hell Week with my fellow pledges and the night for the vote on us came around. More than one brother threatened to black ball me for the sole reason that I was O'Hara's little brother. Merrill called their bluffs by telling them in a calm voice that if any one black balled me, he would black ball the entire 41 other members of that year's pledge class. They must have believed him. He informed me over beers that a) I had passed and would be initiated and b) that if he were I, he would immediately de-pledge, accept the SN's standing offer, or go back through rush Fall of 1962. Because my parents weren't going to pay for initiation any way, I quit before initiation and became a GDI (independent) for the next six quarters.)

Notwithstanding my being one of the 15% of men who were "independents", I still had a decent social life. The ATO's in Longstreet Hall, including the RA, Beryl Coulter, from Ringgold, GA, and the Edwards brothers, James and Walter from the same town, both very good wrestlers, shunned me as did my roommate, Paul Dunn, the sophomore brother who was sent to live with me for the winter quarter to rekindle my flagging loyalty. I played on intramural dorm sports teams and made friends in other fraternity houses, as well as with some women graduate students in Political Science.

The low point of Winter Quarter was being hospitalized for vomiting blood after drinking 181 proof (it is 190 until opened, then loses 9 proof to the atmosphere) grain alcohol with the Chi Phi's. Upper GI tests revealed that I had "old" gastric ulcers, probably dating back to when I was 15 and my parents first started ratcheting up pressure on me to succeed at academics, allowing me almost no extracurricular activities besides National Honor Society, Mu Alpha Theta (math), French Club, and Debate. The clinic doctors ordered me to hang out in Dooley's Den, our campus snack shop beneath the cafeteria, eat an

order of mashed potatoes with a milk shake before bed—and to stop drinking. Fat chance of that. Just long enough to heal.

Spring quarter, Mrs. Henry, the bitch teaching Poetry, gave me a red F, i.e. an honor code violation. This came out of the blue, but at the hearing with the administration which I demanded, she said I had cheated on the assignment of analyzing Alfred Lord Tennyson's two versions of Crossing the Bar written 20 years apart. We were forbidden to do any research; rather, we had to just use her teachings to analyze them, and come to the demanded conclusion that the latter version was superior. Coincidentally, I had had the same assignment during my senior year of English at LHS for Eunice Johnston, but we **were allowed** to do research. I learned, and remembered, that Tennyson himself said late in life that the youthful first version was far superior to the later inferior version which his publisher forced him to do for "commercial reasons". The administration believed me and changed my grade to an A or B. So, I was not expelled for this purported **honor** code violation. However, my mistrust of the faculty became deeply engrained. Conduct violations were another matter.

Because Emory did not play football, and hence had no Fall Homecoming gala, it instead celebrated Dooley's in May. Dooley was the school mascot, a skeleton who arose from his coffin each May. He roamed campus with a water gun and had the power to immediately dismiss any and all classes. Fraternity row was closed off from vehicular traffic, and three to four bandstands were set up along the length of the horseshoe. Of course everyone drank. In fact the unofficial word got out that alcohol consumed from "opaque containers" would not be punished. Not giving a shit, I was swilling down a 16 oz. Bud on, of all places, two years before my joining them, the Beta lawn, when Dean Pershing tapped me on the shoulder, threw away my beer, and told me to be in his office several days later. In the interim he wrote my parents threatening to expel me. Damn, I wish they had. I would have gone to FSU summer school and been free from the Big E forever! Instead, I was placed on *unofficial* social probation for the remainder of my three years at EU. Pershing chickened out on pinching me when he had me "dead to rights" several times based on the many occasions when he saw me in the Chi Phi's basement (they were so raunchy that I dared not join because of my religious relatives

in Atlanta spying and ratting on me), the times I was in the Beta bar with an empty keg to be returned to my uncle, and for other outrageous incidents such as streaking my junior year with Scooter from the girls' dorms through the athletic fields back to the BO11 house. In fact we had broken the glass to hide from EU's rent-a-cops inside the Biology department's green house.

Grown kids suspect their parents of having clay feet, but we would prefer not getting our noses rubbed in it. Such a scenario occurred in Panama City during the summer after my freshman year at Emory. I had taken a commission-only job selling Collier's encyclopedia in North Florida and South Georgia. Many smaller towns in both states required us to first secure a peddler's license at police headquarters before our boss, Tony Sanchez, dropped us off in our territories each night. In Dad's hometown of Blakely, now infamous as being the worldwide HQ of the Peanut Corporation of America, I was hit in the head by a cop's four-cell flashlight and detained despite having my license on me. Some homeowners complained that we were disturbing them by coming on their porches. Another night in Panama City, I was shot at from point blank range by a deranged retired Navy Chief Petty Officer. I was arrested and put in "protective custody" until I could be picked up around 10 P.M. by Tony. Because I had my peddler's license, I talked the cops into letting me out until 10 because Dad was in PC that night and he always stayed at the Dixie-Sherman (what an oxymoron name for a hotel in the Deep South. It had to have been somebody other than the hated Yankee general) Hotel across the street. I gave no thought to knocking on Dad's room after the clerk, who knew him well, checked my ID and verified that I was indeed his son. I did not call ahead. Dad answered the door in his underwear, the room was full of smoke (he had quit smoking, cold turkey, when we left NYS), cigarette butts with lipstick were in the ash tray, and two glasses and an open bottle of bourbon were out on the dresser. Dad looked like a deer caught in a car's headlights and asked me what the hell I was doing there. I told him I had just nearly been killed, and was in "protective custody" across the street. He said that he had eaten already and asked me to wait to be picked up by my boss at the police station. We never discussed this later, and, of course, I never mentioned it to Mom, but from then

on, my opinion of our Sunday School teaching father was unalterably changed.

Sophomore year I was fully into the GDI thing living in Dobbs Hall across the street from the Geology building. I don't recall any courses in particular. I had finished the foreign language requirement the prior year with three quarters of German. Frau Sturrock had kept a bottle of Pepto-Bismol and a soup spoon in her desk just for me at our 8 A.M. classes fall and winter quarters. The male instructor for third quarter was gay as a \$3 bill. He had come on to me and another de-pledged ATO, Ken Tworoger, my first quarter sophomore year roommate, at his off-campus apartment after inviting us over "for drinks". I was just going to Reserves one weekend per month and riding buses to Grant Field to see the Georgia Tech Yellow Jackets play football. Once I was dropped in a \$2/night flea bag hotel in Athens before an FSU game there by a fellow reservist, Steve Cole, a married UGA student, and I hitchhiked back to Atlanta, caught city bus to campus.

I started my career as a bootlegger bringing untaxed cigarettes, 3.2% beer, and condoms back to my dorm room for sale after my roommate Tworoger got an apartment and he was not replaced. I enjoyed living alone, and the markup on the contraband paid for my own smokes and beers, as regrettably I had no need presently for condoms. The guys from two Jewish frats were my biggest customers for rubbers. Whether they actually were getting any, I don't know, but the cash fueled my drinking, smoking, and sports attendance.

Tworoger was from Broward County, his parents were apparently pretty well off, and he had a late model, small Dodge with special accelerator and brake controls on either the dash or steering column because his legs were paralyzed by **his** childhood bout with polio. Fall Quarter 1962 I took him home for a November football game, U. of Houston at FSU, a 7-0 loss in a driving downpour. I got sick afterwards; he did not even sniffle. The most troubling event for me that quarter was the Cuban missile crisis. Everyone justifiably quaked in their boots over the strong possibility of the Cold War's first, almost assuredly last, thermonuclear war between the U.S. and the Soviets. My particular stones in the shoe were the twin facts that I belonged to a Naval Air Reserve anti-submarine patrol bomber squadron at NAS



Atlanta in Marietta, and I had not yet done my two years obligated active duty in the fleet. The navy's personnel honchos immediately notified members of all four reserve squadrons that we all stood an equal 25% chance of being called up, and that for those of us who had not served our active duty, it would NOT count towards our two years' obligated service. We were, however, given the opportunity to volunteer beforehand to go with whichever squadron drew the short straw—even if it turned out to be our own. When the crisis was over, we would be assigned to an active duty squadron in JAX to finish our two years. I rolled the dice, my squadron, VP-672, was not selected; hence I stayed at Emory and eventually got out of any active duty at all. The hell of it was that the Marietta squadron was just sent to JAX in a backup role, and one of the regular squadrons moved to Puerto Rico. I am sorry that I didn't get to go to San Juan out of the whole thing. I am also very glad that JFK got Nikita to flinch first.

At age 19, I first learned that women look at men sexually, and have desires without being felt up and/or gotten drunk. One of my Political Science professors dated a very pretty grad student who lived in the "Baby Factory" (married housing) at bottom of hill next to Emory Grill (I believe that due to the shortage of couples, she had a female roommate.) She, in turn, had as very close friends two fellow MS candidates whose names have long since escaped me. Not having a frat house where to retreat, I spent lots of out-of-class time in the cafeteria and Dooley's Den. One afternoon, I strolled from the library to the cafeteria for my usual afternoon iced tea on the veranda. These two women beckoned me to join them. They asked me, "Do you know how sexy you walk?" I blushed as red as a beet and stammered, "No, what were you doing looking at me like that?" So they told me some additional facts of life. Not too long afterwards, I was on top of the prof's girlfriend getting it on in the back bedroom in the Baby Factory at a Grad Student party when she barfed on me from drinking too much gin. So, it is not good each and every time! Prof. J., who never knew he had been snaked, still gave me an A!

Given all the recent political correctness, e.g. PFLAG, openly gay and lesbian clubs and dances, some of my contemporaries would perhaps have been surprised had they known what an active gay scene Emory had. I knew most of the unattached ones from Dooley's Den.

They included Q.R. (my source for bummed Newport's), his boyfriend, C.J., many graduate students, and my third quarter "other" German teacher, Herr Freitag. Freddy Scudder, my senior year art teacher, also was a flamer. I even attended some of their parties, but was always left in the kitchen or dining room with the booze because I was a known "straight." The saddest confirmation of these personages and their counterculture came one evening of my drill weekend when I had a car. I was sitting at the bar in George's Deli shooting the breeze with the congenial owner when I saw on the local TV news that a gay couple had been found dead in bed just around corner. C.J. had been playing with a gun. He apparently accidentally shot his partner, and then killed himself out of remorse. I told George, "I knew those guys." He did, too, since they walked to his bar. Emory did not have a club for them back then.

My sophomore year also exposed me to a crazier side of life than I experienced in all the years afterwards. I remained close to the SNs, but the brothers with whom I hung out, a sophomore and a junior, had more or less been told that **they** were *persona non grata* at the house for their out-of-control behavior there and at their pad on Briarcliff Road. Of course, heavy drinking was involved, but on several occasions in my presence, down in the cellar, they had actual gunfights using live ammo. We were all hiding behind furnaces, water heaters, etc. One spring day the younger guy shot at a black dude out on the street, and the Atlanta Police Department descended like a horde of locusts upon the house. By then, we weren't there, but my pal was arrested after he returned from dropping me back on campus. I transferred, I thought, to UF after spring 1963 quarter, but the sophomore brother never attended college again. He had a 1963 Chevy Impala Super Sport with the 409 cubic inch engine. One night driving alone in South Georgia he left the road and hit trees doing around 100 mph. The word I received was that he survived physically, but mentally was a vegetable, shuffling around his dad's men's clothing store. I never saw him again. I did not have the stomach to drive the 50 miles over from Tallahassee and look him in the eye.

The older guy's thing, besides the foregoing, was paying for sex. One night he picked me up at the dorm and drove us to Rome to Peggy's whorehouse. It was such a Georgia and Emory institution that

## Life in the Shadows of Corporate Lawyer

it even ran advertisements in both The Emory Wheel newspaper and The Phoenix, the quarterly comedy and satire journal. It was nice of him to treat me, but I was embarrassed with my first pro. She was understanding and knew her job, damn did she! My buddy apparently got an M.D., not sure if from Emory or elsewhere, and I have not seen his obit in EU alumni mailings, so I guess he is still out there paying for it!

## CHAPTER 6

### SUMMER OF 1963

Despite my parents' opposition during Spring Quarter at Emory, I applied for admission to UF as a junior transfer. They accepted me, and I got in touch with a former debate teammate about sharing an apartment with him that fall. I don't recall what I did to earn money that summer. The previous summer I had sold encyclopedias for Collier's. I actually sold four sets, but they stiffed me on the commission. Dad told Mr. Sanchez to pay me the \$350 or he would have the Attorney General sue them. I got the money. Dad could be persuasive. In 1963, I must have just cut lawns and done odd jobs, then gone on my two-week Naval Air Reserve cruise to NAS JAX again. That was the one where instead of having to go to Marietta, GA, and then fly back to Florida, I was allowed to drive Mom's 1957 Ford to JAX. I was sober as a judge, but misunderstood directions to our barracks, and somehow wound up in the area where nuclear warheads were stored. They were under huge mounds of earth. The Marines and Shore Patrol were on me like a duck on a June bug. They called the Executive Officer whose secretary I was as an YN striker. He got me released to him and I settled into the barracks to derisive laughter from all my crewmates. This was the cruise where I flew to Miami via Tampa on transport plane picking up reservists drilling that weekend. I got very drunk and sat on the beach in Miami Beach picking up two sisters. I got them both back to my room but don't recall what our threesome was like. Sunday evening, I was picked up at airport by the transport that had dropped returning weekend warriors off at Tampa, then Miami. A full Lieutenant, Mr. Porter, whom I found out, was a closet

gay by reading his service jacket at Marietta, bought me booze for the weekend and made sure that I got to the plane.

Things are fuzzy because I drank so much that summer, and it has been 45 years since the next two jackpots occurred, but I had to have pulled the Culley's stunt before my cruise to JAX because it was upon my return on a Sunday night, swinging on a Chi Omega's porch, that I bragged to her that it was I who had called Culley's and sent the hearse to retrieve her sorority sister's mom's body. I had done it in retaliation for all the grief that the mother gave me when I picked up the daughter for dates. The fact was that it was Wolfe, McCord, et al who were littering their front yard with beer cans, but she blamed me. So this had to have happened before the wreck that my prospective UF roommate and I got into and before I started at FSU the week before Labor Day.

I recall with surprising clarity that P.G. and I had gone in his "souped up" hemi head Dodge to Chipola Junior College in Marianna FL looking up his juco lady friends on a weekday. We found some, and they went to PC Beach with us, but had to be dropped back in Marianna by sundown. Thus, we did not come "home" through Blountstown, but had to go north on U.S. 231, then East on U.S. 90. In any case, that was a helluva lot of driving and lots of beer was consumed before we even got to a local FSU buddy's girlfriend's apartment on campus. This episode killed my friendship from LHS debate team and Post 118 with him because it yanked his sheets, revealing to his "in denial" Irish Catholic parents that he was not still an altar boy, but, rather, was balling this babe every night. He also swore never to speak to me again because he wound up marrying a woman who, while at LHS, lived in the Inglewood subdivision across the Seaboard RR tracks behind Joe's Spaghetti House behind us. They moved to Tallahassee from Maine (and had the accents to prove it.) Her dad was a radio broadcaster. Their being Catholic, I met her at CYO dances as part of the Explorer Post 118 socializing rather than by walking in the neighborhood—which no one except my old man did. The summer between my sophomore and junior years at Leon, we had parties at her house with her parents gone. We progressed from "spin the bottle" to "pony express" (like post office, only horsier!) A Catholic classmate and I got into French kissing on the screened porch, and I ejaculated for the first

time while intertwined, even if clothed, with a girl. Beth Melton was the only straight-laced Catholic girl whom I remember from CYO.

The Culley's fiasco began with a phone call I placed to the funeral home from the buddy's squeeze's apartment. In previous years, we had called and ordered fur-lined caskets and other obvious pranks that never had any repercussions. They did not have caller ID and \*69 call back in those ancient days, so they could not identify me. I was so drunk that I must have convinced the guy who was on late night duty that I was my girlfriend's older brother. The Law of Unintended Consequences is real, very real. I had no way of knowing that the family had just concluded a weekend family reunion. The hearse showed up and the mother met them at the door, saying "I am she and I am definitely not dead." But, she and the daughter then spent all night until dawn calling all the relatives who had attended to see if there had been a mistake, and if one of the members of their parties had been killed driving home. I had really stepped in shit, but no one suspected me. Mom could not believe that I was willing to spend one week at the Campground. I already knew about extradition, etc. I also felt that I would not be arrested on the naval air station.

Being in the holding cell at TPD was definitely not a place for an Emory honors student. Dad worked out a deal with Clyde Atkinson, State's Attorney, whom he already knew from his having adjusted auto claims in Tallahassee for nine years by then. If I returned from GA and saw a psychiatrist, and was found to have just been blind drunk rather than a sociopath, he would let me skate due to the combination of its being my first offense (so he thought), extreme drunkenness (true enough), and my not knowing about the family's reunion. I did intend it as the redneck equivalent of voodoo, sticking pins in the mom's doll. Hell, it was Wolfe and McCord who threw all their empty beer cans in her yard, yet the old lady who did not like my dating her daughter, blamed those messes on me. Clyde Atkinson initially tried to hang my ass under the bomb threat statute. It carried a penalty of five years at Raiford, THE maximum security prison with the electric chair. But he held my file until the seven-year statute of limitations (they were going to prosecute me under FL's then bomb threat statute) ran out. He said if, in the meantime, I so much as spat on the sidewalk, I would do five hard years at Raiford. THAT is the reason that I went to Chicago for

LS and never took the Florida bar exam. I assumed, correctly I think, that I would never have gotten past the character and fitness committee. Why waste time and money taking a hard written exam when I would never be licensed?

Anyone with a brain in his head would have laid low and cut back his drinking to avoid violating the informal probation that SA Atkinson had given him. Not me, I was already an alcoholic, and they never stop at only one drink, and they are not social drinkers. Things had already turned to shit when David failed out of UF at end of spring semester and was called to do his two years active duty immediately. Just coincidentally, he did his time at NAS JAX. So, I drank with him there during my cruise.

I was going to live with this MYF friend and hopefully join SAE, his frat. But HE failed out of Gainesville at end of HIS sophomore year. He was a victim of too much booze and no studying. What a surprise that all my friends who had joined the Navy Reserves with me drank too much and did not make their grades! I messed around all summer doing nothing good. The other lowlights were my breaking all my back left ribs in the wreck when David was driving out of Mutt and Jeff's drive-in and his fishtailing an entire block down U.S. 319. Nah, we weren't drunk. Everyone rides at night in an August Tallahassee thunderstorm with the convertible top down. After we passed the stop light at Fifth Avenue, Christie's street, he lost control despite his posi-traction. We did a high speed 90 degree turn into People's bank and came to rest with the front half of the car in the bank's lobby. Damned if AP did not run that photo above the fold the next day in the St. Pete Times. The bank was located around the block from the Williamson's house. Jeanie was Christie's sorority sister to whom I stupidly bragged about the hearse fiasco. The front end of the car went through the plate glass window setting off the burglar alarms. J. D. Williamson beat the cops to the scene and found me stumbling down the alley alongside the bank with my hand wrapped around a fifth of Jack Daniels. This time, he helped me out, smashing the bottle against the wall and walking me back to the front to tell my lie to the cops.

Returning to the events of summer 1963, my buddy was in a world of hurt because he was "out of bounds." Although the road signs gave the mileage to Jacksonville as 169, that was to the western

city limit. NAS JAX was located ten miles south of downtown off I-95. He was not supposed to have been 175+ miles away from the base on weekend liberty. He had only broken his big toe. So he got on a bus and headed back to JAX. Later that year, back in Atlanta, one of my "friends" showed me the picture of his car sitting halfway into the bank. Medically, I fared much poorer. I was looking back over my shoulder when he hit the bank. My back smashed flush into the hard dash. No one wore seat belts back then. I broke all my left ribs in the rear where they connected to the spine. An ambulance took me to TMH. My chest was shaved, I exhaled as fully as I could, and I was taped from left nipple around to my right front side.

Judy (Revell) St. Petery, now a prominent Tallahassee pediatrician, was a pre-med working at the hospital that summer as a Candy Striper. Whether it was coincidence or she requested the fun job, she was the one who shaved my chest and taped me. She lectured me on the evils of booze and smoking to no avail. In fact, while I was there she offered to take me in a wheelchair to the autopsy area where she wanted to show me healthy lungs compared to the charred ones taken from someone who died from lung cancer. I laughed and declined the offer. The *usual suspects* visited me, most memorably Larry Wolfe in his raincoat while the sun was shining brightly. He brought me pack of Pall Malls and two Heinekens. You can always count on your friends.

When I was discharged, I was still taped from navel to above my nipple and from one nipple around my back to the other nipple. Hence I could not inhale deeply, Bill Clinton. Before I started classes at FSU, several friends took me for a ride to the new Tallahassee airport on a very rainy and foggy night. We had three or four six packs of 16 oz. Schlitz glass bottles that we had drained earlier while looking for mischief. Having found none, we decided that in the fog no one would see us go out onto the nearest runway where we removed all the blue ramp marker lights at the edge of a runway. So we replaced them with 24 brown ones. Guess the FAA has never solved that one.

When September rolled around, I did not have a place to live in Gainesville because David was then in JAX serving his active duty. My admission to UF was good at FSU also, especially if I were to live at home. So I enrolled there and took Political Science classes with my 1959/60 debate team idol, Mike Odom, who by then was a senior. He



had undergone a complete transformation—from wearing navy suit, red vest, and a Nazi Swastika armband, to holding the highest rank in Army ROTC. He served with distinction in Vietnam, and was killed during his second, voluntary tour. Can you believe that **he** became a Ranger? Just goes to show that people can and do change radically (pun intended.) Under the terms of my “two by four” Navy reserve enlistment, if I had not been enrolled in college somewhere by September, I was *road kill* without having failed out, and would have had to do my two years’ active duty immediately, i.e. I was obligated to go into fleet and do my two years active duty as an E-3 Seaman (or might have converted to AN by then at NAS Atlanta where I drilled.)

When I Started FSU’s fall 1963 trimester, I was black balled by most of the “good” fraternities (saving limited number of spots for freshmen.) At FSU, each chapter was limited to 75 members, so the better houses did not waste bids on upperclassmen unless they were jocks or rich. So I wound up pledging Delta Chi, my other debate teammate’s new house, since he had not made his grades when he was a Pi Kappa Phi and was de-pledged. He had not yet started hating me for his folks finding out he shacked up all summer with a non Catholic. He must have caught hell after my one month at FSU because he would not drink with me at the Christmas ‘63 break.

**My** folks got mad as hell with my living at home and being drunk 30 nights consecutively. Dad called the Dean at Emory, called in his chits from his Aunt Tommie’s having been a major donor, and got them to waive the rule requiring students who drop out (I transferred to UF at the end of my sophomore year) to stay gone one quarter (summers did not count, so I was not supposed to be allowed back in the Fall.)

My father’s Atlanta Law School classmate, Henry Bowden, then was Emory Chairman of Board of Trustees. That connection plus his Aunt’s Tommie’s money (given to EU) got me back into Emory. Because FSU then was on the trimester system and had started classes before Labor Day, and Emory was on a quarter systems, starting in late September, I only missed the first week of classes there. Catching up was no sweat. In other respects, however, Fall Quarter junior year was the weirdest of my life (UCLS also was on a quarter systems. That was a piece of cake, like a half day of high school.) My residential ar-

rangements were conceived and executed straight from hell. I lived in four different places before Christmas break. The first was a boarding house two blocks off campus which was run by fellow EU student, Alan Matthews'; (LHS class of '59) aunt. She had a nervous breakdown within two weeks of my moving in. I swear that I was not the cause. It closed. So I was put into the TV room of the theology dormitory across from the campus water tower at the head of fraternity row. It looked like a huge phallic symbol. Next door to it was a very high radio tower. I dreamed often of taking a swan dive from it onto the Southern Railroad's tracks to South Carolina. That was why I had to see an Emory psychiatrist again after my wreck which the medicos deemed a half-assed suicide attempt.

A weirdo theolog above me played hymns on his accordion all night long. Additionally, the regular nut case theology students barged into my room at all hours, waking me in middle of night, because there was no lock on door, thinking that the dorm's TV was still there. I bitched, and was heard. I was then put into a brand new graduate dorm (only undergrad there.) It was nice, but graduate students all had their heads up their butts. Lastly, I met Scooter, a fifth year senior and failed pre-med on the back row of a political science class where we were allowed to smoke. He "latched on to me" to assure that he would graduate. PS was by far the easiest major besides Education (my cousin Celia Davis did **it**.) Scooter had failed Physical Chemistry and Organic Chemistry twice each, and was told, correctly, he was not pre-med material. He kicked his roommate out of their apartment which was directly across the railroad tracks from their fraternity house, Beta Theta Pi. (Fences on both sides of the tracks required us to make a long drive over a bridge past the old campus post office to reach the two.)

Earl "Happy" (no, he was not 'gay') Hatton switched rooms with me with EU'S approval. Happy had been best friends at Lakeland H.S. with one of the women whom I dated our sophomore year and whom I resumed dating upon my return. She was the daughter of an (Imperial) Polk County, FL State judge. It was good when I moved to Scooter's apartment to finally have a place to bonk her. We eventually broke up because she proposed to me, said she and parents had my life planned out, i.e. attend UFLS and then practice law in Lakeland. I ran

away, dated a Jewish girl from Columbia, SC, my senior year. This lady lived with Beta's Sweetheart off campus. Thus, I again had privacy because I lived in Beta house after Scooter knocked up his girl friend, and they moved to married housing. I was living in my fourth place in two months, and, more importantly for drinking purposes, again off campus. Scooter and Happy were both Betas, so they got me a bid. I pledged first week of January, was first pledge to have ever made a 4.0, and was initiated in April. So, over my first three years, I was successively an ATO, Delta Chi, and finally a BO 11.

Meanwhile, a friend from my dorm years was working part-time in the Hospital's business office for a 300-pound lady who had multiple scripts for all manner of weight loss drugs, i.e. methamphetamines. To curry favor with him, she gave him excess *speed* pills, and voluntarily filled multiple prescriptions at various pharmacies, selling them to the two of us for one cent each. He and I re-sold them for one dollar each. This being Emory, more pre-meds took them for purpose of pulling all nighters than the Chi Phi's and I did in order to last longer at keggers. In fact, in 1963 we were ahead of the West Coast Hell's Angels on that score. Too much of a good thing can be fatal. The dorm pusher and I watched a basketball game one night in his room. I bet him that if his UGA Dawgs won, I would drive us to Athens to score a very large load of pills. Tech lost, so I drove. Its being February, Piedmont Georgia had received several inches of snow the day before, and back roads (not I-85) were icy. Georgia, like the District of Columbia, had the religious snow removal system, i.e. "God put it there, God will remove (melt) it." Our "man" was a Kappa Alpha who lived off campus in a trailer. We first sought him out at his frat house, where I severely gashed my right hand opening a long neck beer bottle in a Coke machine. A nursing student bandaged that. This earlier wound contributed to the bloodiness of the ensuing wreck. The pusher and I bought a piss pot full of speed, but he refused to ride shotgun on return trip stating, again correctly, "Jay, you are way too drunk to drive." I took off with a tall ice tea glass full of straight bourbon, transistor radio lying on front seat, smoking and driving my four on the floor.

It was damn near a lethal combination. Approximately halfway back to Atlanta on the old state road, I entered an unbanked (i.e. flat as washboard) S turn in front of Sen. Russell's home in Gwinnett County.

I negotiated the first half of the S, but not the second. Road was icy and I missed a shift while tuning radio and lighting a cigarette. I went off the highway, down a 50- foot embankment while spinning, and I hit a stout tree at bottom head on. I was knocked unconscious and thrown through the windshield—which was found intact, upright against the tree on which I had grossly separated my right shoulder. My non-safety glasses were reduced to powder, and chunks, when I was thrown over the steering wheel—remember, kiddies, always wear your seatbelts, and both corneas were severely cut. Fortunately, I landed on my back rather than face down in a few inches of water in which I would have drowned. Two black guys playing poker in a cabin heard the wreck, came out and stood on side of road, saw me in the swamp, said “He be dead,” or something to that effect, and resumed playing cards, intending to call the cops at daybreak.

In the morning, they did come back to rob the corpse. Unexpectedly, I sat up, asked for a cigarette, and scared the pee out of them. They were seeing a ghost when all they intended to do was a little corpse robbing. Somehow a hearse from Tucker Funeral Home, not an ambulance arrived, loaded me up, and asked where I wanted to go. I told the driver, Emory Hospital, and when he sped on I-85, I asked him, “Please slow down, I’ve already been in one wreck tonight.” I arrived at Emory where internal injuries were suspected. No Shit, Sherlock, what was the first clue? The *modes operandi* in such cases is to deny all fluids for the first 24 hours. What a helluva hangover that produces when your blood alcohol level many hours after the wreck is still 0.25%. The eye and shoulder injuries were obvious. I also broke all my ribs, front and back, on right side (to go with the left broken ribs when I bounced off my UF pal’s dashboard August 1963.) I was in EU hospital for two weeks. Both eyes were taped shut the first week, then tape was removed from left eye. I joked to frat brothers that I was “going to be Ray Charles, but without his musical talent.” In point of fact, I was scared shitless. When I left the hospital, my right arm stayed in a sling another three weeks. I got it down just in time to fracture left shoulder, “against medical advice,” playing catcher for Beta softball team, and on April Fools’ Day.

The most macabre aspect of the car wreck tale is that I was traced by a Gwinnett County Deputy Sheriff investigating the case because

of the china fraternity drinking mug found in the crumpled car. It had my name on it as well as Beta Theta Pi, Emory University. When he called the house, the pledge answering the phone stated that it was I indeed who was driving, but said I lived off campus in an apartment, and he gave him our phone number. The Deputy called me and asked that I come out to Lawrenceville, the county seat, and speak to him immediately. I told him that that would be impossible because my eyes had been cut and that my right arm was in a sling for six weeks. Of course, had he staked us out, he would have seen me driving Scooter's '53 Chevy stick on the column shifting with my right hand inside of the steering wheel. This cop must have been an eager beaver, nosy sort of guy because I saw on our little black and white TV clipped to the fan as an antenna, a 10 P.M. news piece not long afterwards that said this Deputy had stumbled onto the southern terminus of a Chicago-based car theft ring where the automobiles were "chopped" for their parts in an outdoor setting. Shade tobacco is grown under gauze sheeting strung 12 feet above the ground. The mobsters simply parked the cars out of sight from the air and did their thing. This poor Deputy was found near the scene, hands cuffed behind him with his own handcuffs, killed execution style by a single shot from his own service revolver. No one else ever picked up the scent of my DUI, so I got away with filing a one-page accident report with the GA DPS which simply stated as cause of accident, "Lost control on icy patch." No fine, no suspension, no nothing.

I **did** get survivor's guilt from wrecking my car and thereby not having to do my required active duty in the Navy (or as a Marine JAG, had that worked out.) But I did try several times to go to OCS. I was denied because of glass in my eyes that gave me 20/600 vision plus astigmatism after the wreck. During Fall Quarter Junior year, I had also enlisted in the Marines' Platoon Leaders Corps (law) and took the LSAT for the first and only time. Marines were to pay for LS, at UVA which accepted me for fall 1964 without my having a bachelor's degree— you got an LL.B. instead of a JD. Then I was to have gone to Quantico for eight weeks the next two summers. Then, it was on to UVA LS, and I would have become a JAG with five years' obligated service upon graduation. But, after I broke my left shoulder playing softball for Betas, the U.S. Naval Hospital in Philadelphia, while I was

doing 2 weeks' active duty at nearby NAS Willow Grove, the Marine had Navy doctors x-ray both shoulders, and concluded that they must discharge me from the Corps as well as the navy.

Totaling my VW, Dad's bribe to get me to return to Emory, both got me out of the reserves (as well as Marine Corp Platoon Leaders Corps (Law)) and allowed me to appeal my draft classification. I was changed from I-S (would have been drafted ahead of an II-S Student) to 4F just before I graduated from Emory. In May, realizing that I was "free at last," I then applied to law schools as an after thought. My faculty advisor wanted me to get a political science Ph.D. at EU. They had an accelerated program whereby I would have earned my M.S. in only one year. Then, I would have gone on to UNC for my Ph.D. Over the years, as my legal career disintegrated due to a combination of too frequently being in the wrong place at the wrong time and concomitant worsening alcoholism, I have looked back wistfully at what might have been had I become a professor--smoking pipe, publishing to avoid perishing, earning tenure, and living in bucolic campus settings giving A's to female students in return for the "usual."



## CHAPTER 7

# GEORGIA POLITICS/LAST TWO YEARS AT EMORY

Never having much sense when it came to preserving life nor limb, I disobeyed medical advice (now known as “AMA” in CYA avoiding malpractice medico legal jargon) not to participate in “contact sports” and broke my other shoulder, the left one, playing softball for the Betas fittingly enough on April Fools’ Day 1964. Notwithstanding my having broken all my ribs on the right side, front and back, and having suffered what later was diagnosed as a permanent separation of the right achromioclavical joint, I stupidly agreed to be the catcher on the Beta’s softball team. I had done so for first time during a PE class sophomore year, getting so good at it that I caught both halves of each inning, letting the ball go to backstop when I batted, and having a pinch runner if I got on base. I replaced Brother Al Karniewicz from Jacksonville, who had plumped up to more than 300 lbs. and gotten married. After catching the top half of the first inning versus Kappa Alpha without incident, in the bottom half of the inning, I grounded to third, the fielder made a low throw to first base down the line towards home. I collided at full speed with Bill “Hawk” Bradley, first baseman who went about 6’ 3” 225 lbs. He dove low, in effect “roll blocking” me up and over him. I landed flush, perpendicularly on left shoulder. The pain was immediate and excruciating. I tried to watch the remainder of game like a bird with wounded wing, but fans of both teams including my cousin Cecilia Davis from Tallahassee, eventual wife of KA Jim Ferman, who was given the Chevy dealership in Tampa by his dad



as a wedding present, insisted on driving me to the Emory clinic. By a strange coincidence, the on-call resident M.D. was the same guy who did intake on me five weeks earlier after the wreck. He ordered x-rays which confirmed the worst, i.e. a fractured shoulder bone right where it joined the left shoulder ball and socket joint. I got a sling, and got back to game before it finished. He told me, "You have weak bones. You should drink more milk." Having run into two immovable objects, I told him to go fuck himself!

One running joke out of the twin episodes was that my favorite alcoholic political science professor, Ronnie "the Red Fox" Howell, in whose classes I was enrolled both Winter and Spring quarters NEVER detected the fact that I had changed arms in the sling. He mumbled towards year's end that it seemed to him that my arm had been in a sling an inordinately long time, hadn't it? He never missed a beat when I told him that it was two different arms with two different fractures five weeks apart. A big downside was that after I had quit drinking in 1985 and consulted an orthopedist in New London about my 'round the clock knee pain, I learned that Emory Clinic had, in Dr. Kelly's opinion, been grossly negligent in treating both my knee injury from the December 1961 snow ball fight and the February 1964 right shoulder separation. Dr. Kelly said either or both were grounds for medical malpractice suits vs. Emory. My shoulder could have had a pin inserted and it would have re-healed normally. As for my knee, for which I was given only crutches and an ace bandage (same non-treatment provided five years later by U. of Chicago Billings Hospital following football injury during 2L), I did not learn until 1984, first of my three arthroscopic surgeries, that I had broken my knee cap landing on a sprinkler head in the Sigma Nu's lawn during that snow ball fight. Bottom line, I finished Emory with a plethora of serious injuries that resulted in my fortuitously obtaining a medical discharge from the Navy Reserves without my having to serve the deferred two years' active duty in the fleet either at sea on an aircraft carrier or for three years as a station keeper at NAS Atlanta in Marietta. I also got a cancellation of my PLC obligation to the Marines.

On spring break 1965, I took my discharge papers to my draft board in Tallahassee and successfully appealed my classification, changing it from I-S to 4F. I-S was a scary classification in its own right

as the war in Vietnam heated up. College students were II-S. Hence, a reservist college student whose unit was not activated, stood a larger chance of being drafted than an untrained student because he had already completed basic training at the boot camp of a sister service of the U.S. Army.

I majored in political science (minor in history) because I was a pre-law from the moment at the end of Fall Quarter 1961 when I received a C- in Calculus and abandoned any hopes of transferring across town to pursue engineering at GA Tech. I quickly became a “political junky” and never found studying those courses the least bit onerous. I also knew quite a bit about GA history and politics from stories told by my parents plus elderly relatives and friends at the Campground. Emory’s PS faculty was quite activist in terms of filing suits to abolish GA’s “county unit system” which was a mini Electoral college under which each county received from 1 to 3 votes for Governor. Georgia was only slightly larger than Florida, 58k square miles to 56k, but it had 159 counties versus Florida’s 67. This disparity was based upon the ancient agrarian notion that no farmer should be more than one day’s horse and buggy ride from his county seat. North Florida was settled before the Civil War, but it was very sparsely populated until the 20th century, so its politics were very different. My PS professors also brought the landmark lawsuit versus the Heart of Atlanta Motel which desegregated public accommodations because they were deemed to be part of interstate commerce. Right decision, wrong rationale, e.g. it was a 14th Amendment denial of equal protection all the way.

Hence, Emory was derisively called “the Harvard of the South” by the predominantly redneck population outside of the five major cities. As I learned during a trumped up speeding arrest by the sheriff of Newton County, on the west bypass of Albany, one did not want to be arrested by a redneck cop while driving a foreign-made car (VW was built by Nazis) with Emory and Beta decals in South Georgia. Much of the hatred was because of the aforementioned lawsuit filed by my GA born and bred white PS professors who were deemed “commies” and traitors to the white race. I told the Sheriff that my Dad was from Early County, he had practiced in Lumpkin, so he let me go with a stern warning. I always drove through Albany after that! I was also

caught during my sophomore year as a passenger in my Sigma Nu friend's souped up 409 Impala SS returning to Atlanta from Quitman on I-75 by GA State Police while he was doing at least 100 mph in his. We were taken to jail in either Fort Valley or Perry, where I-75 then ended. To secure our freedom, we were forced to give the Sheriff our watches and all our cash, then allowed to leave. I tremble to imagine what would have happened had we been black.

The following recollections were rekindled when I saw an article in the New London Day newspaper in CT in 2008 with an official photo of former Gov. Talmadge, the elder. I could not resist sending my friends and relatives the accompanying opinion piece informing them that I was in the process of writing my memoir. One inescapable fact of my life is that my parents were both born and raised in South Georgia. They brought racist attitudes with them to pre- WWII NYC where they met and married. Eventually Dad was fired for his heavy drinking, but given a second chance to open a new office in Tallahassee. This brought both parents much closer to their childhood homes. Mom took me and my younger brother to the Methodists' White Oak Campground for revival meetings every summer. It was situated between her hometown of Thomson and the Master's Golf Club in nearby Augusta. Besides souring me for life on evangelical Protestantism, I saw "up close and personal" the all-black chain gangs—including the buckshot embedded in our "tents" (actually unpainted wooden shacks with outhouses and running water) that had passed through the bodies of deceased prisoners who acted up and/or ran. My Mom and her four older sisters and brother told me that the elder Eugene Talmadge's standard stump speech was, "My friends, there are only three things wrong with Georgia—Nigger, Nigger, Nigger!" He actually said that, because Negroes could not vote (scared by Klan, poll taxes, "suffrage tests".) Another reason was the County Unit System's permitting a small minority of the worst sort of rural redneck farmers to elect the governor. Talmadge and both his predecessors and successors ,until Carl Sanders was elected, had nothing to fear because after Reconstruction the National Democratic party had made its own deal with the Devil giving Southerners a free hand to terrorize

blacks in exchange for Southern Democrats' agreeing to caucus with urban Northern Democrats to grasp and maintain ironclad control of Congress.

The overwhelming majority of Northerners also do not know the sordid sequel to Eugene Talmadge's death four months into his fourth term. He had been so sure of his supporters' allegiance to his family that he had preordained that upon his death, his son, Herman, would succeed him rather than the Lt. Gov. M.O. (Monkey Odor) Thompson. At that time, to the best of my recollection, Herman was then just a state senator, not one of two U.S. Senators. He boldly moved into the Governor's mansion and held sway as the *de facto*, not *de jure* governor. M.O. Thompson, backed by anti-Talmadge legislators and some brave white folks (see Emory faculty), called out the National Guard. There was a month-long standoff before Herman, sensing the inevitable and afraid of Federal intervention, backed down, evacuated the Governor's mansion, and let M.O. Thompson take office officially. Most Yankees, when they hear this true story, think that we are talking about a banana republic rather than one of the 13 Original Colonies. My recollection is that Herman then won election to one term as Governor, and then became GA's junior senator alongside the revered Richard Russell, whose nephew, Sam Nunn, eventually succeeded him. Richard Russell, a soft spoken segregationist never married, and *presumably* was childless. Hence his nephew Sam, who received his B.A. and LL.B. from Emory, was his heir.

Georgia was not far removed temporally and spatially from such horrendous shenanigans when I was afforded the choice of full scholarships to the law schools of both Emory and the University of Chicago. In 1965, that seemed like a slam dunk, no brainer. I must confess to having *misunderestimated* ,W., Atlanta's potential to ever amount to much more than a more livable Birmingham. Given Hot Lanta's nation's worst traffic and pollution problems, plus most whites having fled to all-white suburbs that required 100- mile daily commutes, I was right at the time, about not wanting to stay there, albeit for the wrong reason. Fulton County's black population on a percentage basis exceeds that of the District of Columbia.

Emory was conveniently located in then predominantly white, officially "dry" DeKalb County that provided the home base for the

nascent local GOP whose state officials caucused at Manuel's pub where interested Emory PS majors overheard and even participated in political dialogues. In the Fulton County portion of Atlanta (the university was within city limits but a different county), the urban rednecks twice elected as Mayor the infamous Lester Maddox, who handed out ax handles at his Pickwick fried chicken restaurant for patrons, white only of course, to bash in black heads during all too frequent civil rights demonstrations. Somehow, Atlanta and Georgia never received the negative publicity (nor Freedom Riders and lunch counter sit-in patrons) of neighboring Alabama. Bull Connors, Police Chief of Birmingham, Governor Wallace, and the Selma Bridge massacre kept GA out of the spotlight.

As my 1965 Masters thesis presciently predicted, the GOP soon played the race card, trumping the Democrats' continued waving of the Stars and Bars as well as the Bloody Shirt from the War of Northern Aggression to become the South's new majority party. Due to an administrative snafu which I blamed on my advisor rather than my accepting responsibility for not counting my credit hours correctly, at the start of Spring Quarter 1965, he and I calculated that with my 15-credit-hour load, I was going to be both one credit hour short of the number required for graduation and that I had not met the distribution requirement within the department for courses in American Government. I had overloaded on political theory and foreign policy courses. Therefore, we reached a deal which required me to write a master's-degree length thesis and to defend it as if I were going for my M.S. Mother was friends with Wilfred Varn who was opposing the democratic incumbent for Tallahassee's congressional seat. I agreed to do something to help the local GOP. Hence my 58-page thesis which Mom had bound (she was, after all, a librarian) was photocopied and disseminated within Florida's fledgling Republican party in many other CD's.

My thesis entitled "Republicanism in North Florida: Has It a Future?" used the renown political scientist, V.O. Key's analysis of the 1948 presidential election where he had studied the demographics of EVERY county in the old 13-state confederacy to isolate Dixiecrat voters for SC Senator Thurmond. He predicted that someday a third party would hold sway in the South. In 1965, based upon my analysis

of the same counties, I predicted instead of a permanent third party, the Republicans would secure a 1968 victory not just in the South, but nation-wide based on white voters' fears and an eventual, permanent GOP majority in the South. Soon, North Florida, home of the old state senate's Pork Chop Gang (before state redistricting due to population shift to S. Florida gave progressive Democrats a majority) had Republican Congressmen and state legislators.

Hell, I met Trent Lott in Pascagoula where I was Navy lawyer from 1975 - 1979 when he was House Rules Committee chairman, Bill Colmer's, chief of staff. When Colmer retired, Lott got his blessing to avoid the 11 contender Democratic primary by running unopposed in the Republican primary. He then won one term in the U.S. House before John Stennis, the earlier to retire of Mississippi's two old bulls, rabid segregationist senators, stepped down from ill health. Lott fooled the Democrats twice with the same trick. They disbelieved that he could pull off statewide what he had done in our little SE corner of MS. Fool me once shame on you, fool me twice, shame on me. The Mississippi Democratic Party let Thad Cochran, by then a second GOP U.S. representative, also play the race card and steal the soon-to-become second open U.S. Senate seat when James Eastland retired. Mississippi, the most backward and outwardly racist state of the Old Confederacy, became the first to have two post-Civil War, excluding Reconstruction Carpet Baggers and freed slaves, Republican Senators.

After 1L and 2L, I had worked, respectively in legal aid jobs for the Bridgeport Legal Aid Society, then the Houston Legal Foundation. Both jobs were funded by the old Office of Economic Opportunity and required our filing lawsuits to attack the racial (segregated) status quo far more than aiding economically distressed residents with nuts and bolts simple legal issues. Almost until graduation 3L, the post graduation job offer which I had accepted was to return to Atlanta and to work for activist lawyer, Marshal Patner, in the ALAS. I was willing to withstand the slings and arrows of parents' and other relatives' hate speech for becoming a full-time "nigger lover." But I changed my mind and took a tax job in Motorola's then CHQ in the Chicago suburbs when I was informed by Attorney Patner that a GA statute required me to establish residence for a full 12 months before I could even sit for their bar exam. It has long since been declared unconstitutional, but

that was the end of my attempt to return to Atlanta. Patner also said that I therefore had to work as a "community organizer" my first year in Buttermilk Bottom, near the site of old Fulton County stadium. The KKK was strong then, and I did not see how I would "live that down" and get a job with reputable Atlanta law firm afterwards. So I sold my soul, for the first of many times, to the devil and took the easy corporate money.

Nixon's 1968 southern strategy was quickly and widely adopted throughout the rest of the South, reaching its nadir back in Georgia, when Max Cleland, a decorated Vietnam triple amputee, moderate Democrat, lost his seat to racist Saxby Chambliss. The Civil War party alignment was stood on its hand. The North, Midwest, and Pacific Coast being Democrat, whereas the South including Border states of the Old Confederacy, and Mountain West went solidly Republican, a betrayal of Lincoln's Abolitionist Party.

The unofficial black (before Negro and African-American become the PC words *du jour*) version of the Lucky Strike Makes Fine Tobacco ad's initials was "Lord, Save Me From Talmadge." I learned that at Grandma Samuels' knee at the White Oak Campground outside of Thomson, McDuffie County, GA, at age four. Mom and my aunts reinforced that version. Hell, I think that despite our living in Ulster County, NY, that they were all registered Democrats in Thomson, and voted with the denizens of the cemetery for ALL of the Talmadges. Mom knew Eugene's son, Herman, later Governor and U.S. Senator from time spent together at UGA-Athens. He was a Sigma Nu and had big car with a rumble seat. The Talmadges and the KKK were very real in all of GA and most of Florida before Yankees started moving in. The Political Science Dept. at Emory had many Southern PhDs who had the nerve to become the plaintiffs in the cases which overturned the "County Unit System" leading to the popular election of GA governors. At its worst, the result was that one vote in Lowndes County outside of Valdosta, 60 miles NE of Tallahassee, cancelled out 70 votes, mostly black, in Fulton County. Other cases in which Dr. Holland was plaintiff were for the abolition of poll taxes and voting enrollment tests. Latter were so tough that educated whites could not pass (Sort of like the Mississippi bar exam, another story addressed in my days as Navy lawyer in Pascagoula and the 'Ole Miss diploma privilege/exemption.)



## Georgia Politics/Last Two Years at Emory

My professors were also the plaintiffs in the Heart of Atlanta Motel case which enforced the Civil Rights Act of 1964. These very gutsy old Southern political science professors were regarded as traitors to their race, and worse. The Heart of Atlanta Motel was obviously a "public accommodation" denied to non-Caucasian travelers on an interstate highway. It was not a stretch of Congress' right to regulate commerce among the several states. Also, Atlanta was not legally wet until a special election in November 1964 declared it so. When Prohibition ended, saloons and package stores just opened without their ever having been a vote to repeal its WWI "dry" status. The county's being dry, as in most of the South, supposedly kept alcohol from Blacks and Indians. Baptists were very proud to "vote dry, drink wet" to protect white women and children. I declined full tuition scholarship to Emory, in lieu of the same deal at U. of Chicago to escape such hypocrisy and rule by Bible thumpers. Mayor Daley the Elder was an Irish Crook, but at least he told you so.





## CHAPTER 8

### UNIVERSITY OF CHICAGO LAW SCHOOL

A strange series of events led to my matriculating at UCLS. First, my auto wreck (no *accident*—EU shrink deemed it a half- assed suicide attempt) in February 1964. While I had no special desire to be an attorney, I was drawn to the political science major because it has turned out that I was and am a lifelong political junky. Also, PS and History were two typical pre-law majors. By the fall of 1963, even before the VW crash, and hence before I had cut up both corneas and broken first shoulder, the Navy Reserves were throwing off bad vibes about my ever getting into OCS upon graduation. I had enlisted May 20, 1961, tail end of senior year at Leon H.S. to avoid mandatory ROTC at either UF or FSU. Drilling in Florida heat and humidity without pay freshman and sophomore years did not appeal to me. And I had no way of knowing whether I would make the cut for third and fourth years—leading to a commission—either.

In fact, as a typical alky college kid, I had not thought much about what I would do after receiving my B.A. other than active duty in Vietnam unless I got soft billet with the Navy. By then, I really hated my parents so much that I was exploring ideas of becoming independent from them ASAP. I had to *do something after college*; I did not want to be a trainee at Coca Cola as many Emory liberal arts grads did, hoping to get into a management trainee program and attend Emory's night MBA program.

My senior year, the political science faculty made a big pitch to me to stay at EU for a fifth year and earn my M.S. because I had already done my thesis in order to graduate with honors due to my math

error in totaling my credits. Later, I came to regret not doing that, then going to Fletcher School of International Law & Diplomacy at Tufts as the “Red Fox,” Dr. Ronnie Howell, my alcoholic professor, suggested. Because matters with the Navy had not been settled, I did not spend the fall and winter quarters of my senior year applying to any graduate or professional schools. I fatalistically believed that the Navy had me by my balls, and that my ass was theirs for at least the next two years.

A life-changing experience occurred while strolling across the Quad from the History Building to the Administration Building in May 1965. By then, I had been discharged from the Navy and reclassified 4F. However, my only offer on table was to stay at EU for a fifth year in PS for an accelerated M.S. The Dean of Arts & Sciences, Charles Hounschell, fell in stride with me, knowing that I had just made PBK by getting my GPA over 3.5 and asked, “Jay, what are you going to do with the rest of your life?” I told him, “Honestly I have no idea, but I am a newly freed man.” He surprised me by offering a full tuition scholarship to the U. of Chicago LS—provided that I immediately applied and, of course, got accepted. The fee was only \$5 versus Harvard’s \$25, so I borrowed five bucks from my beer budget and applied to the Harvard of the Midwest’s law school. I had no idea that an LSAT of only 629 was marginal, even back then. I also hurriedly applied to EU’s LS, UFLS, and UVA again (I was no longer part of Marine Corps Platoon Leaders (Law) that would have been a free ride.) The latter accepted me again, but with only a half tuition scholarship. Gators said “come on down”, but with no financial aid, not that any was needed. Emory offered me the largest scholarship ever offered up to that point, just a few hundred dollars less than full tuition. The two major turnoffs, besides spending seven years on the same campus, were 1) having religious relatives spying on me and 2) fact that library stacks at EU were below ground, not air conditioned, and hence I would have spent most of the next three years treating my asthma and allergies to the worst conceivable conditions. So I politely declined Dean Ben Johnson, Sr.’s, kind offer and decided to return to Chicago four years after I had spent a very unpleasant 13 weeks in Navy boot camp across the RR tracks from downtown Winnetka.

Without trying to be cute about it, I must have looked like Holden Caulfield from *The Catcher in the Rye* riding a CTA bus from the Loop to the corner of 60th Street and Cottage Grove clad in my three-piece dark brown hopsack wool suit with button-down white shirt and rep tie. No, I had never made a campus visit to any of the law schools where I applied except, of course, Emory. I had no frigging idea that the majority dress code was “army surplus,” and for the Peter Darrow Ivy League snots, sports coats with jeans and an open-at-the-neck button-down blue or white oxford weave dress shirt. Thank God I had brought my navy peacoat and knit watch cap. I blended in immediately! Except for one 2L fellow named Tony Barlow who had been a Navy officer before entering UCLS, most of the rest of the males were draft-dodging overachievers. This was attested to by the large number of my fellow 1Ls who married at the end of our first academic year. They also were very adept at “family planning” inasmuch as almost all the wives were pregnant during 2L, or 3L if they were cutting it close, so that they could get a “family man” draft deferment.

I was also not amazed over what a large percentage of the I-S single guys, upon graduation, became fledgling law school profs at third tier, newly created law schools in Illinois, Ohio, and Indiana. The ABA was quite generous in allowing a state or county law library to count towards its requirement of a law school’s having a law library with a minimum of 10,000 volumes available. Dave Wolfe, who went to Alaska to work in Legal Aid and never returned until last year to Portland, OR, taught at Wright State LS or some such till he was old enough to no longer be “draft bait.”

I also thank God that I was so scared of the South Side ghetto in which U. of C. was situated that I opted to live 1L in one of the two law dorms in the Burton-Judson complex, Mathews vice Lynn house, at the Corner of 60th Street and Ellis Avenue. Despite thinking I was Billy Bad Ass, I was scared shitless about the neighborhood, not to mention the really smart competition in 1L. B-J inmates were on a meal plan, 20 out of 21 possible meals per week. Sunday night we foraged for ourselves, usually Chinese on 63rd Street with two quarts of Schlitz to wash down the mediocre grub. On the subject of food, one of the black, Aunt-Jemima- looking, chow line servers and I had a big chuckle almost from day one. I saw what I “took to be” (Ed Kitch’s

equivalent of today's "you know") grits and thanked her profusely for thinking of us southerners, all one of us. She said, "Honey chile, them ain't grits, they be cream of wheat. Why don't you skip the milk and sugar? Just put butter, salt and pepper on them and pretend you're still in Georgia?"

A guy who helped me a lot the first year was Dan Parker, Class of '65. Yes, you are reading that correctly. Dick Badger, and before him, Nick Fee, set the record straight, but the gist of it was that D.P. failed by a whisker at the end of Spring Quarter 1965 to achieve the 68.0 required for graduation. Rather than wash him out, wasting three years' effort, he was allowed to, in effect, repeat 3L during our 1L. Dan was from Atlanta, but I no longer recall where he attended college. It may not have even been in the South. But he and I drank together and reminisced (since 1Ls did not take classes with 2L and 3Ls) about Hot Lanta. We knew many joints in common. His job post-graduation was working for Mayor Daley in a non-legal capacity, wining and dining, threatening when necessary, businesses that gave indications of moving out of Chicago city limits, thereby diminishing the tax base. Two years later, when I graduated, Dan had his bosses in City Hall offer ME the same job. Even then I recognized my drinking problem and faced up to the fact that a job with an unlimited expense account boozing with businessmen who were on the verge of moving their factories to Will County would lead me to ruin—even sooner than I got there on my own. This job paid only \$9k, but all the high living with tickets to plenty of major sports events was very tempting. I accepted the position with Motorola (that Wally Blum got for me) and kept my drinking to a low roar, including not indulging at lunch—which was a firing offense. McGee Parramore, a 40ish lawyer from Alabama tested Lew Spencer's rule, and was fired!

Prof. Ann Lousin and Dean Richard Badger were very helpful in supplying me much better demographics on the class of 1968 than I remembered. We started with 148 1Ls, not the full complement of 150. Among them were 11 women. Ten who graduated in 1968, but some of them were not from the original group of 11—indeed Kathy Boshes and Susan Guggenheim Oakes left us and never returned. Marty Alschuler left us to go to the U. of Texas for her second year, then returned for her third year and graduated as valedictorian. She

must be the only professor at Harvard Law School who was never on a law review! Margo Taylor left at the end of the first year to marry a Swiss guy and then returned a year later after they divorced; she graduated in 1969. Some classmates, when they found out that I was writing an autobiography and was not being especially kind to my classmates, stated anonymously, "I do not remember our class as particularly friendly and helpful to each other." One said it was a surprise, but perhaps it should not have been because another one of our classmates confessed at our 1998 reunion in a Chicago restaurant that he and many of the other men "resented the women because we were there to get out of the draft." At least I was already 4F and had an honorable discharge from the Navy when I arrived. Being horny, I, *au contraire*, wished that it had been 50/50. We guys noticed one lady for her bust, and I knew Janet Roede during 2L because I was playing with John Ashcroft and other 3Ls on the Midway Maulers in football and softball. That was a good chance to meet the class of 1967 socially. The only Afro-American in our class, Leon Jackson, left after one year. Ann L. heard that one male quit and later went to law school in Canada. (Draft dodging perhaps?) And after each quarter of the first year, one or two people would simply not return. I was aware of attrition from hanging out with Dean Fee who worked to get good transfers to fill our class. We had such a black fellow named Graham or Grant who was from Chicago. He did 1L in NYC at either NYU or Columbia, then graduated with us after two years.

One hundred twenty-five of us graduated in June 1968. That was the number that stuck in my mind from phone calls with Dean of Students George "Nick" Fee after we had graduated. I mistook it as the class size AFTER the 1L wipeout. That was the smallest class before and after us. Fee told me that in response to that terrible attrition, the Administration totally revamped its admission criteria, placing less emphasis on 4.00 GPA's and 800 LSAT's, and looked for more well-rounded people who might bond with each other. I nearly drank myself out by drinking with 2Ls and 3Ls after they finished their exams because ours were the following week. Luckily, I had kept up on a daily basis in all courses, so I was able to salvage some low C's without studying for finals.

Our class also had the dubious distinction of having the lowest overall GPA of any class before us, and mostly likely any that followed. The major contributors to the low GPA, as well as the large number of students who flunked out and those who simply withdrew, were the very low grades in Contracts and Agency given by new professors, Grant Gilmore and Ed "I Take It" Kitch, respectively. Ann L. said that Gilmore did not give only C's, D's, and F's. She claims to have looked at the "best blue books" outside his door to "see where she went wrong" (she got a 72, a C+) and read Marty's bluebook. MA got an 87, a phenomenally high A. Ann agreed it was stupid to schedule Contracts over three quarters (3-3-2) and then give one exam nine months later for all eight credit hours. My statement was a slight overgeneralization, but in point of fact, most of the grades Gilmore and Kitch gave **were** C, D, and F. Nick Fee told me so. He also said my class ranking was not as bad as I feared because our class's grades were the worst in school history, and that most of the damage was done Spring Quarter 1L, especially by the eight-credit hour hit from Gilmore. I noted with interest that the following year Contracts was taught as four hours in the fall and four in the spring. Separate exams (grades) were given, and then averaged. Contracts, which turned out to be my specialty in law practice, was a total disaster because Gilmore showed up just before classes began, used Malcolm Sharpe's casebook against his "druthers," then wrote his exam questions based on his exams at Yale. He had no *say so* in the exam at end's being for the whole enchilada. Fee said that had been Sharpe's way of keeping interest up through Spring Quarter.

The other black with whom I was very close, Nate Clark, was an All-American swimmer from Ohio State who tended bar at Wine Mess with me occasionally. His mom was a shrink; his father a wealthy NJ businessman. He and I had a few chuckles over our being the minorities! He was a pioneer who benefited many disgruntled UCLS students who came after us. At the end of **his** 1L, he told Fee and others in the Administration that he felt that he had made a mistake, i.e. belonged on the other side of the Midway, e.g. specifically at the Graduate B School. To keep him, UCLS administration, especially the master's level Law & Economics faculty, and the GSB developed the four-year dual degree, JD and MBA, program which became very popular,. However

it was one year too late for me. I was offered a one year MBA at Pitt towards the end of 3L in exchange for becoming a teaching fellow, but decided to start work. I would have benefited greatly from such a program because I, too, became far more interested in business than law. Also, I took as many electives as I could in political science type classes as well as Accounting and Economics from Sidney Davidson and Ronald Coase, respectively. I did not have a sufficient accounting background to handle Blum's Corporate Tax (II), but got it the hard way at Miss. Gulf Coast JC and the Gulf Coast Extension of the U. of So. Miss. while Navy counsel in Pascagoula.

1Ls were all assigned to one of six Legal Research & Writing tutorial groups earning one-credit hour per quarter. This was my first inkling just how cutthroat the competition for grades was going to be. Numerous times when I went into the stacks to read the required cases, I found either the entire state reporter "gone," or the pertinent case report had been exactly removed with a single-edged razor blade. There were numerous volumes supposedly available, i.e. for state cases, both the relevant state's reporter and the regional reporter for that circuit, etc. There should have been even specialized reporters. I recall assignments when ALL possible sources were stolen or "misplaced" for the entire duration of the assignment. One also learned quickly not to leave his class notes unguarded in Greene Lounge or on a railing in the classroom wing between lectures. They would be stolen in a "New York Minute." Not that mine would have been especially valuable, but it tended to assure that students whose notes "went away," were likely to do poorly come exam time.

My primary tormentor starting in 1L and not ending until graduation, Prof. Geoffrey Cornell Hazard, Jr., had an alcohol problem. He was a mean man, and it came out in class. What a freakin' surprise. I never knew that for a fact, but in retrospect, with 23+ years in AA, and seven compulsory years of weekly therapy at the beginning to remake my personality, I now see all of his alcoholic personality traits very clearly. Maybe UCLS got him because he was "asked to leave Beserkely." Then as now, good references are given to unload your problem on someone else. He didn't last all that long at Chicago. He went out of his way to humiliate me by asking me at class's end, after the stars had all shown, "How would this case have been decided in



the 5th Circuit?," pointing out to all who did not already know, that I was their redneck classmate from Tallahassee by way of Atlanta. I was glad that my family friend, G. Harold Carswell, had not yet been nominated to the Supreme Court, then humiliatingly rejected. I knew him and his daughters very well. He and the postmaster, David Peyton Yon, Sr., were the only Republicans in Tallahassee who supported Ike in 1952, so Carswell became U.S. Attorney; and Mr. Yon, Postmaster. They had adjacent beach cottages, and one of my H.S. debate partners was David Peyton Yon, Jr., My parents also registered GOP when they hit Tallahassee in 1954. We all attended the big downtown Methodist church as well.

Ann L. opined that the Class of 1967 began their law school careers with Hazard's Civil Procedure I class. On the first day, he reportedly called on one man and one woman, and then ridiculed both so cruelly that they "teared up". Nobody in the class would volunteer after that. Hazard later went to Yale, their school of Organizational Management, not the LS, and is now at Penn where he writes a column for the National Law Journal on ethical questions arising in everyday practice. That is a farce, I have read them. A Yale alumna tells Ann he fell off the wagon a few years ago. Our other Civil Pro teacher, Jo Desha Lucas, gave me a 78, very good for me, in State & Local Taxation during our 3L. He also "had a problem," but his personality was that of a sweet Virginia gentleman, so students didn't mind him that much. He was a UVA grad with whom I got along swimmingly. JDL and I were in a contest with Prof. Brainard Currie to find the best 100 proof bourbon in Chicago for less than \$4. It became clearer that my primary interests were in politics, business and crunching numbers. If I had gotten a UCLS MBA instead of a JD, I would have made a fortune.

To avoid my assigned 1L dorm roommate, and because I truly tried to study until 10 P.M. each evening during 2L and 3L (when I lived in South Shore) before hitting Jimmie's or Norm's, I studied in the small second floor treatise room on the west side of the library. There, I also learned that my classmates were thieves. I got into the unfortunate habit of leaving my Emory class ring made of 22 karat solid gold with golden fraternity initials inscribed over my birth stone on top of my books and notes while getting java from the first floor lounge and then hitting the head to drain the old lizard. One winter night

during 2L, when I returned, my ring was gone, but the crappy old watch with numerous missing expanding links was left. I still wonder which classmate stole it and how he pawned it with Emory University on the circumference and my name engraved on inside. That gives one a warm fuzzy feeling about his peers.

To get the possible accusations of anti-Semitism out of the way ASAP, let's just say that Mathews House had a large number of Jewish guys from NYC with very sarcastic tongues and prejudices of their own, **their** never having met up close and personal a live descendant of the Sons of the Confederacy. Most rooms were singles, but at the end of each hall, farthest away from the communal showers, were double room suites. As fate had it, my roommate was straight from Brooklyn. We got on like gasoline and matches. All his buddies from NYC lived in singles on the second and third floors. Unfortunately for me, they regularly had pizza parties on Friday and Saturday nights—to which I was NOT invited, in our suite. I was asked to leave the suite—because Jimmie and friends demanded more room. He also had a steady squeeze and never hesitated to say, “Bill, would you mind giving us a little privacy?” He saw William Jay on our door the day before I showed up, and no amount of my telling him and the other New Yorkers that I went by “Walt” ever changed them from calling me Bill the next three years. Jimmie had the inner room, so I said that I did not mind listening to them getting it on, but “it was 12 degrees and getting colder down at Boulder Dam tonight” (anyone remember Gordon Lightfoot?), and that I did not exactly have any place to go, especially when the library was closed. It was too cold even for me to walk to Jimmie's some nights. That pissed him off, convinced him I was a redneck anti-Semite.

The worst of the lot, without question, in Mathews House was a gentile, David Stigler, who thought that his shit did not stink because his father, a Nobel laureate in Economics, taught across the Midway at the GBS. Our RA was a 3L named Jerry Bathke, a Minnesota Lutheran from Lake Wobegone and some Missouri Synod college and home church. He had played D III football at a Lutheran saint's name college, stood about 6 feet even, weighed 240, obviously an Offensive Lineman. He is the only reason that Stigler is still alive. Dave had an endearing habit of loudly slapping the back of his neck and calling

out “redneck, redneck” when I entered all classrooms or other public assemblies. This pissed me off more than a little. So one night after he and I had been drinking, and he started back in taunting me, I cornered him in the third floor head, tried to slash his neck with the triangular business end of a church key, which proved difficult because he was 6’4,” I was maybe 5’8,” and he wouldn’t oblige me by bending over. So I did the next best thing. I did a wrestling move on him, tackled him around both knees and tilted him out of the floor to ceiling window headed towards the tiled walkway three floors below. Bathke heard our fight, then tackled me, saving Stigler’s sorry ass, so that years later I even ran into him back in CT at ACCA meetings where he and I were both corporate counsels.

I was also extremely thankful that B-J was connected to the LS’ classrooms and library by a tunnel. A drop off and pickup dry cleaners located in the basement in between lost my wool overcoat while I was in Florida over 1L Christmas break, so I had to face the remainder of Chicago’s record breaking winter (30+ consecutive days without the high temps breaking zero) in a raincoat without even a zip-out liner. Walking to Jimmie’s during January and February required dedication and the onset of the DT’s. The tunnel’s availability also allowed me to win a few unusual bets from Mathews and Lynn house denizens, e.g. showing up for Sheldon Tefft’s 8 A.M. Conveyancing class in my pj’s covered by felt bathrobe. The other great 1L winning bet however pertained to Ed “I Take It” Kitch’s Agency class. Rick Rieser, an eventual fat cat banker, won the counting contest (with 40), but I won the “dare” to tell Kitch at a Spring wine mess that the reasons why 1) most of 1L had missed his Friday afternoon dull ass class and 2) we were sunburned lobster red was 3) that we had all been at Wrigley Field because his class sucked and we were suffering withdrawal from Harry Kalven’s beloved Cubbies. Ed had no sense of humor; whereas, Kalven actually gave me a ride to Wrigley several times during Spring 3L. He taught his Lenny Bruce class (First Amendment Rights) starting at 11:30 just so that HE would not miss the first pitch. That was a professor who had his priorities right.

By the end of 1L, I realized that a better second choice lay across the Midway and 60th Street, namely, the Graduate School of Business. I did have a facility with numbers, as attested to by my eventually

earning a night school MS in Management from RPI (really an MBA when combining USM and RPI courses.) For myself, I had had enough of the bullshit. For the entire year, numerous professors, mostly Jews, ridiculed my southern accent. Hazard was a pitiful excuse for a human being. I had to scald him “accidentally” after class one day in Greene Lounge to let him know I was tired as hell of his bigotry and was capable of more physicality if he kept it up. I “noted with interest” all three years that our many Jewish profs unfailingly failed to “meet their classes” on Jewish High Holy days, yet U. of Chicago, founded by a Baptist, John D. Rockefeller, held classes on Good Friday and other Christian holy days. Just a coincidence, I am sure.

So I applied to attend the U. of F. LS as a transfer student and was accepted. But after Fee had gotten me a job in Bridgeport the summer of 1966, Dad shamed me into returning to UCLS, and I lived off campus which made life infinitely better. My father berated me, “Jay’s aren’t quitters, and UFLS is beneath you.” In reality, he really feared that I would become a Plaintiffs’ PI attorney, return to Tallahassee, and create a huge conflict of interest for him since he was still working as an insurance claims adjuster (he retired at age 65 in 1974.) UCLS was better for me the 2nd and 3rd years, but it never was “fun.” I did not date while there due to the shortage of women and after one horrible fling with a college first year my 1L. She was an SDS member and very weird. So I drank and went to athletic events for “amusement.” I worked for Legal Aid Offices in Bridgeport and Houston, respectively, after our first and second years. I had no desire to practice law, particularly in a Loop firm or their CA or NYC equivalents. The prospect of 14-hour days and eight on Saturday did not appeal to me, not just because of cutting into drinking time. Corporate law in-house was a good compromise. It provided a reasonable salary, great benefits, and short hours plus no weekends. Unfortunately, I did not foresee that at age 55 I would be viewed as washed up, fired, rehired the next day for 28 months without benefits. AA has taught me to be grateful for the really important, non-monetary things in life like family and health. I do not see the justice of my never making more than \$100k in this materialistic world where newly minted “masters of the universe” on Wall Street and kids right out of law school make \$150k. But as JFK said, life is not fair! Damned if he was not right.

One is admonished not to speak ill of the dead, especially the recently departed, but for all his accomplishments and so-called helpfulness to students going onto to make a career in labor law (only on the unions' and workers' sides), Bernard Meltzer was extremely bigoted in his dealings with me. Jumping ahead to June 1968, I and my 2L girlfriend, Cathy Kirby, paid a visit to his office **after he posted my Labor Law grade**. Slightly less onerous than our Contracts 1L, this was a two consecutive quarters, eight-credit hour course with one exam for the whole enchilada. First of all, because I had already graduated, and owing to the fact that I was barely at the median of our class GPA, therefore not affecting my first job, he made no attempt to disguise his disgust that I was wasting his time by bitching about my middling C in Labor Law. At the end of our "friendly discussion," he admitted that he recognized both my writing style and my pro-management stance on the issues, despite the purported anonymity of the numbered blue book system. He said that my class participation over winter and spring quarters evidenced my great understanding of the materials covered and my ability to express myself cogently. But he went on to say that he could not understand, given the foregoing, why I took such a pro-management, i.e. anti-worker position on the questions. I challenged him about the boilerplate admonition by which he and his fellow academicians had always prefaced their handing out the exam sheets, "I do not care which side of the issues you come down on, your grades will be determined by how well you marshal the facts and the law to support your conclusions." He had no answer, I told him to burn in hell, and went off to work at Motorola. But this exercise convinced me of what I already strongly suspected, i.e. the preponderance of the professors, including all the Jewish ones, were diehard liberals who could not tolerate conservatives and southerners. God help the student who was both! The last brick in the wall for my case was the straw poll for the 1968 presidential election held after McCarthy and RFK spoke, on separate dates, in Greene Lounge. All students including the grad students were eligible to vote, and participants could vote for any candidate of any party. I believe that McCarthy narrowly edged out RFK only weeks before the poor man was murdered in LA. However, most telling was the fact that Nixon drew only 6 votes. I, Danny Boggs, and a tall blond 1L guy also from

KY voted for Nixon. I still have not figured out who were the other three Republicans!

My best friend during 1L turned out to be our late Dean of Students and Placement Director, George “Nick” Fee, a former Marine JAG, who was down and out on his luck that academic year. His wife was divorcing him and had thrown him out of their townhouse, which was near both Jimmie’s and the Eagle, which he bought by the time we were 3Ls. Nick’s old MG roadster with an expired VA license plate was up on blocks in the parking lot behind his office. He was either a southerner or had acquired a slight accent and toleration for Confederates during his years spent in VA. Nick was also hard over versus the SDS and radicals who took over the U’s Administration building during our tenure. While he was Dean of Students, some SDS types from the other side of Midway protested JAG recruiters interviewing at UCLS one winter Friday afternoon. The deep snow made the two sidewalks the only means of ingress/egress (how’s that Sheldon?.) Nick came into Wine Mess and “recruited” me and Jim Hunter, a 3L footballer at Case Western Reserve to go outside and remove the protesters by any means necessary. Jim and I talked sweetly of course, but had to use violence pretty quickly. Blood, not ours, was spilled and stood out starkly on the fresh white snow. That dustup was almost as much fun as the football game versus the Neo Platonists, a bunch of undergrad SDS types and their foul-mouthed molls during which Jimmy Carey ran 80 yards untouched for a TD—impossible in two-hand touch below knees. Not one of their defenders was standing. Each of the seven others had pancaked several philosophy majors.

Nick had been a Marine JAG before coming to UCLS and was tough for a little guy. From my having been recruited for Marine Corps PLC (law) at Emory, I knew that the future JAG’s did the same 16-week gig at Quantico as combat officers. During the pits of his divorce, our 2L, my classmate, Gary Prior, his 3L roomies, and I cheered Nick up with boys’ nights out at Hyde Park watering holes. Nick also had season tickets to the Blackhawks that he sold at face value to his buddies, so the wall was not yet up between Placement Office and the proletariat.

Fee also very kindly rescued me from a dangerous 4-11 P.M. shift as the assistant manager of a frequently robbed convenience store in

Tallahassee by sending me to Bridgeport for an eight-week gig with their Legal Aid. I actually liked helping poor blacks and Hispanics, so he repeated the favor after 2L, sending me to the Houston Legal Foundation to desegregate Harris County and jump start LBJ's War on Poverty which *his homeboys* were derailing. I even dated the 18-year-old daughter of the President of the Houston Bar Association, a nice girl, when I was not banging my full time 17-year-old squeeze from Port Arthur. Her older sister lived next to Gilley's in the Pasadena suburb, so we rode the mechanical bull before Travolta ever saw one, and drank shots of bourbon chased with Pearl and Lone Star draft beers.

This is as appropriate a juncture as any to deal with my favorite UCLS institution—Wine Mess, held every Friday 4-7pm in the first floor lounge next to Lynn house. Faculty and students, and the occasional bussed-in Catholic college girls, could buy either a ten-drink card for \$3.50 or a five-drink card for \$2. My memory grows hazy due to the passage of time and my usual drunken stupor by late Friday evening, but I do recall that Bob Donovan, a 3L while we were "frosh" worked me into the rotation some towards spring 1966. His running mate whose name escapes me, inducted me into the bartenders' club, by taking me to Station JBD where I ate my first lobster and had my first (of many) glasses (and jugs) of white wine. Then we repaired to Jimmie's to finish the evening. Some nights, my "big brothers" even took me to the all nighters at Miqueline Shaffer's apartment in the "Radiator Building" where 55th Street forks into separated four lanes on the way to Lakeshore Boulevard.

Those were the good old days; it seems like the class of '66 had the last majority of hard drinkers. I was a perennial bartender during my 2L and 3L which cut somewhat into my ability to see Friday afternoon Cubs' games, but Sundays through Thursdays were still available. Also, our Vermont Catamount, Richard "Tricky Dick" Badger knew Jim O'Toole, a LHP for the White Sox who played night games, so we had another free source of entertainment.

I learned that Harry Kalven liked his Jameson Irish over rocks. Norvel Morris was a typical Aussie/Brit with fondness for gin. Some of the funniest days occurred after the U. of C. Rugby Club finished playing other Midwestern club teams. Heathcote "Peter" Wales, being then (not now with his Wyoming ranch) an effete easterner, and



a snob—aren't they synonymous?—introduced us to weird concoctions of Guinness stout with both champagne and various ales. The former was potent and called, maybe, Black Velvet, and the latter, already aka 'Arf & 'Arf from Andy Capp comic strip. I liked the contact involved in our intramural sports, but rugby was beyond the pale. Wales and other law students comprised the bulk of the U. of C. club. One of the funnier moments of our 3L was their gloating over a victory over Notre Dame during Fall Quarter. I superintended a keg then, and at the spring '68 re-match. At the latter match, the U. of C. side had no idea what tornado hit them. ND's club featured graduating senior varsity football team members. Talk about revenge. Our sides' injuries were severe and too numerous to recount. Good subject for reunions every five years.

The class of 1967 was mostly full of *wusses*, John Ashcroft and Vince Blasi being the prissiest. Our gift to Ashcroft was the virginal Janet Roede from Mt. Holyoke or some such convent. For reasons still unknown to me, those two male virgins selected me to play on their Midway Maulers football and softball teams. Pentecostal John constantly chewed my ass for showing up at games with beer on my breath and cursing throughout—win or lose. Art Masolo, the Italian David Ortiz, was the only guy who could hit that marshmallow 16" ball far enough for a legitimate homerun. Fortunately, I also had made fast friends of Fat Frank Cook and George Forest through the Ball sisters. The other semi-rockin' and rollin' members of class of 1967 were all fellow Betas. Chuck Murphy was Prior's Beta brother at Tulane, Jim Hunter was a football player from Case Tech/Western Reserve, and former Navy Assistant Secretary Keith Eastin was a Beta brother from God knows where. During our 2L I discovered the Party Mart at the eastern end of 71st Street by walking about 20 blocks to the 2 BR pad Prior shared with those brothers. Most of them also were in Phi Delta Phi which was "cool" because we made enough dough selling used law books at prices far cheaper than the "official" bookstore, that we then plowed the profits back into the treasury for beer, wine, and pizza parties in the "upper" room above wine mess.

My 2L got off to a typically alcoholic start. I had stored my clothing and personal effects in the basement of Lynn House, but had no intention of living again in a dorm. I could not afford Hyde Park and



had no clue where I would crash. I never bothered to tell my parents. I slept in some 3Ls' tubs in Hyde Park my first week back. One night while I was passed out, a "joker" emptied a wash tub of left over crushed ice, on top of me. I did not wake up (come to) until morning. I soon had pneumonia and spent the first ten days of classes in Billings Hospital. Who would have thought? Bill Goetz, a loner from Rye, NY, and graduate of Monmouth (after spending freshman year at U. of Michigan) and I had semi-cooked up a deal over the summer when I was in Bridgeport that we might get a place together. He had his parents' station wagon which he had to return to Rye and then fly back. We rented a 1BR pad on Cyril Court, in the SW quadrant of the junction of 71st Street and Jeffrey Avenue, conveniently an Illinois Central commuter train stop which was also on the Jackson Park bus line. Using his parents' temporarily loaned station wagon, Bill drove me to Catholic Salvage where I bought a bed, mattress, and huge overcoat that wrapped around me twice. We had no TV, and I soon had no roommate. As one of the NY Yankees from the '20s said about road trips with Babe Ruth, "I roomed with his suit case."

Goetz had in mind all along rooming on the near North Side in a 2 BR pad capable of holding four guys comfortably with several H.S. and UM buddies who were attending NW Med School. When his parents called Cyril Court at odd hours looking for little (6' 5") Billy, I had to make up some inventive lies. And when Goetz did grace me with his presence, he was as sensitive to my not having alternate lodgings as 1L roommate, Jimmie and squeeze, had been at Mathews House, i.e. "Why don't you go sleep on a park bench while we get it on?" His squeeze from Monmouth was named Wendy. I remember the awful song of that name and "Red Rubber Ball Bouncing Back to Me" as their idea of music. We had only 1 BR, so I told him to take her to his North Side digs or be immodest and let me listen while I crashed on the couch. He soon got the hint and moved in full time with his buddy, Bill Fisher, who was a med student at NW. Goetz, being rich and spoiled, continued to pay his half of the lease, so I was in "Schaefer City"—although it was hard to find any of *it* in Second City. Instead, I had to settle for local horse pisses like Blatz, Hamm's, and the drafts sold out of a drive-in mafia beer factory at 23rd and Lakeshore Drive.

Living mostly alone for 2L, I also did much of my drinking alone. Jimmie's seemed too far away. But I quickly discovered that the IC made a stop at 53rd street and Stoney Island, which was walking distance, and at closing time, it took me to 71st & Jeffrey quite well, thank you. Also, for a package store, we had the Steinway drug store at the train crossing. And as Magister (Grand Dragon) of PDP legal frat, I was in charge of bringing "refreshments" to our weekly beer, wine, and pizza parties in the room over Wine Mess next to Lynn House. We had oodles of money in our coffers by virtue of our Fall Quarter used book sales in Greene Lounge, undercutting UC bookstore by just enough to monopolize the business. The Party Mart was at the far east end of 71st Street where the IC turned SE to the end of its line at 89th and Burley, next to the first RCC cathedral in Chicago, which was still very important to our Polish friends who worked in the U.S. Steel mill next door.

I was often spotted by other U. of C. students who lived in South Shore walking along 71st Street like a Watusi woman with two cases of beer balanced on top of my head. That was a very tough trick to master given our usual winters' icy sidewalks. On the other hand, the sidewalks at 89th and Burley were shoveled promptly, its being a 99% loyal Daley neighborhood. They also were an ad for Rice Krispies because they went "snap, crackle, and pop" when we trod upon the soot and cinders belched by the steel mill. Incidentally, one of the finest steak houses in whole city, Gene's, was at the end of that line, and was Nick Bosen's, UCLS '66, favorite. Another lesson in city politics was the promptness with which various neighborhoods were plowed out after a snowstorm. Of course, Bridgeport, the Irish enclave south of the stockyards where Hizzoner lived, came first. But very high on the list was the Irish neighborhood surrounding the Party Mart. Well above the median, were the Jewish neighborhoods south of 71st and east of Jeffrey. The Polish neighborhoods next to Gene's steakhouse and at 89th and Stoney Island also got preferred treatment. Bringing up the rear were the actual U. of C. campus and Hyde Park because their aldermen, Leon Despres and some liberal Jewish fellow whose name I forgot, were two of the biggest pains in Daley's ass at city council meetings.

Against the friendly, and well-informed advice of PDP brothers and elder statesmen such as Keith Eastin, Chuck Murphy, and Jim Hunter, I took on a ridiculously hard course load for Winter Quarter 2L, e.g. Tax II, Corporations, Administrative Law (with Kenneth Culp Davis—"if you will just buy my treatise, the answers are all in there"), and Accounting with Sidney Davidson from GSB who wrote the text used. Tormentor *du jour* 2L Winter Quarter was Weatherwoman in the making, bomber who killed innocents, Jewish American Princess, Bernadine Dorhn, who sat one row directly behind me in Blum's corporate tax class. Although I had never said one word to her in the preceding 1½ years, she hissed at me each morning, "Good morning, you goddamned, motherfucking Georgia redneck." She almost made Stigler's non-profane taunts a welcome relief. As to attempting to become a green eye shade wearing bean counter, Brakel was even stupider than I. He dropped the course and had to come up with three credit hours elsewhere. I doggedly hung on till the bitter end, taking my D like a man.

I quit drinking for the 2nd and 3rd quarters of 2L because I came within an eyelash of being homosexually raped in my apartment after Fall Quarter exams. I went out again around 2 A.M., against all reason, after my PDP fraternity brothers, Dennis Sabbath, Galen "Ron" South, and Harris Jaffe had quit and left my pad for the night. I went to Muriel's, a known gay bar across from the IC commuter rail platform at 71st & Jeffrey Avenue to get more quarts of beer to bring home. Because I did not have the foresight, knowing full well what kind of place I was entering, to have put a few bucks in front jeans pocket, and have left my wallet home, it was quickly taken from my back left pocket (naturally a little "grab ass" was in order there) as soon as I walked in. As a way of getting it returned, I asked where the pay phone was and threatened loudly to call the cops. Two guys quickly befriended me, offered to help me look for it, which tipped me off that **they** had it. They took me home just around the corner. When we arrived at my second floor apartment, I took a chance, guessing which one had the wallet, so I locked one in hall, and beat the other one nearly to death when he fell inside the door on top of me groping for my zipper.

My right fist was a bloody pulp when I got off the plane in Tallahassee the next day for Christmas. My parents had prepaid an airline

ticket for me that I had already picked up at the Administration Building on main campus. It was obvious that I had been in a big time fight. They did not need to know the details. I lied about the circumstances to my parents and surprised them by only drinking at home, and not heavily. My parents came down hard on me that it was way past time for me to stop drinking.

When I returned to Chicago, Fat Frank, one of my friends in the class ahead of me, picked me up at O'Hare and drove me to his apartment with George Forrest farther down south shore than mine. I watched the 1967 Orange Bowl with them. I remember my *homies* were involved, that UF beat GA Tech 7-0. Gators were on their own 2-yard line, GT went into a goal line defense, and Gators' fullback, Larry Smith, who later played in the NFL, broke through the thinly defended nine man line of scrimmage and ran 98 yards for the only TD of the game in Miami.

I surprised Frank and George by declining any alcohol. I did not drink at all during winter and spring quarters of 2L. A big reason was to raise my GPA which was awful after blowing exams at end of 1L. I took an unbelievably difficult course load Winter Quarter—Corporate Law, Constitutional Law 2, Federal Tax 2, Accounting, and Administrative Law. I made a D in Accounting (but at least the three credit hours counted towards graduation) and a 68, the lowest C in Federal Tax 2 (corporate vs. individual where I made a 75, B-.) I did much better spring quarter. So my parents promised me a car, Dad's latest used company car, for 3L. I did not get it until halfway through the year. Due to my not having drunk AT ALL from January through June 1967, my grades improved radically. Spring quarter was fun and I enjoyed whatever classes I took. Ron Coase gave me a B+ in Economics which suggested that I could eventually get an MBA and be an in-house lawyer.

I did not drink again till I arrived home for summer vacation 1967 when the kid who grew up across the street from me in Junior H.S., who now has 30 years in AA, took me and a couple hookers out in woods with a bottle to learn how to sin again. We parked in his Dad's Buick out in the woods, of which there were, and still are, many in the Tallahassee area. We did the deed and got pretty drunk. Alcoholism is a progressive disease, so I picked up right where I left off. Thus,

I again drank a lot during my summer job in Houston and during 3L, but my grades were the highest of my three years. I knew better when to drink and when not to, e.g. certainly not before and during exams. That was why my grades by the end of 3L Winter Quarter were good enough to have gotten me a good in-house corporate legal job with Motorola. The GC, Lew Spencer, hired me solely upon my Wally Blum, my tax professor's, say so. Go figure. It shows the value of a Chicago JD.

I had a lot of fun in Houston after 2L working a legal aid job. Every night somewhere in Houston there was an all-you-can drink for \$1 beer night under tents with lots of loose dancin' Texas women. They liked to drink draft beer and get it on. Besides the 17 year old from Port Arthur (Janis Joplin's hometown), I had another squeeze named Joan who was home from TX Tech in Lubbock. On nights when I was too tired to get it on, I just drove to the south end of Main Street (on which the Houston Legal Foundation office was located) and watched the Astros in the original dome. Another memorable moment from that job was the night that I left. I drove by one helluva big scary KKK cross burning in Covington, LA, on the north shore of Lake Ponchartrain opposite New Orleans. Despite being a honky with a good ole boy drawl, I could not wait to hit the Mississippi line and crash in "relative safety."

Third year law was something of a long strange trip before I had even listened to the Grateful Dead. I have no clear idea as to who cooked up the crazy idea that five WASPs should live together on South Chappel Avenue above a crazy single black mom and her hoodlum son, Felton. Our neighbors to the immediate north were black junior college teachers, very respectable. We were the "white trash" of a neighborhood that quickly was going from Jewish to Black almost before our eyes. There were two synagogues just south of 71st Avenue, but when I brought my wife back three years later, ALL the whites were gone, the blacks were distinctly "lower class," and Norm's Chappel Avenue Tap, our watering hole for watching the Blackhawks on black and white TV, had been fire bombed. The bomb had been thrown through the front plate glass window, exploded on inside,

and then charred the yellow bricks outside in the usual such explosive burn pattern. On the same trip, Dixie and I arrived in front of a friend's Hyde Park row house while he was hosing his black neighbor's spilt guts (blown out and away by a .357 magnum the night before) into a culvert. Footnote needed here: My wife's complete name was Dixie Lee Rose, not D.R. Lee, nor was she Gypsy Rose Lee's naughty daughter. She was born in Trinidad, CO, not the Caribbean, and moved to Scottsdale in time to enter her junior year at SHS with her famous classmate, Jim Palmer, the Orioles' RHP. Dixie earned her BS and MS in Biological Sciences at Arizona State, and was actually quite smart—except in choice of husband.

I also stumbled into more than a few all black bars 1L and Fall 2L with Rick Rieser and Bill Hermelin, one of the guys from Mathews House. An especially fun night transpired at The Club on 55th and State Street. The three of us walked in with one-half gallon of gin the night that BB King cut a live LP. I can be heard whistling and screaming on almost every cut! The other two guys said the local men tolerated pretty well my dancing with their women because I obviously was just a good 'ole boy drunk out his mind. Any way back to academia, because the Law Reviewers had cushy jobs lined up after successful second year internships with hot shit firms in LA, SF, Chicago, and NYC, classes were perfunctory, attendance voluntary, no hard academic work was done by any of the five of us. The other four roomies, knowing my anal retentive OCD tendencies, put all the utilities in my name. Not only were they very slow about kicking in their one-fifth shares, but they left me to deal with the final bills and maybe getting back our security deposits because I had taken a job with Motorola in the NW 'burbs and would stay on the Southside until Fall when I moved to Forest Park. I moved to Des Plaines Avenue, two blocks from the end of an L line in Oak Park and enjoyed riding trains as much as possible. The security deposits came nowhere close to equaling the summer months' utility bills, by the way.

Five WASPs, all of whom were on free ride scholarships doled out by UCLS to graduates of southern and mid-western small, mostly liberal arts church-related colleges, rented the second floor of a two-story large house on Chappel Avenue. It was two blocks north and east of the 71st Street and Jeffrey Avenue IC stop. Match the resident with

his college: Jay, Brakel, Decker, Prior, and Berry with Tulane, DePauw, Grinnell, Emory, and Davidson. I was fortunate my last two years that the Ball sisters lived a few blocks farther east. I had become friends with Fat Frank Cook, the best tax shelter shylock in Indy, and George Forrest, a Black Irishman from River Forest (home of the really rich and the Chicago mob) at Wine Mess during 1L. Frank's girl friend, Judy Ball, was a 2L, and her hot sister, Kathy, a School of Social Services student across Ellis Avenue from Burton-Judson dated John Gaubatz, then also a 2L, who was later a very gifted tax, wills, and estates professor at U. of Miami in Coral Gables. Despite my being the archetypal redneck southerner, they befriended me and invited me to Sunday morning breakfasts at their pad where I learned to love strawberry blintzes. They were not selective about the kind of women who they allowed to live with them, i.e. Marian Slutz, a 1L our during our 3L year, who later became the first of many Mrs. Richard Badgers. In fact, Kathy fixed me up with her and loaned me her VW for the date. Their teenaged sister also visited from Syracuse and I robbed the cradle. Good times were had at those ladies' restaurant.

My pet peeve in dealing with the four roomies was their penchant for stealing my long neck Blatz bottled beers and leaving me a dime on top of the few remaining full bottles. Just because I bought a returnable case for \$2.89 at the Notre Dame/Da Bears bar located at 89th and Stoney Island was no excuse for their stealing from me. I had to pay the deposit and take the time and money to replenish much more often than I would have had to do otherwise. I solved that by storing beer in the trunk of car except on subzero nights. I also had to throw a glass ashtray at Dutchman's block head one night when he spilled ketchup on our LR rug. Albert had a Delta stew as his steady squeeze. I enjoyed chatting her up because she was from Florence, AL, the extreme northern part of state on the Tennessee River. Decker acted so strangely that we goaded him into buying for himself a button that read, "Even Paranoids Have Some Real Enemies." Berry was the silent man. Prior was not especially silent. Once he sobered up, he just stayed in bed 24/7, but proved to us by his high paying gig some years later at McDermott Will that he was the smartest of the five. Brakel was a slacker, arrogant to a fault, who thought that he could pass the IL bar without taking Tom Harty's bar review course



at the downtown Y which Motorola paid for me to endure. I left the books which I was not using at the house all summer, but only Prior read them—since he passed and Dutch failed, and never tried again, hiding in foundations, hospitals and quasi-academic gigs at ABA.

The last time I saw Prior before some reunions 30 years out was November 1968 when I loaned him a belt to wear to our swearing-in ceremony at the Springfield Armory and drove his sorry ungrateful ass down from Chicago even though I lived way out in Western 'burbs. We were graced that day by Hizzoner, Richard Daley the Elder, smiling down beneficently from the first row of the balcony as Richie Jr., a De-Paul grad, who “passed” on his third and last try (no pressure applied to bar examiners, I am sure) was sworn in with us. One month later, I was told by Motorola that I was being transferred to Phoenix two and one-half years earlier than the mutually agreed upon three years because the assistant GC was deathly ill with Valley Fever (which nearly killed my late wife, Dixie, in fall 1974 while we were in Oakland.) Nick Bosen took us out for a hydraulic lunch that day at Lincoln’s favorite watering hole and showed us Abe’s tomb. Last time I saw **him** was several years later when I had a job interview in Chicago. Nick scored some very strong African hashish from a Hispanic alderman, and we got so wasted that I could not walk well enough to return to Phoenix for two days after the bong was passed. John Falk had me pegged, at our last exam 3L, he brought me a quart of Seagram’s that he had left over in his apartment (probably from his first year) and gave it to me because he knew it would be used. As in that night!

Although I hated my three years at Chicago more than I enjoyed some few parts of them, its JD got me a job with Navy OGC—even if it meant leaving Oakland for Pascagoula, and it again opened the door for me to do 22 years at EB with a Harvard boss. Dave James, UCLS 1965 and I had never met until the job interview in Pomona September 1974, and Nick Fee who soon died, helped me as much as he could from his own headhunting business. All in all, the academic positives outweighed the social negatives, so I am glad that I did not transfer to UFLS.





## CHAPTER 9

# MY CHICAGO DRINKING

After graduating, I remained in the house on South Chappel Avenue with Prior and Brakel. I think that Gordon Berry returned home to Naperville where he studied for the bar exam. Over the years he has been very uncommunicative. Others told me that he went to work for the next 40 years as an Appellate Public Defender. Despite living in downtown Chicago, then Evanston, he never attended reunions etc. Bill "Albert Dekker" Decker did not go back to Kokomo, IN. He practiced law in Western Michigan eventually becoming an Administrative Law Judge hearing Social Security Administration appeals. He belongs to an all male choir that conveniently has big concerts that always conflict with Class of '68 reunions, so I have not seen him since graduation except one flukish occasion when the other four met me for drinks at O'Hare when I purposely scheduled a six-hour layover on a flight to San Francisco for EB.

Motorola paid for me to take the Thomas Harty IL bar review course Monday through Thursday mornings. I then either drove or took the Rock Island Line's commuter train to within two blocks of Motorola's then CHQ in Franklin Park. My neighbor from 2L, George Wallace, honest to God, would drive me home if I took the IC to bar review, walked to Union Station, and rode the RI to Motorola. I worked full days on Fridays during that period and car pooled with the "Governor" (he was really from Pittsburgh, a 50-year-old bachelor who had a 2 BR apartment with his elderly Mother.) I left my bar review books in our house, and Gary and Jan studied the ones I was not using any particular day. I held the drinking to a low roar because of my new job

under a very light drinker, and because I studied again at night for the bar exam.

After the exam, Motorola gave me four days off with pay so I flew back to FL to blow off steam my usual way, lots of booze, and sleeping 14, then 12 hours per night the first two days home. After the bar exam, the three of us went our separate ways. I rented a second floor apartment on Des Plaines Avenue in Forest Park from an elderly German couple. Soon afterwards, because of a vacancy in a new ground floor yellow brick apartment building perpendicularly across Des Plaines Avenue, I was asked to move there to accommodate a family that wanted my bigger pad. Across this side street was a bar which had cheap Hamm's draft beers. Down DPA was a twenty something's pickup bar, Bartholomew's where attractive women hung out. These apartments were also conveniently located only two blocks from the end of the L line running to Oak Park from the Loop. This was convenient transportation downtown as well as to old Chicago Stadium, then home of the Blackhawks, for whom my boss, the GC, had four season tickets. So I was able to see games against the new expansion teams. I also took an Economics course from the West Side branch of Northern IL University, using my boss' text book. Therefore, my drinking during the week was within reasonable bounds. Weekends were another matter.

During the infamous 1968 Democratic convention, while working for Motorola, but still living in South Shore, I stopped at Jimmie's one weeknight and got blitzed worse than normal. Jimmie himself took my car keys away holding them until the next morning. One of my drinking buddies, a gay man named Morris, took me home with him across the street. Unlike the Muriel's punch out, Morris was a gentleman and did not try to sodomize me while I was unconscious on his couch. I awoke no earlier than 10 A.M., lying face down in my suit and tie. Desperately, I called my boss, the GC, and told him that my car had been stolen during the riots, and that as soon as the police let me reclaim it, I would drive to work. He was hardly stupid, being a tax guru and in Blum's association for such geniuses, but he either bought the story or did not have the *cajones* to fire me.

While not strictly related to the above drinking story, the mention of the riots during the Democratic convention reminded me of how

## My Chicago Drinking

strange it felt to drive back to South Shore along either Lake Shore Drive or Stony Island and see rows of tanks, armored personnel carriers, and tents stretching from Jackson Park to Grant Park to accommodate the National Guard and Army troops who were there to “protect” the citizenry. Due to my distaste for Bernadine Dohrn, the SDS, and nascent Weatherwoman, I had no love for left wing radicals who practiced violence, but most of the kids who were beaten up during the summer of 1968 struck me as pacifists. That was just one more reason that I was glad to move to Forest Park.

Obviously my drinking had worsened after the bar exam. The descent to new lows started when I returned from the ‘burbs’ to attend Wine Mess in order to avail myself of those famously low priced drink cards. After leaving one WM, I and a few others continued on drafts at Jimmie’s. When heading east on 55<sup>th</sup> Street for Lake Shore Drive to return home via the Eisenhower Expressway, I was stopped for a DUI by a black Chicago cop within a couple of blocks of the U. of C’s watering hole, the northern boundary between *academe* and black ghettos. I was made to sit in the back seat of the cop’s cruiser, so I copied Nick Bosen’s *modus operandi* and pulled out my wallet to slip him the obligatory couple of twenties, after which I was free to scoot away without a ticket. Just then a call came over his radio that a murder had occurred one block away. Being the nearest unit, he had to respond, etc. He told me, “Get your white ass out of my cruiser, and don’t let me catch you down here again.” I had wobbled across lanes, but not crossed center line, so I got back to my apartment in Forest Park OK.

My third close call came later that fall of 1968 when I got news on a Friday that I had passed the IL bar exam. I again headed to the Law School for Wine Mess which ran 4-7pm every Friday. It was a private association, attended by students, faculty, and alums only. Girls’colleges were welcome, also. I tended bar a few times 1L, lots of times 2L, and every Friday 3L. The tradition was that bartenders put all fifths with only two fingers booze left behind them on the window sill to take home as their tip. Many a Friday before I got my car, I staggered to the IL Central RR stop at east end of 60th Street with double paper bag full of numerous, almost, empty fifths. Different kinds, so I could not consolidate. Or if I were really being stupid, I would walk to the bus station at 63<sup>rd</sup> and South Stony Island and ride to corner of

71st and Jeffrey. During 2L I lived 1 ½ blocks SW, and 3L 2 blocks east and 2 more blocks north of both the Illinois Central RR and bus. I only got mugged once, in front of Hyde Park H.S., during 2L, by the natives. I dropped everything and ran for my life catching the bus at 63rd and Stony Island as it was leaving. I was hit in the back by the brick aimed at my head. Losing the booze was bad enough, but I also dropped the economics book for Ron Coase's class, so I just used the one on reserve in the Law Library for the rest of the Quarter, got a mid-B, also.

When I learned at Motorola that I passed the bar, I booked out for UCLS and got drunk at Wine Mess, far too badly to go back to the NW suburbs. So I went back to the area of my 3L house to the big apartment that some women friends (the Ball sisters, Kathy from School of Social Service across Ellis Avenue from Law School and Judy JD '67) still occupied. They took me in for the night. Nick Bosen probably came up to drive me down to South Bend for the next day's Notre Dame home game. But we missed each other, so I phoned him at his girlfriend's that I would meet him at the game. I parked my '66 Ford Fairlane in the boondocks and hiked to the brick wall adjacent to the SE end zone where Nick had two season tickets. I do not recall anything about either the football game or driving back to Chicago. I **do remember** driving into ND stadium on a two-lane road where the cops had made both lanes one-way going into the stadium, with a wooden, orange diagonally striped, barricade between lanes. I could not make up mind, so I just crashed through the barricades, then I high tailed it to general parking, and met Nick at his reserved parking space right up against the stadium wall outside our seats. Nick's dad, George, was the Executive Assistant (Chief of Staff) to then-IL governor, Otto Kerner, who progressed to a seat on the 7th Circuit Court of Appeals before he was imprisoned for his misdeeds as governor. This is very reminiscent of Governor Blagojevich and his current Chief of Staff. Some of Nick's dad's swag was a pair of ND home tickets, albeit in the corner of an end zone. I saw all home games during fall of '67 and '68 with Nick, plus ND at University of IL, his alma mater, one of those years. Never a dull moment—he broke his foot in Mattoon on our return from Champaign-Urbana by dropping a toilet tank top on his foot in a C&W bar from which we were chased by the down state redneck regular patrons. At the end of his trip driving me back to

## My Chicago Drinking

Chicago, his Porsche 911 was stopped for speeding on the Dan Ryan, main N-S Expressway on South Side. HE got out of it by leaving two twenties on the back seat of the cop's car.

The Saturday evening after learning that I had passed IL bar exam, having met up with Nick at ND, and being thoroughly wasted again, I returned to the girls' apartment near my former house on the South Side. They took me in, tried to quiet me down, but I insisted on trying to leave. My car had gotten tightly blocked in, front and back, against the curb. I went outside and was banging into the bumpers of the two cars which had me "trapped." Someone called the cops. I was taken, in a blackout, to a Southside precinct drunk tank. I do not recall anything until Sunday night coming to inside my NW side apartment still wearing the puke and booze stained three-piece suit which I had been wearing since Friday. I was told later that a Sgt. on CPD had gotten busted for stealing cash out of my wallet while I slept booze off Saturday PM and Sunday AM in the drunk tank. A classmate interning for State's Attorney there observed whole thing and told me about it later. I ran into him at our 1993 reunion, none other than John Tierney, now a big time movie producer in LA. We rode the moving staircase at O'Hare together leaving, and he had humiliated me the day before by retelling this story in front of my girlfriend at the Frank Lloyd Wright home during the UC trolley tour narrated by Wally Blum. I apparently was never charged, given back keys to my car which had been towed to the station, and allowed to drive back to Forest Park when deemed sufficiently sober.

On the other hand, I do remember the entire drunk tank episode my senior year at Emory when a 28-year-old Beta alum was driving his very old Chrysler whose lights went out when we hit a bump, causing him to ram into a parked DeKalb county cruiser. The deputy inside was so scared that he called for backup. Tom Goolsby, then Business Week's Atlanta branch correspondent, who drank himself to death on Park Avenue about 10 years ago, and I were sprung from the drunk tank in Decatur GA by still another fraternity brother, Fielder Martin, who was a prominent lawyer in Decatur. No charges were filed, and I was not expelled from Emory even though I was on permanent social conduct probation for drinking out of a can (instead of permitted "opaque container") during street dance spring freshman year.

Technically, the bridge over RR tracks where collision occurred was *off campus*, so I skated.

My third drunk tank experience, only the ending of which I remember, was in LA, at the airport, the night that Neil Armstrong walked on the moon in July 1969. Setting the stage, Motorola had double crossed me about the terms of my transfer to Phoenix from Chicago. I was promised that I would remain a tax lawyer, i.e. would NEVER have to do government contract law. But in pre-computer days, remember carbon copies, the various lawyers at multiple divisions in both states circulated colored carbon copies to all the other lawyers. We were expected to read everything, we then had to initial. Pop quizzes were given by the GC and AGC so we all actually did it. The guys and locations which had government contract work used pink and yellow carbon sheets. I read that boring shit and resolved I'd kill myself before I'd do anything so boring.

You guessed it. When I got to Phoenix, despite the promises of Lew, the GC in Chicago, and Bill Mack, the AGC who ran the Phoenix law department at one location serving all five, I was converted against my will to a government contract lawyer. I was allowed to do the state and local taxes, but they were not nearly a full time gig. Also, I was made to take and, of course, pass the Arizona bar exam—then given only in Tucson, because the ASU LS in Tempe had not yet graduated a class (construction was finished and it welcomed 1L's the Fall of '69 when I was sworn in there.)

Because Motorola had just paid the previous summer in Chicago for me to study for the IL bar exam on their nickel and time Mondays through Thursdays in the Loop, it was presumed (correctly) that I remembered *something* from the core subjects which were the same in common law and community property states. Therefore, Motorola paid only for my bar review course in downtown Phoenix during evenings. Ironically, the class was given on the ground floor of the United Bank Building, the only real skyscraper in the north financial corridor on upper Central Avenue where two years later I worked on 15th floor for the dope runner, Bob Jenkins. Classes finished early enough for me to meet my future wife, Dixie Lee Rose, who lived in the same Tempe apartment complex on Apache Trail across from old ASU football stadium, halfway home at the old Phoenix Municipal Stadium, home of

## My Chicago Drinking

the Triple A Giants, San Francisco's top farm team. We parked in the Salt River Project's lot beyond the RF fence, and walked in, usually free and unchallenged, with a six pack of cold beers in an old rigid circular cooler. Dixie was quite the fan because, during her years at ASU '62-'67, the Sun Devils featured such future major leaguers as Reggie Jackson (who also played football his first two years), Sal Bando, Rick Monday, Lerrin LaGrow, Larry Gura and many others whose less famous names escape me 35 years later. We kept score and witnessed Dave Kingman's 500 foot plus homeruns sail across Van Buren Boulevard into the Phoenix Zoo. Air was not that thin!

Motorola had a tradition of letting lawyers who had just taken the AZ bar exam at U. of A. in Tucson Thursday – Saturday noon to take off the following Monday and Tuesday without penalty, i.e. paid time (did not count as vacation, etc..) My useless, anal retentive OCD, devout Roman Catholic, boss Bill Mack, who criticized me frequently for banging the female help, double crossed me twice in one weekend. Not only did he break the promise that he and LDS had made me about my not having to switch from federal taxes into government contracts, but that prevaricator forced me onto an airplane out of Sky Harbor Airport bound for LAX Sunday evening after I returned from Tucson. Not only did I **not** get the Monday and Tuesday following the AZ bar exam off from work, *nor any subsequent compensatory time*, he had enrolled me in a Monday – Friday 9–5 Federal Publications, Inc., course entitled **Concentrated Course in Government Contracts** at the Los Angeles Century Plaza hotel.

In the spirit of collegiality I gave my government contracts colleague, a reformed tax lawyer from a San Francisco firm, Jack Clark, a ride to the AZ bar exam in my '66 Ford Fairlane with the 3 speed stick on the column. More about my wheels and Jack later. We checked in to a hotel just off I-10 on Wednesday night. He had his usual two drinks with supper, I had more than that then, and more again afterwards. I had concentrated on just the esoteric, exotic, Western, community property state legal topics such as Water, Oil and Gas, Property, and Domestic Relations, relying upon my photographic memory and the IL bar cram course one year earlier to get me through the AZ exam. It worked very well. I had to have aced, i.e. written near perfect blue books for both the morning and afternoon sessions on Thursday and



Friday session to amass close to 80 points (70 passing.) Thursday evening I took Jack to supper at the Iron Mask on Speedway Boulevard. He had his usual two drinks. I topped that, and slugged down Black Jack Old No. 7 in my hotel room. Friday night, knowing that I had already passed the freakin' exam, I forced Jack to accompany me on a hair raising drive to the top of 12,500 foot high Mt. Lemon (damn cold even in July at the summit) and drove like a maniac back to a restaurant at foot of the mountain. I killed the Black Jack that night in hotel room. Enough had to have been left, that I was still drunk, not yet hung over, on Saturday morning when we had to write another four-hour session.

Arrogant drunken asshole that I was, I packed my suitcase, drove us to the U. of A., checked in, and proceeded to write ONLY my name several hundred times in two blue books, handed them in, and was leaving for Tempe when someone stopped me and asked whether or not I was forgetting to wait for the other guy from Motorola. Sure as hell, I had forgotten all about Jack. I had to take him back to our hotel, allow him to pack, then drove back up I-10 and dropped him off at his home in Mesa. Mission Accomplished.

I did what any pissed off alcoholic would do to punish his unsympathetic boss. I drank AT HIM, ignoring completely the damage I was doing to myself in the present, and worse, in the long run (future years.) Dixie and I drank some more Saturday night. We repeated the drill by the apartment's pool Sunday A.M. and early afternoon until she poured me on my flight to LAX. I drank nothing during the short flight to LA. I was tired from the bar exam and the extra-curricular exercise after each session and back in Tempe. I had the best of intentions. I had never been to LA previously. I knew the name of my hotel and that a bus from the airport would take me there. I just missed the first one after arrival. So I plopped down at a watering hole nearest the door to the bus stop where I could see the bus arrive, fully intending to "have only one," then catch the bus to Century Plaza Hotel. The last thing I remember was going outside to the bus stop and my falling face down, spread eagle in the cruciform position. I came to inside the Venice CA jail's drunk tank again in a badly soiled suit and tie (business travelers did not go casually on airplanes for next day conventions back in those days.) My rumpled business attire and

## My Chicago Drinking

slurred, but educated speech must have impressed the low level city judge in West LA Police Court because, along with all the other more shabbily attired, smellier denizens of the drunk tank, I was sentenced to the customary "Two Days, Twenty Dollars, Suspended."

How the hell I got to the Century Plaza hotel by noon with my wallet, money, and papers still in various pockets on my person I will never know. More miraculously, my luggage, unopened and not burglarized, came off the bus the night before and was held for me at the front desk. I checked in, showered, put on fresh clothes, and was on time for the Monday **afternoon** session. My missing the morning session cost me 4.5 days CLE credit when I sought to become an NCMA Fellow and Certified Professional Contracts Manager because **I did not get out of jail early enough** to arrive at the Century Plaza hotel before the start of the Monday morning session.

I faithfully attended the remainder of sessions through Friday at 5 P.M. Nonetheless, years later, 1987 in fact, when having been sober two years, I decided to embellish my own never sought after government contract professional credentials from NCMA by applying to become a Fellow member thereof, as well as to take and pass the CPCM exam, I learned with chagrin and dismay that FPI would not give me "partial credit" for the 9 out of 10 sessions that I did attend in LA back in '69. Their standing on technicalities really pissed me off. Good thing that I had attended so damn many of their other courses plus four long courses at the Army JAG school at UVA in Charlottesville while with Navy and EB in subsequent years. I had amassed more than enough CLE/CEU units without the LA "introductory brainwashing." I had also "rotated through the chairs" as a Founder of NCMA's Gulf Coast chapter in Pascagoula and Mobile, i.e. VP, President, National Director, then two terms as National Director of the Central Connecticut Chapter in Hartford which had been built around UTC. I now am a 36-year member. The hell of it is that the rotten SOB boss of mine at Motorola/Phoenix, Bill Mack, was a very early member of the first incarnation of NCMA's Thunderbird chapter, yet he never showed me the courtesy of inviting me to a meeting. Hell, I would have had over 40 years by now and with any luck, could have gotten another defense job in the Valley of the Sun and never have dragged my late

wife kicking and screaming out of Metro Phoenix and away from her parents.

Figuring that I was already deep enough in shit for my airport fiasco, and not yet being married to Dixie, when the course ended, I said, "What the hell, why go straight back to Phoenix?" Monday was going to be a "bear" when I had to face Mack. To his credit, perhaps because he knew I already had dirt on him, he never told Lew Spencer or my AZ colleagues about my stunt. I hung onto my return ticket to Phoenix, and bought myself a \$10 ticket on PSA to San Diego. At this time, I was sharing a townhouse with a sales trainee, Chuck Baumhofer, from Edina, MN. One of his predecessors, Greg Mapes, with whom I had become friendly during *his* training, had been assigned to the La Jolla sales office and had an apartment nearby in northern San Diego. I phoned him before close of business Friday, and he picked me up at the airport. We spent the weekend at a hippie commune in the hills north of SD drinking gallons of cheap red wine and smoking high grade pot. Lots of loose Southern California women made it a fantastic time. Sunday evening, he took me to airport. Dixie picked me up at Sky Harbor and dropped me back at my 44th street town house. Apparently my "lost weekend" had zilch to do with my being laid off with ten thousand others, two years later.

The bar admission ceremony September 20, 1969, at the newly constructed but still unoccupied ASU law school moot court center was surreal. Only those exam takers who had passed were invited, of course. Therefore, by definition, if one was in attendance, s/he was inevitably about to be sworn into the Arizona bar and be thrust upon an unsuspecting public with a license to steal, commit malpractice, and unjustly enrich oneself. The looks of consternation upon my fellow admittees' faces presaged some very unflattering, candid remarks along the general lines, "How on God's green earth could **you** be here? Weren't you the guy who came to the last session drunk and wrote his name over and over in his blue book, handed it in over the proctors' objections, and tried to leave without waiting for your buddy?"

I plead guilty on all counts. It then dawned on them what I already knew—I had to have written nearly perfect sessions on the full days Thursday and Friday to have amassed at least the required 70 points for a passing grade without having earned a single point in

## My Chicago Drinking

the fifth and last session Saturday. Just think, had I not been such a perfect practicing alcoholic, I might have won the award for the **highest total** exam grade. My newly earned infamy did not help me find other positions when I needed them, e.g. following layoff for financial reasons only by Motorola, involuntary closure of dope runner's law office following his conviction and disbarment, and lastly when the Attorney General forced me out by denying five earned, but wrongfully withheld step raises.

What made the whole transformation into the type of lawyer that I never wanted to be so debilitating was that that bastard Mack used the happenstance of his near fatal illness plus my showing up two and one-half years early from Chicago to get out of not only the legal profession entirely but Motorola and government contracting specifically. His unbelievable chutzpah emboldened him after I was aboard, carrying his water, to **earn an MBA at ASU during the daytime** (evening MBA course were still years away) while drawing pay from Motorola.

One of his other subordinates, with whom I had worked briefly in Franklin Park CHQ, Mitch NewDelman, out sleazed Mack by both teaching International Law at the Thunderbird School of International Management on the absolute opposite side of the Valley in Glendale, also entirely during the work day, but also repeatedly banging the Mexican and Indian assembly line workers either on the floor of his office or in my apartment in nearby Tempe—prior to my marriage. I gave him a key, and he passed off to me his throwaway whores when he was finished. Nothing to be proud of, but after my next boss, the inimitable dope running Baptist Deacon, Bob Jenkins, was arrested, prior to his conviction, I finally wrote Lew Spencer, the GC back in Chicago, a "Dear John" letter alerting him to the fact that Mack had earned an MBA at ASU on Motorola's time and money, Neudelmann (real spelling) taught graduate school clear across the Valley, also on Motorola's time and money. Mitch was Jewish but this did not stop him after leaving Motorola, voluntarily I think, from working in DC for the jihadist Triad Group that illegally sold weapons to Israel's sworn enemies for decades.

Jack Clark with whom I passed the bar was the only honest, hard working attorney at Motorola, and he, too, was involuntarily

converted from federal taxation which he really knew by virtue of having practiced it in a SF firm, to government contracts. Ted Werner, with whom I was co-counsel of the Semiconductor Division, got to keep his job in June 1971 only for compassionate versus performance related issues. His wife was confined to a wheelchair with arthritis, and soon thereafter stayed in bed 24/7/365. They were practicing Roman Catholics who, for the first 10-15 years of marriage, had been childless. After adopting three children, the infertile member(s) belatedly regained his and/or her fecundity, and they had two natural children within a short span of time.

Both Lew Spencer, the GC in Chicago who had hired me out of law school, and Jack Hickey, the VP Finance also in Chicago, for whom I had done tax projects, apologized to me when corporate management determined that it was necessary to layoff ten thousand of the company's 30,000 Arizona employees in the summer of 1971. They were so impressed with my work that they first offered to move me back to Chicago, all expenses paid, but without a job. The father of my law school girlfriend, Big Bill Kirby, one of the elder Daley's closest confidants, got me a job offer from Household Finance Corporation in the Prudential Building above the IL Central terminals at good pay. My wife of only one year, Dixie, absolutely refused to move. She gave me an ultimatum, "Your damned Chicago or our marriage." I chose to stay with her, had zero success getting my foot in the door at any Phoenix law firms, and had to settle on a solo GP who almost landed me in jail.

## CHAPTER 10

# MOTOROLA, CHICAGO & PHOENIX

Having had second thoughts about the advisability of working as a community organizer in Buttermilk Bottom for the Atlanta Legal Aid Society following graduation from UCLS, I was receptive in April 1968 to Nick Fee's suggestion that I interview for a job opening that had just come in. Most 3Ls had long since locked up their jobs, so few were still looking. Motorola previously had always hired experienced lawyers from Loop firms, usually bright fellows who had been passed over for partner, and they were usually from second tier LS's. Lew Spencer, the GC, knew Wally Blum very well from the Chicago Tax Bar Association. When I applied, Prof. Blum gave me an undeserved, glowing recommendation which garnered me an interview in Franklin Park, a near NW suburb south of O'Hare. As fate would have it, my interview fell on the day after Dr. King had been assassinated in Memphis. I drove Lake Shore Drive to the Eisenhower Expressway with my headlights on out of respect for him. Also, everyone in the city had their's on. When I exited I-80 around Maywood, I noticed that no cars had their lights on, so I turned mine off. I drove in front of Maywood H.S. and saw the whites and blacks skirmishing around the flagpole. I learned that night from TV that the blacks lowered it out of respect for MLK, and then the whites, mostly of Eastern European descent, would immediately raise it again. Fist fights broke out, and the cops were called. I went north to O'Hare and took the JFK Expressway way home just to be safe.

Motorola wound up hiring two other graduating law students besides me. Rick Zito was from the northern suburbs and got his JD from

Notre Dame. He was very smart, well liked, and after one year, when he got engaged, he wisely left for Winston Strawn, a Loop firm. Dave Stone was also a local, was married, and got his JD from Wisconsin. The Deputy GC was a tall handsome fellow named John Wardell from Barrington. He quit Motorola within a few years and practiced from home because he continuously felt guilty about not having been home with his family when lightning struck it and burned it to the ground about the time we came aboard. Dave Stone later joined him in law practice there. Late in 3L Spring, Bill Bowe, class of '67, who with his older brother had inherited a mansion where Lake Shore Drive joins Michigan Avenue when their parents were killed simultaneously, hosted a cocktail party to celebrate his being drafted. He could have wangled his way out of the Army, but he chose to serve in the Signal Corps and went to Vietnam. He hired me to tend bar for the occasion. He asked me what I was going to do besides drink. I responded that Motorola had hired me. At that time, I was mixing a drink for a darkly handsome, sharply dressed Chicago '65 grad named Mitch NewDelman. He said, "What a coincidence, I am starting work next week as their International Counsel." He was leaving Baker and McKenzie. Sure enough, I met up with him after I graduated and was working half days Monday-Thursday and full days on Friday. We weren't together long. He was transferred to Phoenix in similar capacity.

Besides "Gov." George Wallace, my former neighbor, the other members of the law department at Franklin Park were Charles William "Chuck" O'Connor who lived in Wilmette and with whom I took brisk daily walks after lunch, and McGee Parramore, a tall heavy set fellow from Alabama with the accent to prove it. He disobeyed Lew's rule about no drinking at lunch, bourbon which smells, and was fired soon after I transferred to AZ. Bill Fox, a great guy in his mid-40's did only government contracts and worked on Cicero Avenue in Chicago proper. When Motorola hired me, it was conditioned upon my agreement to be transferred to Phoenix after three years of training in federal taxation by Lew Spencer. I rented an apartment in Forest Park and had a short reverse commute to Franklin Park. After Wardell and Stone quit, before I was laid off, Motorola hired a new Deputy GC for the new office in Schaumburg, named Rich Weise. He was tall, obese, had a stupid looking comb over, and drank far too much gin.



Lew made a practice of having an “all hands” annual staff meeting alternating between Chicago and Phoenix. During my first trip back to Chicago, after the dinner where most guys behaved relatively well, we went to a party at someone’s condo in the Loop. Being a newly wed, I did not hook up with one of the pretty pro’ whom someone, probably NewDelman, invited. I wandered from room to room drinking and watching colleagues caught in *flagante delicto*, e.g. some bimbo was on her knees blowing Weise, and Mitch was doing another in the missionary position on the couch. Weise never forgot that I saw him, and when he replaced Lew, he warned me one night while several of us were riding through Phoenix in a convertible with the top down that he would get me someday. That was after a staff dinner at the Camelback Inn where other lawyers, not including *moi*, got so drunk that they were throwing broccoli at each other. Lew was disgusted, and there were no more such boondoggles.

Unbeknownst to me, Bill Mack, the AGC who ran the Phoenix law department, contracted Valley Fever, a fungal disease like tuberculosis and found only in the Sonoran desert. He nearly died, and was hospitalized a lengthy period, then finished recovering at home. He begged Lew to send me at Christmas 1968. I agreed to fly down there 12/12/68 on a day when Chicago’s high was 12 degrees, and I landed under 75 degree clear blue skies. Each night one of the attorneys and his wife took me out to dinner at a swanky restaurant. I was glad to see my friend Mitch again. I accepted the transfer. The movers picked up my sparse furnishings and stored them in Phoenix until I arrived by car from Tallahassee where I had spent the holidays with my parents. While on my first trip, I rented an apartment at the Oasis in Tempe on Apache Trail, U.S. 50, across the highway from the old ASU football stadium.

An additional inducement to move was the results of an exam by a Chicago ENT doctor the day before my flight. Charlie Turner had smacked me in the face with a croquet mallet back in New Paltz when I was five. Dr. Rosenberg in Poughkeepsie never treated me for that injury, just burst ear drums. I was having more problems than usual breathing when I saw the ENT. He diagnosed me with a deviated septum and without any anesthetic jammed steel rods up both sides of my noses breaking new air holes. I mentioned to him my trip the



following day to Phoenix. He said that his son practiced the same specialty in Tucson, and that, like the ad of that day, I should "send my sinuses to AZ." Unfortunately, AZ has its own vegetation and constantly stirred up dust in the air to which I soon was terribly allergic.

On the way to AZ, I had a few wild encounters in West Texas. I spent the penultimate night on the road in Van Horn where interstates 10 & 20 meet, coming together from Houston and Dallas, respectively. First thing the next morning, I bought a six pack of Coors and took off doing 90 mph towards El Paso hoping to get there in time to attend the Sun Bowl football game. A Texas Ranger finally got my attention after chasing me, he said, for 20 miles at 100 mph. In the holiday spirit, seeing that there was only one empty on the floor board, he gave me a "warning" and told me to leave the other five unopened, that I could reach El Paso doing 70 in time for the game. I bought a ticket on the Auburn side and sat in the shade for the first half. El Paso is almost one mile high, and it cooled down substantially. So I moved to the sunny Arizona side for the second half. Don't remember who won, but it was close. Afterwards, I met some of my new Auburn friends at their motel for barbeque and more beer. A bunch of us crossed the bridge to Juarez and headed for "boys town" where we got our ashes hauled and scooted back to safety on the U.S. side. I do recall being approached just across the bridge over the Rio Grande by a Mexican trying to sell me heroin. I am thankful that I never messed with it or cocaine; otherwise I would have been dead a long time ago.

For some crazy reason, I did not want to drink anymore at 8 P.M., so I got some coffee and lit out west on I-10 thinking I could drive the 440 miles to Tempe and crash in my own apartment. My car's heater quit working while I was going up and down mountains in NM and SE AZ at altitudes up to 9,000 feet. The right leg which had polio started cramping, so I gave up at 2 A.M. and got a motel room in Tucson, leaving myself 110 miles for the next day, New Year's Eve. For whatever reason, I awoke at 8 A.M. with minimal sleep and took off for Tempe. Got my key, called the movers to deliver my stuff, and sat by the pool enjoying the sunshine. My first night at the Oasis was nearly my last. I forgot which bottom end apartment was mine and tried to go in through a screened window when the key, of course, would not work. The young male occupant met me at the front door with a loaded

double-barrel 12-gauge shot gun. Instead of shooting or cussing me out, he recognized me as the new guy, got my key into the lock for me, and put me to bed, fully dressed under only the comforter.

I went to work on January 2nd, and had no more problems. I met my wife to be, a tall thin redhead by the pool within the first week. I took advantage of the warm winter weather to grill a steak or chicken each night on one of the many gas-fired grills surrounding the pool. Later, she confessed she had adjusted the timing of her taking garbage to the dumpster to coincide with my grilling. I did not fail to notice her beauty and her 1967 gold GTO—which I learned had a 332 cu. in. engine with a quadrajet carburetor and Hurst 4 speed on the floor shifter. It was one of those muscle cars whose horsepower exceeded its number of cubic inches. Love at first sight. We started dating immediately, but she was virtuous, damn it. So I slept with a married woman who was secretary to the Marketing Manager where my office was located. I also met a few single fast and loose young ladies at Motorola, so I could practice the double standard and wait Dixie out. She lived with Brenda Baroldy, her former ASU classmate, a Mexican-American co-worker at the USDA lab from Miami, AZ. B.B. got married first, so Dixie moved home to Scottsdale with her parents. I think one reason she accepted my proposal was to get back out of their house. She smoked grass and drank beer, so she wanted her freedom back. I proposed around New Year's 1969 when I came back from Tallahassee. We married on Valentine's Day (everyone thought she was pregnant, but our first son did not come along for four more years.) She moved into my apartment at the corner of 52nd Street and Thomas Road, which had a nice pool and some interesting couples our age.

She continued to work in Mesa, and I drove one mile due south to Motorola's Semiconductor Products Division. In fact, when my younger brother, John, was discharged from the Navy at Hunter's Point in San Francisco, my parents "ordered" me to give him my 1966 Ford Fairlane and for us to make do with only her GTO for six months until our Dad got his next new company car. Dixie would drop me at work and usually picked me up, but if she couldn't, I just walked the one mile home in 110 degree heat with my suit jacket slung over my shoulder. I declined rides from my former squeezes at Motorola to

prove my virtue. At Motorola, having attended the one-week concentrated course in government contracts, I still knew next to nothing. Thank God for On-the-Job Training. Jack Clark let me plagiarize his memos until I understood what I was saying to clients in both the Sales and Purchasing departments. I also did the state and local taxes and worked closely with Bob Gibler, Credit Manager, on collections from delinquent customers. He was a good guy, brought me back an Asai Pentax camera from Honk Kong. He also owned a pizza joint just over the hill on McDowell in Scottsdale. His happy hours were to die for. All you could eat pizza from 5-6 P.M. and half-priced beers.

Our other most favored watering hole, the Valley Ho, in north Scottsdale where I had spent my week assessing the wisdom of the transfer, had something called the Double Bubble hour until 7 P.M. Instead of drinks being half-priced, we got a double-sized drink for the regular price. E.G. my manhattans and rusty nails came in Old Fashioned glasses instead of small stemmed glassware. I wore out my welcome there finally by giving a guy the Jets and three TDs in Super Bowl III, then passing out on the bar, being awakened by the bartender, and ordered to pay my debtor, and get the hell out to Tempe or wherever it was I lived.

After the LAX disaster ending in the drunk tank, I hit no more jackpots while with Motorola. I could see that I was literally the fifth wheel; the other four lawyers were crammed into a small area just behind the guard shack at the plant entrance. There was very little room for a law library, so most guys kept the books they used in their offices. One of my lasting memories of the old office occurred when I arrived 1/2/69. It was hilarious, and suggests that two grown men did not have enough work to do. Werner and NewDelman got down on their hands and knees with tape measures to determine whose office was smaller. Mitch's was wide enough, in any case, that he had room to screw short, cute, Mexican and Indian women from the second shift assembly line when he stayed past 5 o'clock or could not borrow my apartment at the Oasis.

Being the new, fifth lawyer, I was officed across the first factory floor in the Marketing Department with the Director, whose horny, real blonde secretary was in the process of getting a divorce. I had a solid wooden door painted sky blue. She welcomed me to Motorola

by closing the door behind her, grabbing my genitals gently and telling me that she wanted to fuck. Fortunately, I then lived with Chuck Baumhofer, a sales trainee, around the corner on 44th Street in a townhouse I had rented from Joe Proski, the NBA Phoenix Suns' trainer. That summer, for the first time, he worked as a trainer for the White Sox' Triple A Tucson Toro's, so we got a really good deal on a fancy townhouse close to the plant with nice pool and screened in gazebo for parties.

Validating my claim that Motorola's management at both SPD and CHQ in Schaumburg valued my services highly and only laid me off out of pity for Werner's bedridden wife and five kids; after I was notified in March 1971 that I would be laid off on June 30th, I was given a VP's office at 52<sup>nd</sup> and McDowell while the other four lawyers moved over the hill to the Government Electronics Division in Scottsdale on Hayden Road. Joe Vielock, a VP who was also being let go, and I shared a secretary to type our resumes, answer our phones, and give every impression that we were cashiered while we were still in very good standing. During those four months, I was also entrusted with the important job of flying all around the U.S. negotiating overriding agreements (to the parties' opposing sets of Terms & Conditions) with major suppliers and vendors. In mid-March, Ed Nees, top manager in Contracts, and I went to St. Louis to negotiate with Emerson Electric. It was unforgettable both for the awful slush in which we stood awaiting our turn to ride to the top of the Arch, and for the green draft beers and green scotch and sodas we consumed downtown in a bar off of our hotel's parking garage. We also went to Philly to negotiate with Unisys in Blue Bell, PA. I attended a Phillies game that night after we arrived at our downtown hotel around 5 P.M. EDT. AZ was then effectively on PDT because they stayed on MST all year 'round. Scheib Park was close by, but when I got back to the hotel bar, it still felt like it was 7 P.M. I closed the bar down, got a few hours sleep, and insisted that Ed drive to the 0800 session with Unisys. I had a hangover, only several hours' sleep, and I felt like it was 5 A.M. back in AZ, yet we did a hell of a job. I beat Motorola's deadline by finding a job in downtown with a solo general practitioner by the start of June, so I was gone from the payroll almost one month before the 6/30 deadline. Fortunately,

Dixie put me on her USG health benefits which later came in very handy that August.

I had also asked Earl Carroll, the partner at Evans, Kitchel, & Jencks, who was Motorola's outside counsel, to help me. He was quite the "politician" and knew which side his bread was buttered on. Despite having made a new best friend of his younger partner, David William West, who practiced before me later at the ACC, I lost out on an opening to Arne Rovick, whose dad was a rich Minneapolis industrialist, and the brother of a girl I had dated (nicknamed "Orange Annie" for her garish makeup) while waiting for Dixie to put out. The dad tossed the law firm quite a bit of his AZ business. So I did not wind up with the firm.

## CHAPTER 11

# JENKINS, THE DOPE SMUGGLER

At least Dixie was consistent in counseling me about not jumping off sinking ships. After refusing to accompany me to Chicago for the HFC job, she did the same thing until the Jenkins fiasco finally played itself out on February 29, 1972. On a leap year Saturday, his federal jury returned convictions on two of the four felony counts with which he was charged. He was given until the following Monday to surrender himself. So, following the verdicts, he and his felon brother Sam, who fixed greyhound races at Black Canyon Park by doping racing dogs, totally cleaned out the law firm's United Bank Building office, moving **all the contents** to Bob's screened-in back porch. The bolding signifies that the Jenkins gang, including bigamous second wife, Peggy the bookkeeper, took everything: the files, including ones I had brought in; the furnishings, including my wife's desk-top pictures, and the engraved pen and pencil set with name plate that my parents gave me as a law school graduation present. They did not tell me when the verdict was returned or that they had my belongings. I learned of the conviction via the Sunday newspaper. I could not reach Jenkins by phone. On Monday, when I used my key to enter our office, only the phones on the floor remained. Even our desks were gone. My non-lawyer (USDA entomologist) wife begged me not to quit Jenkins the day following his arrest, asking me what had become of the presumption of innocence. I told her he had been caught red handed flying the single-engine plane from which bales of marijuana were tossed while it taxied on the Winslow runway and were being retrieved by Jenkins' henchmen into his just purchased station wagon before the plane even came to a stop. Jenkins' preposterous alibi; namely, that the dope belonged to his

client and passenger, Johnny McDaniels, and that Bob was trying to talk Johnny into turning it in was full of holes because the FBI had monitored their three previous such runs using planes rented from Sawyer Aviation in Phoenix which they returned after landing the dope from Mexico in Winslow.

Jenkins hired the best known, if not the best, criminal defense lawyer in Arizona, John Flynn, who won the *Miranda* case, to defend him on these charges. Flynn's fee was \$15-\$20,000. I hand delivered three or four checks for \$5,000 each from our offices to Flynn's downtown next to the U.S. courthouse (naturally.) Uncertainty as to the fee stemmed from one of Bob's personal checks bouncing, and my having to make a second run, this time with a cashier's check. That was not an unfamiliar scenario because the paychecks given to me and Donna, the secretary who quit just before the airport bust and advised me to do the same without explanation, drawn on both Bob's personal and law firm accounts had also "bounced." When he re-issued them, we went together to the payor bank and cashed them for folding money. I found out after the arrest that Donna had quit because Bob, in those pre-metal detector days, had left his snap-top briefcase in a courtroom in the Maricopa County Courthouse. At his instructions, she retrieved it, but disobeying his explicit orders, she opened it. Inside she found a loaded revolver, a four-cell flashlight, and a coiled length of rope. She quit on the spot, but did not tell me why, leaving me to hold the bag, nearly getting disbarred. All Donna would say was, "If you know what is good for you, you will get the hell out of here right now, too."

In the period between Jenkins' late August 2001 arrest and his 2/29/02 conviction, I continued working for him upon the strength of his promise that if, God forbid, he should be convicted, my reward for remaining loyal was that he would give me the law practice lock, stock, and barrel. Like a fool, I believed him, and paid a huge price both in terms of nearly being disbarred and becoming a pariah in whose face all prospective employers' doors were slammed. I also endured the enforced nine months of unemployment before the Attorney General, of all people, hired me to try child abuse cases. During that nine-month hiatus, I located a new employer in Chicago, Budget

## Jenkins, the Dope Smuggler

Rent a Car. The owner, also a lawyer, Ralph Jonas, flew me back to LAX, sober. He met me in the Beverly Hills Hotel and offered me an in-house law job in Chicago. I accepted immediately, but recalling Dixie's previous refusal to even travel to Chicago with me re the HFC job, I told Ralph that my wife would have to go to Chicago and meet him and his wife before she would agree. He flew us both up, put us in the old Allerton Hotel, wined and dined us at his home, and pitched us why everything would work out. We were then still childless, but Dixie had a good job as a GS-9, first female supervisory technician with the USDA's laboratory in Mesa.

Even though I got drunk (what a surprise) and ripped the felt covering of Jonas' billiards table, he said not to worry, we shook hands and I thought we had clinched the deal. I woke up (came to) in late morning, alone in our hotel bed. I found a note on Dixie's pillow that said she had gone back to the airport to catch an earlier flight home to Phoenix. That under NO circumstances would she move to Chicago with me. Her decision was final, that because we had no children, lived in a 2 BR furnished apartment and each of us owned a paid for car, divorce was OK with her. We could just go our separate ways. As many people in and out of AA told me subsequently over the many years, she was a far better woman than I deserved. Even a sot like I could realize that. I called Ralph, backed out of the job, and caught my scheduled flight home. I started at the AG's office September 1972, Will was born December 1973, and I thought that our little family was on the way to normalcy—for good.

Finding another job in AZ proved very difficult because I had spent my entire three years since law school in a corporate law department, I was not "local," and I had not graduated from U. of A. Law School (pre-ASU LS), the preferred institution. No firms were interested in me. One of my office mates, a marketing executive, Chuck Johnson, who had recently been divorced, introduced me to his lawyer, Bob Jenkins, an up and coming General Practitioner. He had been in business (lumber) in Winslow before going to UA LS at age 35 where he did quite well. Upon graduation, he formed a law firm in Phoenix with a former professor, Wally Baker, in the old United Bank Building at 3550 N. Central Avenue.



Jenkins also was leery of my utter lack of trial experience etc., but hired me at \$1,000 per month for a one year trial period. I vetted him better than he did me. I learned that he was a Baptist deacon, did not drink, smoke, or curse. He was a trustee of Grand Canyon College, the local Southern Baptist college, and showed me his "book of business" which was substantial. He had just left his partnership with Baker and Bob Steffes, the only associate, who refused to come ten floors upstairs with him (for reasons he later told me in several phone conversations.) Jenkins maintained a satellite office in Winslow. So, Bob needed a bright young guy who was admitted in AZ.

From the start, I noticed that our practice involved the defense of many drug offenders. There was Marilyn the young woman, not a Mormon, who wore ankle length skirts with long cuffed sleeves to hide the needle tracks up and down her arms and legs to her arm pits and groin. Her boyfriend, Lanny Witt, who owed Jenkins substantial sums for representation in prior cases, called our apartment one night asking my wife and me to meet him and some "friends" in the desert outside Casa Grande to guide a plane loaded with dope to a landing on the sandy desert floor. They planned to have cars line both sides of the "strip" and for us to turn on our headlights at the last minute when we heard the plane's engine overhead. Lanny wanted Jenkins and me to accept some of the MJ as payment in kind. Wisely, I refused. I had no way of knowing that my home telephone as well as Jenkins' home and the office's phones had all been tapped by the Feds. All they ever got on me was that I bet football games with friends from Motorola, and usually lost, to boot.

During my nine months with him, I won two separate appeals based upon the Fourth Amendment suppression of illegally obtained evidence before the Appellate Court in Tucson where long haired hippies had been busted by Mormon state troopers for their unkempt long hair and general disheveled appearances. Then the cops made warrantless searches. The clincher, just before Jenkins' own arrest, was when Hernando Hortes, the biggest heroin dealer in Hermosillo, Mexico, came to our office to discuss "matters" with Bob. I told Bob that I was getting increasingly antsy about our clientele. So he told me to go to court for the day, etc.

## Jenkins, the Dope Smuggler

Bob Donovan, who was a Winslow friend of Bob's, near age 50, had just been ordained (by AZ's Bishop, not a seminary) as an Episcopal priest. He worked as our private investigator—often in his clerical garb. How weird was that? Perry Mason's Paul Drake did not use that disguise. Donna quit only one or two days before RTJ was busted with his childhood friend, client, and fellow lumberman, Johnny McDaniels, at Winslow's airport with 400 lbs. of MJ. Peggy, Bob's bigamous second wife, was a bookkeeper for an accounting firm on one of the lower floors of United Bank Building. By 1971, she had already borne him four kids, of which I knew nothing. She came to our office every evening after 5 P.M.— ostensibly to do our books after I left. That also raised my suspicions that perhaps they lived together.

Jenkins' real wife and their legitimate daughter, Gina, a cute redhead about 12, lived in Winslow. She demanded a \$100,000 lump sum alimony payment as the price of (pre-no fault days) a fault-based divorce so that Bob could finally marry Peggy. Teresa, the Mexican secretary in our Winslow office, and Warner Leppin, a Winslow attorney who knew Bob from "old days," were among the very few locals who knew the truth about Bob's two wives and two sets of kids. But neither of them told me until after Bob was busted and I was running the practice alone.

Among those in the dark were Judge Melvyn Shelley, the Navajo County Superior Court Judge in Holbrook, an elderly Mormon, who saved my law license by speaking up for me to Dick Segal, the State Bar of Arizona President, a clueless (about general practice) bond partner at Brown & Bain, who wanted to disbar me for missing court appearances about which I knew nothing. Another criminal in a black hat was Vern Gassert, a Mormon solo attorney in the nine-story (one of Phoenix's first "skyscrapers"), Luhrs Tower across from the Maricopa County Superior Court to whom Jenkins "wholesaled" all our files. Vern admitted later during Bob's disbarment hearing that he threw the three-fourths of our files that he deemed "worthless" into his dumpster and kept only the one-fourth with some apparent value. Those were the only ones in which he substituted himself for me as "attorney of record." Dick McCauley, INA's AZ office manager, also in the United Bank Building, who gave us hundreds of small subrogation files, discovered the same hard way as I that Gassert had thrown

away most of the small files, and kept only those above an arbitrary dollar threshold.

Because of the stressful times with Jenkins, I had abandoned my habit of having Dixie make me a brown bag lunch to eat at my desk. Wanting to get out of the building for an hour, I started eating across Central Avenue at Walter's L Continental Club. Being alone most of the time, I perched on a tall bar stool and quaffed several drafts with my sandwich and chips. Usually, I sat next to the same guy at the end of the bar where I could see TV. That was how I met John Harvey Adamson, a low life petty criminal, who crossed the line into the underworld's big time when he detonated the remote controlled car bomb in the Del Webb parking garage that killed Don Bolles, the Arizona Republic investigative reporter who had pissed off the local mob by investigating "tombstoning" (sale of worthless desert properties) to Yankees and ignorant, wealthy locals. In 1971, JHA's job was sitting in a tree at the rear of Walter's L Continental across the street from U.B. and checking parked cars with binoculars to see whether their drivers entered Walter's restaurant. If not, they were towed. Jenkins' caddy even got pinched once, and I had to get Donna to drop me at the garage to retrieve it.

Flynn was not dumb; he did not want to be burned like several of Bob's former best friends. Bob made his first three runs to Winslow in a single engine plane that he rented from Sawyer Aviation at Sky Harbor airport. He made his fourth and last run in a newly purchased single engine propeller airplane on which he had made a minimal down payment. At the Winslow airport, the bales of MJ that were tossed out along the runway as he taxied to the terminal were picked up and placed into a mint new Dodge station wagon just purchased on credit from his pal, the Mesa owner of Jack Ross Dodge. Both the plane and car were forfeited to USG as the fruits of his drug arrest at Winslow airport. Thus, his former "best friends" were left holding the bag for the balance of those large credit purchases. Sawyer Aviation had rented planes to Bob for his first three trips. Upon return, they smelled Lysol and detected that the seats had been reinstalled improperly. Wisely, they called the FBI who **immunized them** for their future cooperation.

## Jenkins, the Dope Smuggler

The Eagles' song, *Take It Easy*, has a line about "I was standing on a corner in Winslow, Arizona" that invariably brings back awful memories of my having done so several times waiting for Jenkins to return from court in Holbrook to drive us back to Phoenix in his new Caddy. I tried my first case in front of Judge Shelley in Holbrook. It was an appeal from a conviction in Winslow's Municipal Court of an Indian woman who gave a gringo minor liquor. They were busted by a blond, blue-eyed Mormon state trooper. Bob and I were seated at the counsel's table. He said he forgot something in the car, but took his briefcase which seemed strange. He just drove off, leaving me to try the case myself. I won, but felt badly. We had many personal injury clients from Navajo County who had been injured on old Route 66 and/or working for the Santa Fe RR.

O'Connor, Cavanaugh, Phoenix' largest plaintiffs' personal injury firm (Sandra Day O'Connor's husband's firm) forced us to settle most of them for 25 cents on the dollar by deluging us in discovery documents. They had their flunkies bring us the interrogatories and Requests for Production of Documents directly across Central Avenue on two- and four-wheeled hand trucks. Our mostly uneducated clients, who had driven the 200 miles down from Winslow, took one look at the mountain of paper and folded on the spot. Fortunately, we had enough volume that our one-third of that one-fourth of clients who persevered paid our overhead.

Bob was prosecuted towards the end of February 1972 in USDC on Third Avenue. Because he and Johnny had been caught "red handed" and had been filmed on the three earlier runs by both the Mexican Federales in Hermosillo and our FBI in Winslow, there really was no viable defense. Instead, Flynn presented the preposterous story that the dope belonged exclusively to Johnny, the client in plane. Bob's alibi was that the dope belonged to Johnny, and that Bob was trying to talk him into turning himself in and giving the dope to Feds. Proof to me that this story was totally unbelievable was Flynn's putting me on Jenkins' witness list with no intention of calling me. Hence, I was excluded from the trial in hopes that if a miracle occurred and Bob somehow got off, I would stay with him. Based on the FBI's wiretaps, I was not even named as an unindicted co-conspirator. They, but no one else in Phoenix, so it seems, knew that I was just Jenkins' fall guy

who stayed with him because of the promise Bob never intended to keep, that he would give me the practice in the unlikely (to him) event that he were convicted.

Judge Muecke, who had a well-earned reputation for being a hard ass, threw the book at Jenkins. He was convicted on leap year day, Saturday, February 29, 1972, on two of four counts. Muecke made his five- and two-year sentences run consecutively, not concurrently, so that Bob had to begin serving his time at a federal *maximum security* penitentiary. Then, to exacerbate matters for his family, he sent him to Leavenworth, KS, instead of Terminal Island, CA, where his family would have been more likely to visit. I believe that Sam Jenkins, the older brother, who fixed races at Black Canyon Greyhound Park on I-17 by doping dogs was sent to the state prison in Florence. John Harvey Adamson spent time on Arizona's death row facing the gas chamber, which later was replaced by lethal injection, until his sentence was commuted to life without parole. The real estate tycoon who ordered the hit on Bolles **was executed** after exhausting his appeals.

Upon release, Jenkins did not return to Arizona. Rather, he became a paralegal to a Mexican lawyer in El Paso who was also a Texas state senator. Bob must have gotten his pilot's license back because he died sometime in 1985 in a Lubbock, TX, hospital from burns suffered in a plane crash three weeks earlier returning to EP from Amarillo. George Livermore, Democratic Secretary to the ACC just before I began work for them, mailed me the obit. Poor George, he was my age, but died about ten years ago at 55 from complications associated with early-onset Alzheimer's disease.

## CHAPTER 12

### ARIZONA ATTORNEY GENERAL'S OFFICE

After perhaps one year at the Thomas Road Apartments, Dixie and I moved to Tempe, five blocks due west of the old Post Office, and 12 blocks from Sun Devil Stadium. One of the guys from Motorola Marketing, Ron Scarfo from PA, who had played guard for Frank Kush's unbeaten WAC champions, told me to call Ted von Bredehof, wrestling coach and Assistant Athletic Director for good season's tickets. So Dixie and I walked to the games for five years and sat on the 48 yard line, visitors' side. While living at Westfall Avenue, our landlady, Joyce Clay, was brutally murdered with a golf club. There were just two one-story four-unit apartments on a dead end street. The murder occurred during the middle of a broiling hot summer day. At that time, I was drawing unemployment (based on three years at Motorola) after the dope runner had been sent to Leavenworth. Our next door neighbor in the building away from the Clays was Art Becker, 6'8" forward for the old ABA Indiana Pacers, who was finishing his degree.

We had been in the pool together that morning, but retreated by 10 A.M. to our apartments turning up the AC. I was playing my Ampex reel-to-reel tape recorder when the Tempe cops knocked on my door, told me the bad news, and asked how it was that Mrs. Clay could have been murdered with Becker and me at home, and neither of us heard anything. Joyce was beaten with a golf driver inside her apartment in another building, and the murder has never been solved after 35+ years. The leading suspect was a then-current ASU hoopster, Rhea Taylor, a very light skinned black. The skin under her fingers matched his blood type, and he had scratches, but he was married, and his wife

provided an alibi for him saying that she scratched him in heat of passion. There was no DNA testing back then, so Taylor graduated and left the state, pronto.

Naturally we moved, post haste, to the Indian Bend Apartments only a few blocks from her parents in Scottsdale. In the "it's a small world" category, the husband of the woman manager was named Sam D'Andrea. When I walked into the office to fill out the application, our eyes locked onto each other's in one of those "I know you from somewhere and hated your guts" stares. Turned out that while I was with the dope runner, and AZ had not yet adopted no-fault divorce, I had slept the night in a car with a private investigator to get a photo of Sam coming out of Ruth's house while he was married to our client. We quickly remembered our "connection"; he introduced me to Ruth, and they said, "We will rent to you two because we can use you to dun tenants who don't pay their rent." So each month, they would deduct \$100 off OUR rent for every tenant that I muscled into paying up.

In the spring of 1973, Dixie wanted a house because she was pregnant. So we bought a 3 BR concrete block Hall Craft with 2 BA's on Pebble Beach Drive in Tempe, very close to her job. By then, I was an AZ assistant attorney general. I had to drive I-10 around to the SW part of Phoenix where it became I-17 (to Flagstaff) , but dumped me out only two blocks west of the old state capitol. I advised the Corporation Commission which acted as a Public Service or Utility Commission and was catty cornered across an intersection from my office. I worked there 72-74, but we had to sell the house and leave AZ in April 1974 because of the increasingly horrible political pressure I came under by being in the middle of a fire fight between my boss, THE AG, and my client, the Chairman of the ACC. They opposed each other in the spring 1974 GOP gubernatorial primary and used me as their personal football, punting me back and forth as and when it suited their purposes.

It was highly ironic that I got to know very well the two opposing lawyers from the Miranda v. Arizona case which resulted in the requirement for the famous warning that must be given to suspects upon arrest. John Flynn represented Ernesto Miranda, an Arizona jail bird who was killed in prison after his subsequent arrest and incarceration on another charge. The Assistant Attorney General who lost

the case was Gary Nelson, for whom I later worked when he was **the** AG. He was a reasonably bright guy who, while he was telling me I must quit, still took me to weekly ASU football luncheons and gave me and Dixie first row courtside seats for UA at ASU basketball games in the old Tempe gym. I started at the AG's office September 1972 and Will was born December 24, 1973, so I thought that we were finally recovering from the Jenkins fiasco and could remain in AZ forever.

I was unemployed for nine months before being offered the job as an assistant attorney general trying child abuse cases for the AZ Dept. of Public Welfare. I won 29 out of 30, including a successful appeal to the AZ Supreme Court. My only "loss," to a powerful Republican lawyer who was friends with the presiding judge, was **reversed** within two weeks after I found out that the birth parents were again using dope and that the grandparents (my former 44th Street townhouse neighbors) actually had possession of the kid. The Juvenile Court Judges were Robert Broomfield and Gerald Strick, both Republicans. The Legal Aid lawyer who I beat like a drum was Van Osteen, who later became famous for winning **his** U.S. Supreme Court case expanding the scope and media of permissible lawyer advertising. He was not smart, but he was prescient in opening a string of chain clinics handling only basic routine matters—before the Hyatt chain. He eventually sold them for a fortune.

My bosses within the DPW unit of the AG's office were Mike Flam who died long ago of blood cancer and Jim Feely. They tested me by interviewing me over lunch during which they talked in a surprisingly matter of fact manner about the lurid and gross details of the client-kids' injuries. Because I did not throw up, as several preceding candidates allegedly had, I was hired. Unlike my days handling ACC matters from the old state capitol across the street, our office was on North Central Avenue. Juvenile Court was on West Baseline Road near the city dump and the Manzanilla short dirt race track. Its smelly location next to the dump was reason alone to switch to ACC.

After trying child severance cases for my first six months with the AG, an opening occurred at the much more prestigious Arizona Corporation Commission, the equivalent to other states' public service or utility commissions. Furthermore, Arizona was a *mini ICC* state, meaning that it granted monopolies to utilities including public carriers



and set their tariffs and rates (instead of letting the market establish same.) This conferred tremendous power on the three elected commissioners, none of whom was a lawyer during my tenure, making the assigned assistant AG's duties doubly onerous as both the legal advisor to the Commission on disputed points of law as well as an active participant in essentially tripartite hearings where the staff, usually the Tariff & Rates division, who were civil servants, put in an alternative case to that advanced by the carriers and shippers, respectively. The Commission also was split with two Republicans, including the chairman who made no secret that he was running for governor (against my ultimate boss, the sitting Attorney General), and one Democrat, who had the longest tenure by far, but was mostly deaf and blind, hence his nickname, Mister Magoo. At least he was honest and tried his best.

Putting it mildly, the shit hit the fan after I began serving the ACC. On the advice of one of my older, longer serving colleagues, I filed a request that an administrative law judge, John von Blum, recuse himself from a matter on which my entire office concurred the ACC could not get a fair shake. Damned if this wasn't just the first setup of many at the hands of my colleagues and superiors. Von Blum tried to sue me for slander/libel, wrote THE AG he had never been so maligned in his professional career, and he demanded I be fired! My job, of course, was saved, but the AG used it as pretext to deny me the first of four or five step raises due in ordinary course every six months. He also had hired me as an attorney I instead of II, to which latter higher rank; I was entitled because I had by then more than the required three years' experience. Hence it took me one whole year with the AG's office to get to II, which I should have had from inception. Then I went the rest of my tenure ending April 1974 without ANY step raises. Those inactions were not appealable to the state civil service commission; whereas, had I been fired, I could and would have had a bloody hearing that blew the lid off all the corruption at the ACC.

At the Arizona Corporation Commission I tried huge cases versus both the Santa Fe and Southern Pacific RR's. I secured fines of \$12m and \$15m, respectively, on them for blocking grade level crossings parallel to Grand Avenue (the U.S. Highway to LA in pre I-10 days) for more than 15 minutes and for killing three workers in a caboose at Rillitto,

15 miles north of Tucson. The drunk in SP's signal tower in Tucson had put a slow moving local freight in a siding too short to hold the entire train. An express freight from LA to El Paso hit the caboose which had been left on main line doing about 90 mph, killing the conductor and two brakemen. Each railroad sent teams of four high powered lawyers from LA and SF, respectively, and I defeated them single handedly in televised (then a novelty) Order to Show Cause hearings. After the first week of hearings in the SP case, my wife's freshman year (at ASU) roommate's dog bit me in the face when I bent over from a low *futon* to pet it. I received 150 stitches, 100 on the inside of my mouth, the rest in my left cheek starting above the upper lip. My boss, THE AG, who was extremely jealous, said "it serves you right, I told you to stay off TV!" I tried the rest of case looking like I had been beaten by the mafia. My main witness, the ONLY railway safety inspector in AZ, perjured himself on the witness stand, totally recanted his written and prior oral statements placing total blame on the SP. I had to impeach him by showing that HIS father, a brakeman on the SP, was only two weeks away from retirement, and that the SP threatened to fire the old man unless Bill Critchley changed his testimony. I got the truth out any way, and the SP was fined \$15m.

In addition to the hearings on Orders to Show Cause against both the Southern Pacific and Santa Fe Railroads, which were televised on all three local network outlets, a novelty in 1973, I received, after business hours, not so anonymous typed notes on my desk from colleagues, most likely Dick Sallquist, telling me in great detail the defalcations of the Democrat "civil servant" who supervised the Ambulance Division, one Frank Bowman. First, I was apprised that the Arizona Ambulance Operators Association, whose president, Ron Carmichael, was also the president of the Arizona Young Republicans, had given Bowman an expensive, large color TV for Christmas. That was clearly a bribe, and large color TVs were also uncommon in '72/73. Several months later, another such note apprised me that Bowman had attended an ambulance operators' trade association meeting in San Diego. He charged all of his expenses to the American Express card given him by the AAOA, yet Bowman had the *chutzpah* to turn around and get reimbursed a second time by the state. I marched into Gary Nelson's office with the anonymous note and said, among other

things, that I was tired of being the conduit by which news of all corruption at the ACC was expected to be routed to him personally. This angered him greatly because he was running against the Republican Chairman of the ACC for the GOP gubernatorial election. While Nelson was a known teetotaler, non-smoker who did not curse, a regular churchgoer, he still did not want to “get into a pissing match with a skunk,” as he described firing Bowman and going through the state CSC process.

Williams’ main claim to fame was that his father died while piloting his plane above NYC into the Empire State Building during WWII. He was literally “richer than God,” had recently emigrated from Indiana, where he had made his own fortune as an industrialist. He was counting on big contributions from all the utilities, including the railroads and over-the-road trucking companies, which I regulated, to finance his run for governor. Hence, my “attacks” upon the two major railroads pissed him off at me greatly such that he asked his rival, my boss, to fire me. Nelson knew he could not do that because I had worn the white hat during the two televised hearings, and I was also leaking information to reporters for both the morning and evening papers to protect myself. When the truth about the wreck at Rillitto came out, with the help of a lawyer downtown who regularly sued BOTH railroads for injuries to workers under Railway Safety Act, my goose was cooked. The ACC Chairman could not take money from RRs, and the AG was exposed for having let me proceed to trial with a witness HE knew would perjure himself to save his father’s job.

The Santa Fe’s fine for blocking multiple grade level crossings along the length of Grand Avenue aka U.S. 90 to Wickenburg and thence to LA (pre I-10 days) came about due to repeated complaints from several legislators whose law offices were located west of the Capitol. Because the SF tracks were between their offices and the Capitol, they were missing crucial roll call votes. Like most state legislatures, the members served part-time and attended to their regular businesses even while the Legislature was in session. Hence, they demanded that the ACC, i.e. I, take action. I won a huge fine, pissing off the SF on top of the SP.

At the beginning of 1974, the only Democrat, (Mister Magoo) Charlie Garland’s, term expired, and a third Republican Commissioner,

Ernest Y. Garfield, was elected to replace him. This made all three members of the ACC Republicans. The GOP then had a stranglehold on AZ politics—which ended overnight after Watergate. He was a very handsome, likable Hispanic, with an Anglo surname like present day NM Gov. Richardson. Garfield had an insurance agency background and was the appointive Insurance Commissioner before winning his election. In any case, he told me that he liked me and respected my work. The turning point in my career at ACC should have been the conversation he and I had on an airport runway at the Kingman airport after a hearing there. He flew back. I think I rode home with one of the two male court reporters, Mark Brumley and Hardy Scott (who was a throwback—still taking transcripts by shorthand.)

Garfield was aware of the pressures that I was under with Nelson running against Williams and my having dared to take on both RRs as well as Arizona Tank Lines, whose Teamsters' officers made known to me their displeasure with my "on the record" remark about their proposed, exorbitant tariffs being driven through the roof by these "owners' sweetheart labor deal" with the Teamsters. Earl Carroll, the partner in Evans, Kitchel, & Jencks, who was still Motorola's outside counsel, also represented ATL and warned me I could get killed for saying things like that. He was also SP's local lawyer and hence already very displeased with me. He is now a Federal judge sitting in Tucson.

I leaked some inside dope to Bill King of the Phoenix Gazette, our evening newspaper, but was warned by my immediate superior, the late Charlie Pierson, Harvard College and Law, to stay away from Don Bolles who covered our commission for the Arizona Republic, the morning paper. I nevertheless spoke with Bolles on the sly and learned that among the other investigations he was doing, besides corruption at OUR commission, he had uncovered that the races at the Black Canyon greyhound track were being fixed by none other than Sam Jenkins, the slime ball brother of my former dope running boss. Bolles was killed several years later by a car bomb in the Del Webb Towers parking garage arranged by corrupt real estate "developers" who were "tombstoning" barren desert real estate for inflated prices to northeastern suckers. John Harvey Adamson was

just the sucker who took the money to push the remote controlled detonator.

Dixie and I left for Oakland to escape the madness. Bruce Babbitt who was elected AG replacing “Baby Face” Nelson later became both AZ Governor and U.S. Secretary of the Interior. He was a big time lawyer at Jennings, Salmon, & Strouse, whom I had defeated on an intra state airline matter. Acting unknown to me at the behest of Hearing Examiner Larry Evans who shared my disgust at the corruption within the he ACC, Babbitt tried to talk Raul Castro, who unexpectedly won the AZ governorship in November 1974 as Watergate’s tide swept all Republicans out of office, into rehiring me (after I had been laid off by Kaiser Engineers) as an Attorney IV (I left Arizona at an Attorney II) to thoroughly clean up the AZ Corporation Commission.) For Dixie’s sake she and I delayed eight days at her parents’ Scottsdale home in our journey from Oakland to Pascagoula, MS, (where I had accepted a job as SupShip Pascagoula Counsel, i.e. Navy OGC) awaiting Gov. Castro’s decision. In the end, he decided because he and Bruce were Democrats, and I had been a registered Republican, he could not give me the job. So we went on to MS, and thence to EB in Groton.

Postscript: the clean living former attorney general, Gary Nelson, a non-drinking, non-smoking, non-cursing Lutheran whose only passion was ASU sports received a midnight appointment from outgoing Gov. Jack “One Eyed Jack”—blind in one eye with pirate patch—Williams to the intermediate Court of Appeals. Several years later, while I was a Navy lawyer in Mississippi, my good friend, George Livermore, now deceased, who had been the Democrat Executive Director of the ACC just before I began my work there, mailed me a news clipping stating that the Honorable Gary Nelson was stepping down from the Court of Appeals in lieu of impeachment because irrefutable proof had surfaced that he was deeply in debt to the Mafia for huge unpaid gambling debts on sports of all kinds incurred while he was both AG and an Appellate Court judge. Yet, Mr. Goody-Two-Shoes ran me off for uncovering corruption in doing my job. This was just further proof that in my case, “no good deed goes unpunished.”

Other private attorneys trying these *mini IC* cases were A. Michael “Mickey” Bernstein, Dick Minne, an elderly drunk with whom I wanted to work if he would hire me away from AG, Earl Carroll, and Bruce Bab-

bitt. Minne and I drank Manhattans many nights in a motel bar on Grand Avenue behind the ACC's office. George Livermore, who had been the ACC secretary when the Democrats ruled, also had some cases. Key Staff: George Dempsey, Livermore's useless Republican replacement as Executive Director. He also handled the Incorporating Division. Ophelia "Rose" Sandoval, head of Tariff & Rates Division. Bill Whisnant, lecherous guy with terrible burn scars who was Rose's deputy. Dilles DeWitt worked for Whisnant in T&R. He was a jack Mormon. His dad was a very important AZ politico. Dilles and I banged a cute plump Jewish court reporter in Show Low on our periodic "road shows" when the staff heard cases in the boondocks presided over by ALJs vice the Commissioners. Larry Evans was one of the hearing examiners who (like Jon von Blum) heard cases in lieu of commissioners both in Phoenix and on road. John von Blum may have preceded him, or worked alongside. Evans called me numerous times at Kaiser in Oakland before the November 1974 election when the Republicans were totally swept from all AZ elective, then appointive offices. He told me that the corruption I had begun to uncover had gotten far worse. He wanted to know if I would consider returning. I said "No, not under the then current all GOP cast of characters," meaning AG Nelson as well as Commissioners Williams, Garfield, and Faron.

In the winter of 1974, Frank Sagarino, Nelson's Deputy GC, brokered a deal that I stupidly and pride fully rejected that would have kept us in Arizona. Nelson had withheld numerous step raises from me in hopes that I would quit. Towards the end of my tenure, after the airport runway conversation with Garfield in Kingman, Frank set up a lunch meeting at a Mexican restaurant on far South Central Avenue where Nelson lived. I am not sure whether Gary attended or he skipped it and Frank spoke for him. I later deduced that Garfield had pressured Nelson into keeping me. Gist was that for face saving measures, they would immediately give me ONE of the wrongfully denied step raises, then, they would give me the others at shorter intervals until I was made whole. Like an idiot, but also because I already had the job paying \$22,000 with Kaiser in my pocket, I demanded all or nothing. Frank said he did not think he could make that happen, so we moved in early April to Oakland.



## CHAPTER 13

### KAISER AND DIXIE'S FIRST ILLNESS

Before describing our one horrible year in CA, I should describe the pitiful ordeal in Houston, TX, which paved the way for us to have even wound up in the East Bay with Kaiser Engineers. Given that Baby Faced Nelson wanted me to leave ASAP, but also had his reasons (state civil service commission) for not firing me, I had the “luxury” of not having to slink around when interviewing for jobs. Being a heavy drinker, I also welcomed faraway interviews with unlimited expense accounts (although I was too stupid to realize that putting expensive meals with wine on the expense account and coming to the next day’s interview hung over with alcohol on my breath was not conducive to my being hired.) M.W. Kellogg, then a large independent construction firm in Houston, which is now a part of KBR (Kellogg, Brown & Root—a wholly owned subsidiary of Halliburton) flew me initially to Washington, DC, for a preliminary meeting with their lawyer who was there on business. I stayed at the venerable Mayflower Hotel whose rooms were very cheap that summer because of the weather and, more importantly, the very noisy Metro line construction going on around the clock in front of it. The three hour time differential flying east always disrupted my body’s clock, and I used booze to help fall asleep. While the interview was not great, I was brought back later to Houston to meet the other lawyers and management.

My interviews with them went great. Charlie Donovan, the GC, told me at the end of the day that the job was mine. But then he threw the curve ball of all time at me. He said that he had promised the wives of the legal staff that THEY could take me to dinner and



interrogate me. I had undergone many stress interviews by then, but nothing like this. At the appointed hour, one of them picked me up at my hotel and took me to an out-of-the way seafood restaurant that I could have never found on my own—probably even with GPS if they had had such in 1973. These nicely dressed southern belles tore into me like a pack of piranhas. Although by the time I interviewed I had shifted from AZ DPW to the Corporation Commission, they had my resume in front of them. Over shrimp remoulade, they made mince meat of me. I confessed that, yes, I had severed abused children from their birth parents so that they could be put up for adoption. This led to a grilling as to my views on abortion (bet your ass, these Southern Baptist shrews were all Pro Life.) At the time of the interview, early December 1973, Dixie was due around Christmas. I was also drawn and quartered for not having brought her on the interview. My explanations that a) she had a good job as a lab technician with the USDA and b) was eight months pregnant, and, c) hence should not be flying just opened another can of worms. This time, they assailed me for not earning enough to let my wife be a stay at home mom and not letting them meet her. Ironically, that is just what Dixie became after we moved to Oakland and I earned \$22,000 per annum equaling the total of our AZ salaries (forget about the COL differential!.)

Needless to say, I did not get the job. Charlie called me several days after I returned to work at the AG's office and apologized profusely saying he never expected such a turn of events or he would never have permitted it because I was his clear first choice. But, he said, he was a man of his word and could not afford to lose the credibility that would go with his hiring me anyway after the wives had blackballed me.

But, this story was not over, by a long shot. Out of the blue in early 1974, I received a call at the AG's office from a guy who identified himself as Harold Hunsaker. He said that he was the Division Counsel of Kaiser Engineers in Oakland, CA, a subsidiary of the world famous, Kaiser, Inc. He told me that he was seeking at least one additional young attorney and that Charlie Donovan of Kellogg had given him my name and resume during their convention there in Phoenix. Hal asked if I minded his calling me unsolicited, at work. I told him, no, but kept the details to myself so as not give away what little bargaining

leverage I might still have. Sight unseen despite his failure to meet me in person in Phoenix the previous week, and based on a short phone call, he invited me and Dixie to come up and spend a few days in Oakland. We took infant Will free on the floor of the plane. By then, my younger brother, John, had completed junior college in Vallejo and he and wife Edana had moved into San Francisco, from which he commuted three days per week to Cal State—Sonoma in Santa Rosa to finish his BS.

After our Kaiser-paid stay in a hotel in Oakland near Kaiser's twin skyscrapers on Lakeview Drive, we spent the weekend sleeping on John's hide-a-bed sofa with Will in a travel carrier. The interviews again went well, but doubts crept in when Hal said that I and the woman to follow would be the 21st and 22nd candidates interviewed. Geri Randall was a local having gotten her BA at *Beserkely* and her JD at Cal-Davis. Ultimately, our being the "last" candidates interviewed redounded to our credit when the DC, old man Meyer, a 60ish alcoholic, ordered Hunsaker to get off the pot and hire somebody, anybody, and now. Soon after returning to Tempe, Kaiser called with a very generous offer, \$22,000 and fully paid relocation including one month in a motel in Lafayette during which Dixie could use one of our two cars to house hunt. We accepted immediately even though it meant saying good bye to her parents in Scottsdale as well as selling our cozy three bedroom Hall Craft home with an in ground pool. Dixie wanted to stay home with Will, so it appeared to be win-win.

I tried to leave the ACC many times, but I was too hot a potato, especially within AZ because of my still too recent association with the Jenkins dope case to get any kind of job in AZ. So Dixie and I went to Oakland where I worked for Kaiser Engineers. Unbeknownst to us, the operating divisions of Kaiser Industries, as opposed to wholly owned subsidiaries, Steel, Aluminum, and Cement/Gypsum, were ALL deeply in the red and about to be sold off. I had to do the legal work of the "reverse liquidation" of KIC into the big three subsidiaries. This was tantamount to the scene from the spaghetti westerns where the doomed cowboy is made to dig his own grave before being shot backwards into it. The woman lawyer hired into KE with me same day, was also fired same day, but she was a member of the California bar, and was offered a lesser paying job in EEO. I could not work in California as

an attorney, even within a corporation (something which KE conveniently “overlooked”) without passing their bar exam. I was scheduled to take the one-day “old person’s” exam that was infinitely easier than the recent graduates’ three day, all essay exam five months later because it was only given once per year. So Dixie and I again moved, this time to Pascagoula, MS, where I became the Navy lawyer at Ingalls shipyard. The \$2,000 proceeds from the sale of our house—at a huge loss due to prevailing 14% mortgage rates—were deposited into a state insured MS S&L which then went bankrupt.

When it came to leaving AZ quickly, we were fortunate that Dixie’s parents were very close to a realtor, Nellie Jackson, whose husband Tom was world famous for his antique car auctions each winter in Scottsdale (which their kids carry on.) She was able to sell our home at a small profit within one week. Kaiser reimbursed us her commission, so we were ecstatic to not have that expenditure or worry. We drove to LA and then up California 1 through the Big Sur and into Carmel, where we picked up U.S. 101, and then drove up the east side of the SF Bay. We spent one month in the Lafayette Motel on Mt. Diablo Boulevard. We were very close to a BART stop one block from Kaiser, had two cars, and I had easy parking on days when I chose to drive. Dixie had several realtors show her houses, all way out of our price range even after drawing out her \$7k lump sum federal pension.

She picked out an older home in Orinda, south of Route 24, the first town east of Oakland/Piedmont through the tunnel. I don’t recall the price, but it was too much. The only way we could swing it, regrettably, given our later difficulty in selling it, was to take an 80% first mortgage, with the Sellers taking back a 10%, second balloon mortgage due in five years. That was a sign of how bad the 1974 recession, triggered by the second Arab oil embargo within three years, was going to be both on jobs and mortgage interest rates. She was thrilled to have the home of her dreams, and it was one BART stop closer to Oakland for me.

Almost from the beginning, it was apparent that Kaiser Engineers was “road kill.” It ran a poor third among even Bay area construction management firms to Fluor and Bechtel. As a contracts attorney, I received very little work to do. I soon realized that we lost almost every job for which we submitted a proposal or sealed bid. The low point

came during a week-long trip to one of their earlier, larger projects in Michigan's Upper Peninsula, the Cleveland Cliffs iron ore pelletizing plant. Kaiser was the Construction Manager for this project, having its contract with the Owner. Hence all the various subcontractors which had claims funneled them to and through us. Both before and after the trip to Ishpeming, MI, I handled AAA arbitrations back in Oakland arising out of these claims, winning all of them. Mr. Hunsaker and I flew to Chicago on a large jet, but then we transferred to a twin engine propeller plane belonging to long defunct North Central Airlines. The flight to Marquette on the south shore of Lake Superior made at least three stops in Green Bay, Hancock, and Iron Mountain. When we arrived, Hal, who had been there many times, rented a car and drove us south to the Mather Inn which was filmed in one of Hitchcock's more notable horror movies. Along the way, I kept seeing road signs advertising "pasties." Having a dirty mind, I figured that there must be a super abundance of strip clubs for the horny iron ore miners and plant workers. Finally I asked Hal what the hell they were. Disappointingly, he answered that they were some kind of Finnish pastries popular with the locals.

We put on work boots and hard hats, and went out to the construction manager's trailer in ankle deep mud all five weekdays and did the nuts and bolts analysis of the problems causing the plant's fabrication to be far behind the "critical path." Even though it was June, the days were cold and wet, and the nights even worse. As a first timer, I had to be initiated into the UP club. The Mather Inn's bar served a "bird bath" which was just a triple martini in a large flattened stemmed glass. I was made to drink two or three and then chase it with some Stroh's "fire brewed" beer from Detroit and to lose my money playing poker. Ordinarily, the initiates are made to strip and roll around butt naked in the snow and sub zero temperatures. Fortunately in June it stayed above freezing and there was no snow. The last night, we went to the Crow's Nest, what passed for a swanky roof top restaurant in Marquette. This tallest building did not have sufficient elevation for us to see across to the lights on the Canadian side, so I was disappointed—a little.

On the trip home, I found out what a rotten, mean SOB Hunsaker was. He told me about his one-armed son who persisted in riding his motorcycle while drunk. Hal bragged about having taken the son's

motorcycle apart piece-by-piece, and then going ballistic when the son (undoubtedly with “outside help”) put it back together. When we landed at SFO, Hunsaker could not find his eyeglasses and got into such a shouting match with the crew that the Captain had to come back to the rear of the cabin to intervene. It turns out that Hunsaker had been sitting on them the entire flight. He bribed me into secrecy by promising not to tell old man Meyer that I had brought home a 6-pak of Stroh’s to share with Dixie. At this point it bears noting that both Hunsaker and Baby Face Nelson were barely 5’4” tall in their shoes. Same thing ran true about “vertically challenged” bullies possessed of the Napoleonic complex. That foreshadows my eventually working for another shortie, Bill Gorvine, at EB.

Geri and I received word that we were being fired in mid-September. In addition to the panic induced by knowledge that I would soon be out of work, I had just ordered two suits from a haberdashery next door to the tower in which I worked. I had the presence of mind to rush back the next day before the tailor had started on the alterations and cancelled the purchase, getting a refund on my Visa card. During the summer, as I saw Engineering’s prospects deteriorate from bad to worse, I launched into an outdoors painting process that I would not explain to Dixie. She was confounded because we had only moved into the house in May, and she had many more pressing indoor projects for me on her “honey do” list. Brother John and I went to A’s and Giants games to kill time, but I did not tell him about my fears. Conversely, we had in the legal department a red-faced Irishman, a non lawyer contract manager who lived in the valley in Danville. He took me to two Oakland Raiders’ exhibition games at Cal’s campus stadium in Berkeley. While watching the Falcons and the Jets, this fellow in whom I had confided too much already, confirmed that we were going down the tubes and I should be looking. Maybe he fed back to Hunsaker that I was looking—old man Meyer had already taken “forced retirement.”

I took daily walks after lunch with a nice contracts guy named Dave Zilm. He told me too late in the process that all of the wholly owned divisions (as opposed to the major subsidiaries, e.g. Steel, Aluminum and Cement/Gypsum) were being sold off piecemeal and that I should take the elevator to the floors above our own and get

out to look around. Kaiser, Inc.'s law library was on the 26<sup>th</sup> and top floor of our twin tower. Soon after returning from the UP trip, I was given a "special assignment" to do a reverse liquidation of the parent corporation, which required my taking the elevator to the 26th floor. Out of curiosity, I pushed the elevator buttons for several floors in between that were, I thought, occupied by sister divisions, Broadcasting and Aerospace. Sure enough, the upper floors of our building, which was S-shaped with the elevators in the middle, were totally empty, no desks, just phones on the carpet. Only then did I accept the reality that I was "toast." Whether or not the Kaiser law library ever possessed the research materials that I required, I was forced to do the bulk of my research on reverse liquidations at the Boalt Hall law library. Recall, this was the summer of 1974 at Cal-Beserkely. I was forced to park my car in town and walk up Telegraph Avenue in a suit and tie in the midst of Mario Savio's Free Speech Movement's near-daily riots. For whatever reason, I was generally not accosted, did my research, and left for home already halfway there by either BART or auto.

Kaiser, Inc. was incorporated in Nevada, the Delaware of the west coast insofar as having lax, insider friendly corporation laws went. My task was to finish off the closing of all of the wholly owned divisions such as mine, Engineering, and then to liquidate the parent holding company. Almost everyone has played the board game Monopoly. What I did, for simplicity's sake, was to take 10 shares of Kaiser, Inc. and distribute five Steels, three Aluminums and two Cement & Gypsums to the parent company's shareholders. After that, I filed the necessary papers in Carson City (yes, it, not either Reno or Las Vegas) is the capital of NV. Then I was fired. My health insurance was supposed to end on September 30, but when my wife was diagnosed with some serious unknown disease in her left lung (the one in which cancer recurred in 1987), Kaiser compassionately extended our health insurance through December 1st. I think that we would have drunk ourselves to death had they not done this, and if both of us had not drawn unemployment compensation.

One of the most ignominious moments of our marriage occurred immediately after Dixie had the upper half of her left lung removed at Kaiser Permanente Hospital in Walnut Creek. Within days, I forced her to into one of our three (more about that later) automobiles, and drove

us to the nearest CAL Dept. of Labor office. I stayed in the car with Will who was not yet one year old while Dixie, on narcotic post-op painkillers, went inside and qualified for her own UEC. I had filed immediately after leaving KED. About August of our sojourn in the East Bay, Dixie was so homesick that she took Will and flew home to AZ for eight days. I seriously doubted that she would return. I expected her to move back in with her parents who had not left for the Western Slope of Colorado yet, and she would go back to work for the USDA lab which had by then moved from Mesa to Phoenix. She came back about the time that my parents drove all the way from Tallahassee to Orinda for the purpose of delivering us Dad's most recent (last before he retired later that year) company car. I paid him for it, they flew home, and I, non-California admitted lawyer one month away from unemployment, now owned THREE autos. Once I got up the nerve to tell Dixie that I had been laid off (can't say you are fired when the entire company is laid off), she understood that we only needed one car because she could always drop me at the BART station to go into The City for job interviews and pick me up when I called from there.

I used to drink after work (Dave Zilm cautioned me early on not to at lunch) at the Maya Azteca, a good Mexican restaurant. Then I would write my daily check to United Liquors across the street before going home. I got to know one of the bartenders, Jesus Acosta, very well. California emissions standards absolutely ruined the performance of Dixie's 1967 GTO with its 332 cubes and four-barrel carburetor. In addition, due to the second Arab oil embargo, we could no longer buy the 100+ octane gas it required. So I sold it to Jesus. He undoubtedly removed all of the just installed anti-smog plumbing. He must have kept it at least for our first year in MS judging from the number of parking tickets that the City of Oakland sent us despite my sending them a photo copy of my bill of sale. A Lebanese grocer in some town within Contra Costa County bought the older of the two Fords, the green '68 Fairlane that we brought with us from AZ. That left us with the 72 Gran Torino (like Clint Eastwood drove in the recent movie of the same name) in which to transport ourselves, dragging a U-Haul trailer with our most immediately needed personal possessions behind it, to Pascagoula for the Navy OGC job which I had obtained by answering an ad in the WSJ's classifieds and interviewing with Dave



James at the GD missile plant in Pomona where I had assumed that I would be employed. In such case, we could have kept the house in Orinda, and I would have lived Sunday through Thursdays in a cheap room, flying home on weekends until we sold the house. Those were the days when Pacific Southwest Airlines and Air California, both unregulated intrastate carriers, were engaged in a cut throat fare war which produced fares from SD/LA to SF/Oakland for as little as \$12 one way. Unfortunately, the Navy's needs changed after they had committed to hiring me. Next, I was going to be sent to New Orleans, a drunk's paradise. Before we could leave Orinda, they called me with two pieces of bad news: first, my hiring which was announced by a December 24th phone call—our Christmas present that year, was being put on hold by President Ford's hiring freeze; secondly, if they got it lifted (which they did easily because I was replacing a fired GS-14 and was badly needed), we had to go to Pascagoula. It was rightly called the Arm Pit of the Gulf Coast because of a Standard Oil Refinery, Quaker Oats' cat food plant, and several fertilizer companies. We were just glad to have a job.

After eight days of cooling our heels at her parents' house in Scottsdale while Babbitt tried to rehire me to clean up the ACC, he told me it was a "no go, so we left AZ for MS driving I-10 all the way, taking two days alone to cross TX (with a baby and recently operated upon wife who could not even lift said child.) Our last day in California, I humbled myself to take all our canned, frozen, and boxed goods back to the Safeway grocery store in Moraga (home of the might St. Mary's Gael hoopsters) for a cash refund, without receipts. I told them our sob story, and they took every thing back at the stamped price. That refund paid for our out-of-pocket expenditures on the trip.

We also had left without having sold our home. The first realtor with whom we listed was an Italian fellow named Paul who was a born again evangelical Christian who snowed us by bringing us wine, lots of wine, which his father bottled at home. As the 90-day listing period dragged along, we figured out slowly that he was showing our home to others as a foil for his other listings that he thought were more appropriately priced. We also experienced the very unwanted phenomenon of neighbors who had never spoken to us strolling through just to "see what changes we had made from when the Madsens lived



here." I had fallen for the TV ads urging desperate sellers to list with a so-called national chain because our home would be exposed to people who were relocating to East Bay but had not yet arrived. This was obviously before the internet when relocating couples can buy before moving. What a farce. My father in law had told me two things, 1) all real estate transactions are local, and b) the only three things that count are location, location, and location. Just before we moved, I engaged an older fellow who worked for himself at Orinda Realty, named Alex. We priced the house more reasonably, and he showed it with the intent to sell IT. It had not sold when we left for MS, but neither had the bank foreclosed yet.

Fortunately for people underwater like we were, California had an "anti-deficiency" statute dating back to Dust Bowl days to protect transplanted Okies. If the house sold for less than was owed to the bank (remember when your local bank held your mortgage instead of securitizing it?), they, not the owner, ate the loss. In our case, the bank and our sellers would have taken the bath. We had been in MS only a short time when Alex called one night, said he had sold the house for enough to pay off both mortgages in full, and after his commission, there was \$2,000 left over for us. We gave him our address, he mailed the check, I used it to open an account at a state insured S&L, and, you guessed correctly, IT went bankrupt leaving us in a rented two story townhouse with no savings. Two years later, a woman in the Presbyterian Church in Gautier that we had joined after I was thrown out of the Methodist church by the pastor, Brother Howard Lips, found us a house on the Hickory Hills Country Club farther north on same road north of U.S. 90, with a VA loan that was about to be foreclosed. Husband was in jail for selling the same commercial paper from his used car lot to three different banks. My father loaned us the \$1,000 down payment, I assumed a veteran's loan for which I did not qualify in my own right, and we moved into a great one story brick three bedroom house across from the 17th hole of the HHCC.

## CHAPTER 14

### WESTINGHOUSE NEAR MISSES

During the early 1970's I had two interviews with Westinghouse in Pittsburgh. One was while I still was with Jenkin--after his arrest. I was flown to Pittsburgh, stayed in a first class hotel near the triangle where the two rivers meet to form the Ohio and Fort Pitt state park. WEC was within walking distance. I spent a full day interviewing and all of them went very well. At the close of day, the man in HR gave me an expense report and urged me to put down literally every nickel and dime that I had spent, even chewing gum. With 20/20 hindsight, I should have recognized that for the hyperbole it was, and omitted a few items that wound up costing me the job.

The afternoon that I arrived was a very warm day in the 50's during a January thaw. Although I was not yet a daily walker, I wanted to kill time productively and asked a guy on the street what those funny looking railroad cars going up the side of the hill across the river were. He said they were "inclines" that ran from the riverbank to the top of Mount Washington where some of the city's finest restaurants were located. I got out of my suit and walked across the bridge from Fort Pitt to the more westerly incline, a cable car that remained perfectly horizontal while being pulled up the steep slope at approximately a 45 degree angle. At the top, I disembarked and walked the length of the street affording the best view of the city and all three rivers. Passing the numerous enticing, but expensive restaurants, I walked the length of the street until I came to the easterly incline, which I rode back down to the river's edge. A bridge farther east back, well beyond Westinghouse's CHQ, seemed too far distant, and night was

falling. So, I re-crossed the Fort Pitt Bridge and dined at a mediocre restaurant near my hotel.

At the conclusion of the interview, this HR fellow insisted that I complete the expense report before leaving for the airport. Presumably I entered the same amount for transportation to the airport as I had incurred from it the previous day. In my suit jacket's pocket were the two receipts, for a nominal amount, say 50 cents, for each incline. So, following his remonstrance, I included \$1 and listed the nature of the expense.

Upon returning to Tempe, I anxiously awaited Westinghouse's call offering me that job that appeared sewn up. At least two weeks went by, so I called the recruiting firm which had set up the interview, David J. White, and asked my recruiter, Bob Allard, what had happened. He was reluctant to betray his client's confidence, because he worked for them, not me. But he was so outraged over what had happened and how shabbily I was being treated, not to mention his lost commission, he finally said, "You weren't hired because you are an expense account cheater." When I queried him heatedly, he said, "The expenses which killed you were the two purported incline rides. You are obviously overweight and out of shape, so you could not have possibly done that." I told him angrily that not only had I made that long walk, but that I had carried my Pentax SLR 35 mm camera with me and that I had just gotten back from the drug store with multiple photos of both inclines, shots from the inside thereof, and photos of the city taken from Mount Washington!

I sent some to both Westinghouse and David J. White. God knows what I did with the negatives, or why I did not have the presence of mind to have made and kept for litigation purposes duplicate prints. I told DJW that I had been slandered and lost a good paying job at a time when Dixie and I desperately needed to get out of Phoenix because publicity about Jenkins' smuggling was in the process of ruining MY reputation. I demanded \$50,000, but without consulting an attorney. David J. White sent me an apology accompanied by a complete release of claims to sign without the offer of any remuneration. Why I signed it, copies still in my possession, I do not know. I guess they offered to work with me free for one year, and I fell for their lie.

## Westinghouse Near Misses

Sadly, I heard from Bob Allard that he had been fired for betraying his client's confidence.

Westinghouse never apologized, but within two years, while Dixie and I were living in Orinda, after I had been laid off by Kaiser along with Gerri Randall, WEC flew me all the way from SFO to Pittsburgh and again interviewed me for an entire day for a job in the transportation section of their Legal Dept. My supervisor would have been a nice fellow, named Wayne Emery—which I remembered because of my college alma mater. He practically guaranteed me the job before I left. Again, we desperately needed it because Dixie was ill with Valley Fever, had not yet had the operation at Kaiser Health in Walnut Creek during which the upper half of her left lung was removed. I went home and spilled out the news to her enthusiastically. Although she was in pain and very worried, she thought a paid move to Pittsburgh would be a good thing. Soon our hopes were dashed when Wayne Emery called and apologized for letting me down. After I was interviewed, a lawyer with better experience with barges, who was leaving the USG, applied without solicitation. Wayne said his experience was just “so spot on” that they had no choice but to take him over me. We were crushed, and I soon applied to Navy OGC in response to their ad in the WSJ and was hired after interviewing at GD's Pomona Missile plant with Dave James, NavSea's then GC. Little did we realize that instead of Southern California, our next destination was Pascagoula, Mississippi.



## CHAPTER 15

### NAVY GENERAL COUNSEL'S OFFICE, MISSISSIPPI

The Kaiser job fell apart by the summer of 1974, so I immediately started looking for another position in the Bay Area, but was handicapped by the fact that I was not admitted to the California bar. I had first explored taking its exam while I was still with Motorola. Jack Clark also advised me that should I ever move over there, once I had five years' experience under my belt, I would be very well advised to wait until the once per year "old man's, one-day" exam was given. It was infinitely easier than the student's "three-day, all-essay" exam. For the former, in addition to being only one day, examinees were given 12 questions of which they had to answer only 10. Thus, these essays each was also much shorter than what was given during the three-day exam. The pass rate on the three-day exam was in the high 40% range. That attested to both its difficulty and the large number of unaccredited, night law schools in the state whose "graduates" were allowed to sit for the exam. Many of them had never even attended college. I was signed up to take the February 1975 exam, but Dixie, Will, and I left Orinda in early January. I had several standing offers from the Santa Fe RR (they must have forgotten what I did to them in Phoenix), PGE, and one other corporation, but all were conditioned upon my Cal bar admission. We simply ran out of money and had to take the first decent job that I found.

I responded to an ad in the west coast edition of the WSJ for a job in Navy OGC at General Dynamics' Pomona cruise missile plant which

would have been great because I could have rented a small apartment locally and commuted home to Orinda using the dirt cheap air fares on Air Cal and PSA, allowing Dixie and Will to keep the Orinda house. I might also have taken the old man's exam, passed, and gone back to an in-house job in SF. I flew to Ontario, CA, and drove a rental car to the interview with David James, then NavSea Counsel. Proving that "old school ties" do count for something, he practically hired me on the spot because he was UCLS '65 and knew I had to be smart and well educated. The formal offer came via phone on Christmas Eve which I immediately accepted. After I had committed to the Navy, they decided that I was a "tweener," they needed two attorneys, one senior and one junior at Pomona, and I was not right for either. In exploring alternative locations, they first considered New Orleans (home to Avondale shipyard), then they realized that the claim at Avondale would end in one year, and they would have to pay my relocation expenses to another Supervisor of Shipbuilding, Conversion & Repair, USN (hereinafter "SupShip") office (they did not for the **first** move from CA to MS!.) They had just fired the GS-14 in Pascagoula, so they sent me. I almost did not get this third option, first because of the delay in my getting the required secret security clearance. Then, President Ford froze all new hires. This resulted in no paychecks for January and half of February.

I finally started around February 9th. Following the next election, President Carter killed all pay raises and promotions. I was hired as a GS-13/14, and my predecessor's job was *classified* GS-14, so I had been promised that all I had to do was render one year's satisfactory time in grade, and I would be promoted without any big paper shuffle. Then they screwed me anyway. The fellow Chicago LS graduate who hired me quit within two months to follow his Mexican-born wife back to Mexico City. He even stayed overnight with us on his drive in a tiny Ford Falcon to Mexico. It is totally unbelievable all the dung which fell on us subsequently. No wonder we became alkies! The new NavSea counsel, Jim Macmillan who transferred in laterally from NavAir, immediately hated me. He wanted only *career types* and *new hires* straight from LS, not people contaminated by **real world** experience. Among other false allegations by him, I was accused of going too easy on Ingalls because of my paying their meritorious claims, etc.

My southern accent did NOT help in MS while I was a Navy lawyer. I had California plates on my automobile, and for my entire four years there was regarded, and told to my face, plus during anonymous midnight calls, that I was a **liberal Nigger Loving Berkeley lawyer**. Because we had no JAG at the shipyard, I had to do many of those type duties. Being on the Armed Forces Disciplinary Board for So. MS and Alabama, I had to put many public establishments "off limits" to all government personnel (including civilians.) That included all barber shops, American Legion, VFW, and Jackson County's largest property management (apartment leasing) company, which just coincidentally was run by a Navy civilian woman in Personnel. They barred blacks, so I barred **all** government personnel from renting at any of their properties. Of course the "law of unintended consequences" then took over, e.g. there were no places for pre-commissioning crews to live in Jackson County. Oh, well; they always had Biloxi and Gulfport. I received death threats and dead cats were thrown into my sons' sandbox. So, I have a "fairness" streak in me, not liberalism, just equality. We moved to CT partly because Will would be entering first grade in fall 1979 after three years at a private kindergarten at the Gautier Baptist Church. Making matters worse, in MS, kids had to be age six when schools opened in August; hence he would have had to go a fourth year to that private kindergarten. When we got to CT, he immediately entered full day kindergarten at Mohegan Elementary where he did first grade, also. MS public schools were so bad (no public kindergarten, so most kids were starting school in first grade) that we had arranged with our former townhouse managers, Marlene and Phil, to carpool our kids to a Catholic school in Biloxi, 20 miles away. It was not a black-white thing; it just would have been the best for our kid!

My UCLS degree **did get me** the Navy OGC job, albeit in Pascagoula, MS, in fall of '74, when I had lost five jobs in seven years. My drinking caused an incident once at Motorola, but the layoff (with 10,000 others out of 30k in AZ) was based strictly on a) my lack of seniority and b) the other lawyer's having an arthritic wife in a wheelchair (soon to bed for rest of her life) and their five kids. I was at wit's end in September 1974 when Kaiser Engineers closed and laid off me and the woman lawyer who was hired the same day previously in April. She



landed on her feet with Berkeley BA and JD from Cal-Davis and Cal bar. I had signed up for the old man's, one-day, much easier, exam given once a year in Feb. ('75 for me.) Dixie was (mis) diagnosed with lung cancer for the first time that fall. She had the upper half of the left lung removed at Kaiser Permanente in December. When we got \$2,000 back on the sale of our over leveraged house, I put it in a state insured S&L that Stan Hawkes, the Navy financial analyst, assured us was OK, i.e. they had HIS money, and still **it bellied up**.

I don't think that my smug 3L UCLS housemates can ever begin to imagine the pain that Dixie and I felt during those years. I refused to go to H.S., college, and UCLS reunions because I felt that I was a miserable failure. Dixie stayed home with two young boys, drank the day away with Faye Ramirez, the woman across the street. My job controlled my drinking, i.e. 5-10 P.M., two aspirins and tall glass of water at bedtime, no hangover, no DUIs, etc. I finally went over the brink in CT from traveling constantly, second and third chairing litigation my first seven years, and padding my expense account. Dixie got sober in AA in early 1984. In 1985 she filed for divorce, obtained a restraining order, and threw me out to my own apartment.

Despite my having many bad things to say, validly, about Southern Mississippi, my years as a Navy lawyer were very exciting, what with my having to serve as an *ex-officio* Judge Advocate in the absence of a commissioned JAG. I called real JAGs at the Naval Air Station at Pensacola and at the Navy's Seabee base in Gulfport for advice and sample forms, etc. I handled criminal matters, e.g. sailors raping town girls in the barrack's (combined BOQ/BEQ—with the O club bar) parking lot, suicides at sea during sea trials, desegregating the VFW, American Legion, barber shops, and Pascagoula's largest property management group, negotiating the Navy's purchase, for the Shah of Iran, of four destroyers for \$700m on a cost-type contract immediately following the Navy's purchase of the last of a 30 ship class on a firm fixed-price contract at a price of only \$56m each. There was scandal and more scandal.

One very delicate matter required the mediation of a dispute between the former Supervisor of Shipbuilding and his replacement. Both were two-star LDO (limited duty engineering officers), lower case rear admirals. Admiral Payne preceded Admiral McGarrah. The

former sued the latter over McGarrah's failure to keep current the Orkin pest control and inspection contract. Then termites did large scale damage to the ocean front home Payne rented to McGarrah. I had to mediate this dispute between Admirals as well as deal with Orkin about the contract.

Another interesting twist of fate, of which the Navy was ignorant when they recruited me, and for most of my tenure, was that I had been interviewed by telephone by Ingalls' GC, George Washington Howell, before the Navy hired me—then on its third try, assigned me to Pascagoula. In other words, there was no “conflict of interest” when I was simultaneously being considered for employment by both the contractor and government contract administration office in Pascagoula. Litton, Inc., one of the early conglomerates, put together by '70's raider Roy Ash, flew me from Oakland to Burbank for day long interviews at their CHQ in Woodland Hills. Again, I was highly interested because I could have commuted each week from Oakland leaving Dixie and Will in the house we could not sell. The interviews went well (I was told so later by the Ingalls attorneys), but corporate decided that Ingalls already had enough government contracts attorneys (Howell, Bill Powers, and French Caldwell), so they instead hired a black male real estate guy, Bill Jordan. When I answered Navy OGC's ad in the WSJ for several government contracts attorneys, they, too, put me on an intrastate airline to Ontario, CA, where David James, then Nav-Sea Counsel (SEA OOL), now an ASBCA ALJ, interviewed me at GD's NAVPRO for a GS-13 job there. After James had decided to hire me (old school ties, he was Chicago LS '65!), the top dogs in OGC changed their minds **twice** as to my destination. Hence, while Ingalls was still considering me for their Pascagoula job, the Navy was going to send me to Pomona, which did not constitute a “conflict of interest.” At the very last possible moment our household goods were diverted from New Orleans to Pascagoula, a move for which I, as a new government hire had to pay. Then, upon arrival at a very low rent motel on U.S. Highway 90, I was told by Jeff Kominers, SEA OOL1, James' deputy, not to enter the shipyard nor start work because an executive order was both holding up my hiring and delaying my being granted the requisite secret security clearance.

When those matters were resolved and I reported to the second floor of Ingalls' administration building, I made it a point to go downstairs to introduce myself to Ingalls' attorneys, Howell in particular. His not having received any "heads-up" as to the identity of Rathbun's replacement, GWH looked as if he had *seen a ghost* when I walked into his office and introduced myself. He knew that he had a damn good adversary because HE had tried to hire me. We were such cordial enemies for my entire four years that when Macmillan demoted me, Howell made a phone call on my behalf to Bill Gorvine, whom he knew and liked very much from Shipbuilders' Council of America activities. George both gave me very good recommendation and supplied EB's address so that I did not have to apply indirectly via UCLS' placement office.

The GS-9 assistant whom I inherited, William E. "Bill" Pressly, was a backstabbing, adulterous incompetent. I say that based on first hand knowledge because he and his first wife, Caroline, lived with their two very young kids in the same rental townhouses where Dixie and I spent our first two years. I also knew of the women, both married and single, he shared with the late Jon Archer, a GS-12 business review office flunky who owned the Dairy Queen in Gautier. They played tennis together after work, and then went "cruising." Pressly obtained his BS and LLB from North Carolina State and U. of Tenn., respectively. He basically was a dumb redneck from coastal Carolina, the hick town of Kinston. He would have still been working in his father's dry cleaning establishment had he not knocked up his H.S. sweetie, Caroline, daughter of the town's richest couple. Her folks picked up the entire tab for both Pressly's college and law school diplomas, but this never stopped Bill from screwing every woman in sight. Caroline eventually divorced him, returned to NC, and Bill dated, then married, an 18-year-old airhead named Calista who attended our Methodist Church. By then, he must have been approaching 40.

When I arrived in February 1975, Admiral Rickover (SEA 08, Navy Nuclear Power Directorate) had just forbidden Ingalls to **build** any more SSN's due to their outrageous cost overruns and shoddy work (when compared to both EB and NNS.) He did, however, permit them to **continue overhauling** up to four Permit class attack submarines in Ingalls's old, original East Bank yard. A few years earlier, George How-

ell, who had both an LLB and MBA from the U. of Alabama where he had been an All American baseball player, got the MS Legislature to pass a revenue bond scheme whereby the State financed the construction of the brand new, state-of-the-art, West Bank "Shipyard of the Future." It allowed Ingalls to introduce into U.S. shipbuilding both the transverse self-powered rail cars and modular construction techniques already used in Europe. Litton, whose other components were non-defense, had recently purchased the Ingalls Nuclear Shipbuilding Company from Joe Ingalls, a Pascagoula native, to bid upon and win two Firm Fixed-Price Total Package Procurements for first, the 30 vessel DD 963 (Spruance) class destroyers; then the nine ship class of Light Helicopter Assault (LHA) smaller, conventionally powered helicopter carriers for the Marine Corps (but sailed, of course, by the Navy.) Both classes were to be powered by GE marine turbine engines (rather than oil-fired boilers) manufactured in Italy.

Cutting to the chase, Litton "**did not know their asses from their elbows**" when it came to shipbuilding, and they could not, and did not, retain enough of the former shipyard's employees—just enough to work on submarines—to build these surface ships. Roy Ash put together an LA area conglomerate in the early '70s. When Litton won the DD 963 contract, they did two things: 1) hired a bunch of west coast aerospace types from Hughes Aircraft and 2) nefariously, immediately established a claims team in Van Nuys. Performance on the destroyers proceeded reasonably well and not too far above budget (which equaled the firm fixed-price.) After all, there were *plenty of other* shipbuilders around whose employees had built frigates and destroyers that they hired. The LHA was another matter entirely. It combined the hull structure of both a non-angled deck CV (conventionally powered aircraft carrier) and the wet well, submerged stern of amphibious assault ships. The managements of both Litton and Ingalls knew from the start that they had bitten off far more than they could chew, let alone swallow.

Compounding their predicament was the fact that they had already been, putting it kindly, *very unsophisticated contract negotiators*. To-wit: Ingalls accepted in both its prime contract from SEA 02 (Contracts Directorate) and in its massive subcontract with RCA Defense Electronics in Cherry Hills, NJ, "Cancellation" clauses which did

not afford it the protection against a not-for-default, total or partial termination (for the government's convenience.) Without delving deeply into the legalities, suffice it to say that the Court of (Federal) Claims upheld the Navy's partial termination of the LHA class which reduced the number of vessels from nine to five. Among other claims foregone by Ingalls were huge Unabsorbed Overhead and Non-Recurring Engineering costs that they had incurred upfront, but which were to have been amortized over nine, not five ships. Recall that this was FFP, TPP. Therefore, Ingalls, having never built a ship before, was its own design agent; hence there could be no defective GFI (government furnished information) claims. FFP means that a ceiling price was in place that was exceeded at the contractor's sole risk. Here, too, Ingalls was its own design agent, and they did as poor a job as possible, when compared to other related designs available at other private shipyards or owned by the Navy.

Simply put, Ingalls was already in a full-up claims mode when I arrived at SupShip. NavSea legal (OOL) had already staffed a three to four lawyer claims office at Blue Lake Manor, a six-acre, federally owned reservation wholly inside the city of Pascagoula which had a combination BO/BEQ as well as the O club and some office space. No one living in the metro DC area wanted to be assigned "full time" to the Claims Office. The chosen staffing arrangement was for three of the four OOX attorneys to be present together at the Claims Office at any one time. After my first six months, during which Pressly and I **both** aided the DC Trial Attorneys, Jeff Kominers, Deputy Counsel, decided that that arrangement was "inefficient." Therefore, he and Jim Macmillan, my arch enemy who had come over from NavAir to replace Dave James, selected Pressly to work full time at OOX. What neither he nor I realized at the time was that **he** was thereby placed on the fast track to stealing my job in January 1979 because he was permitted to receive annual, one-grade promotions, while I was frozen—contrary to written promises to be promoted to -14 within one year. As a -13, I received only four annual step raises before being ushered unceremoniously to the door, and to a better life at EB.

Thus, half of one year into my four-year gig, I found myself forced to **do the work of two lawyers for the next three and one-half years**, after which I was *de facto* fired! Kominers, who wrote my "fit-

ness report," totally ignored the facts that a) I was properly classified a GS-13/14 having replaced a -14 and b) per my evaluation, I had performed the requisite one-year time in grade at above average levels for each category of my evaluation. My promotion never arrived, ostensibly due to a) Jimmie Carter's pay freeze, b) loss of high grade ceiling point to Code 400, the Engineering Dept. and c) Dave James' quitting two months into my tenure. His father-in-law was head of the Mexican RR commission and got him a job in government there because Dave spoke Spanish. (when Dave's Mexican wife left him because she was "homesick".)

The GS-15 inside OOL who had cognizance of Ingalls' contracts, the hard drinking Bob Culbert, explained Jim's animus towards me as being rooted in a) his **very strong** preference for hiring as field counsel only recent LS grads, because b) he was paranoid and thought that people like myself who had prior industry experience were "contaminated," and c) we would not be suitably harsh on the shipbuilders. That these were Macmillan's assumptions regarding field counsel was confirmed in May 1975 at my first OGC seminar in DC by Charlie Rose and Matt McIlhenny, SupShip Counsel at Groton and Newport News, respectively. Fortunately for **them, they** were both considerably older than I and had built good long track records at their shipyards. Based on the input of my Ingalls adversaries; Howell, Powers, and Caldwell; plus the assessments later of Ingalls' outside counsel e.g. Herb Fenster and Stan Dees, I was regarded by all of them as having been unflinchingly "reasonable" and "fair" whenever the Contractor had merit to his case! This was evidenced repeatedly after Stu Platt, my first Administrative Contracting Officer (ACO), became Deputy Chief of the now defunct Naval Material Command (NAVMAT) and delegated settlement authority of less than \$100,000 on builders' risk insurance claims to "field counsel." Despite my consistently denying the majority filed by Ingalls as being "without merit," i.e. not covered, I did pay two "claims" for damage to submarines being overhauled on the East Bank. LCDR Jim Schroeder, before he became West Bank ACO, was the cognizant ACO for Rickover's SSN's (nuclear attack submarines) being overhauled in the old East Bank yard. The other Administrative Contracting Officers besides Platt were John Krummel and Jim Schroeder. The former got out and went to work for Brown & Root in

Boston; whereas, the latter—who was the only uniformed Navy person at my farewell party—made a long career with the Navy.

These overhauls were done in two stages. First, a cost-plus **incentive** fee (CPIF) planning and design contract was issued to engineers, designers, and draftsmen to prepare plans after doing a thorough survey of the ship to supplement the work package furnished by the Navy. These contracts were “cost plus” instead of “fixed price” because the amount of work needed could not be exactly estimated until the submarine had been thoroughly inspected. The Navy also used overhauls to update submarines with new technologies and components. This was followed by a cost plus **fixed** fee (CPFF) contract for the actual overhaul work. Other “nuclear shipyards,” both private and government owned, performed similar overhauls on submarines of the same class, so the contractor was expected to “have his arms around the problems.” Thus, only a fixed fee, which did not increase if the actual versus estimated costs rose, was awarded. These overhauls could take as long as several years and involved a refueling whereby the spent reactor core was removed by crane, placed on a flat bed rail car, and returned to Westinghouse/Bettis outside of Pittsburgh. A new one was inserted into the lead shielded reactor compartment at the conclusion of all other work. Ingalls was overhauling ships of the Permit class, sisters to those being overhauled simultaneously by Newport News Shipbuilding and Drydock Company (NNS.) Rickover pulled the plug on Ingalls’ doing even overhauls, about the time I moved to EB on 2/79 because, for two successive real time comparisons, NNS had done its contract for \$37m; whereas Ingalls’ final number was \$62m. Neither SEA 08 nor SEA 02 could countenance any longer paying a \$25m premium to maintain such a shoddy second source. Of course, EB was overloaded with new construction, but could have done at least as well as NNS in overhauling classes which it had built in the ‘50s and ‘60s. Portsmouth Naval Shipyard (PNS) was the Navy-owned East Coast repair yard, and there were at least two on the Left Coast.

Fairly close together in time, Ingalls’ workers caused two radioactive spills on the decks of submarines undergoing overhaul. Their Contracts and Legal departments submitted to me claims for approximately \$1.25m each for the costs of decontaminating materials and equipment to be installed as well as for cleaning the hulls themselves.



Also included were periods of delay in completion. Rickover tried to fire me for approving these payments under the cost-reimbursement Government Property clause of the respective contracts. Firstly, this was not a delegated claim under the Fixed-Price Navy Form Syndicate Builders Risk Policy where I had authority up to \$100,000. Rather, this was a matter of interpreting paragraph (g), risk of loss, of the cost-reimbursement Government Property clause. Secondly, now-Administrative Law Judge, Peniel Moed, then Deputy Counsel at OOL, had me assigned temporarily (TDY'd) to the OGC law library, where, under his supervision, I researched the issues and prepared decisions for HIS signature. Rickover was not mollified; he demanded that I be fired. Harold Kaufman, an old OOL hand, intervened with his friend Hyman, and got him to back down, one of the few times in history, I am sure.

Furthermore, I soon ingratiated myself to Rickover via his Naval Reactor Representative Office (NRRO) representatives, by uncovering and reporting two rather large scandals involving two successive Ingalls' CEO's. First, I detected that Ned Marandino had had the incredible *chutzpah* to have \$40,000 worth of repairs to his yacht done on the clock by Ingalls workers and billed to one of Rickover/Schroeder's contracts. This contributed to Ingalls' loss of overhauls—besides the exorbitant cost overruns. Ingalls *de facto* could not be debarred because of the scarcity of private shipyards, but Marnadino not only was fired by Litton, but he also was sent to jail. Hooray for me! Macmillan, did you still think I was soft on shipbuilders? Secondly, back in pre-computer days, when carbon copies of all correspondence were circulated widely, one of my more onerous, thankless tasks—required by the Admiral and the ACO—was my reading of every last piece of correspondence that went into and came out of both SupShip and Ingalls' HQ. One morning while my carpool mate, Oz (no, for a while, I did not merit my own parking place although all Ingalls' lawyers had them) Oswall, a Navy engineer, was driving us from Hickory Hills CC to the shipyard, I found a letter from Ingalls' President Len Erb to his Annapolis classmate, VADM Robert Gooding, then Commander, Nav-Sea, asking to be put on various bidders' lists for later surface ship classes. This violated civil and criminal statutes forbidding retired regular navy officers (Erb had been a CAPT and tin can commander) from selling to SEA 02 for at least two years following their retirement. He



was within that prophylactic bubble period. I reported him, with the result that Litton's Board of Directors passed a series of resolutions that so severely constrained Erb's remaining permissible duties that he was soon replaced at Ingalls. Chalk up another instance, Jimmie Mac, of Jay's being soft on shipbuilder criminals.

The SupShip Contracts department was aghast at the screwing I took and they confirmed what had happened after I was in Groton. The SCA Contracts and Ship Repair Committees to which Gorvine appointed me had many Navy contracting officers in attendance, and they confirmed that the scandalous means by which I had been "fired" made its way around SEA 02, etc. At Pascagoula, the chief civilian contracting officer, a GS-14 named John Mahaffey, had the balls to attend my very small (seven persons) going away party at Mrs. Lee's Po' Boy shop. He told me that in all his years as a Defense Dept. civilian employee he had never seen, or even heard of, someone's receiving the FUCK job that OOL dished out to me. CDR Schroeder, THE uniformed ACO also attended and seconded John's remarks. I had the good fortune to see Schroeder and my old office mate, Mike Mayer, who retired as a Captain and Procurement Contracting Officer (PCO) for EB's Tridents, many times over the ensuing years and they said how much they regretted the Navy's having made an enemy out of me. I did not take it out personally on the "good guys" in navy and tan uniforms. My amicable relationships, in fact, were a major plus for EB until Bush 41 cancelled the Seawolf program and I became strictly a desk attorney pushing paper. Furthermore, I spoke almost daily via the old AutoVon phone system with two young female attorneys, Bob Culbert's direct reports, because he was always drunk afternoons after his usual three martini lunches, when I had questions which only someone in OOL could answer. Both women eventually wound up working in SupShip Groton, and they, too, talked about what a shame it was how I had been treated by "the guy who replaced Dave James" (Macmillan—each of them had her own battles with him over wrongfully denied/delayed promotions.)

Because Macmillan continually criticized me via phone, letter, and fax despite his receiving glowing reports about my performance from Admirals McGarrah and Martin, and Captains Passantino and Shafer (the Deputy Supervisors), in the "front office," and from all three of

my ACOs—Platt, Krummel, and Schroeder—urging my promotion for purposes of retaining me, Macmillan and Kominers both continued to deny my promotion to -14, at one point raising the tautological point that because Pressly worked in OOX, I no longer had the required “direct report.” OGC lawyers had the absolute right to transfer laterally and to seek promotions from other Navy organizations. When I realized that I would never become a -14 as long as Macmillan worked at NavSea, I applied for many other openings. I would have thought that Macmillan would have been anxious to get rid of me, but NO, he subverted ALL my efforts to transfer within OGC, e.g. Bill Rae wanted to hire me as -14 in the Navy Supply Command (NavSup) for the Albany, GA, Marine Corp Supply Depot. That was nixed by Mac. Ditto for my going to Mechanicsburg, PA, also a (NavSup) job. Macmillan had the *chutzpah* in blocking these attempts to **say that he still needed me in Pascagoula until the LHA claim was settled.** Then he gave **my job** to my assistant who had contributed little more to the claims team effort than carrying the Trial Lawyers’ briefcases and sucking up to Assistant Secretary of the Navy Gordon McDonald, constantly lobbying for my job. Incidentally, Pressly had been **exempted** from Carter’s pay freeze and was **by then himself a GS-14.**

Amazingly, to coat this screw job with a very thin patina of legitimacy, despite his having already having his mind made up for him by Assistant SecNav MacDonald, in early 1979 Macmillan—out of the blue—called both me and Pressly at the shipyard and demanded that we meet him, separately, the following day at the Mobile airport to interview for the SupShip Counsel’s job which I presently, but not for long, held. My interview with Macmillan came when I had a strep throat and 105 degree temperature. Yet he made me and Pressly drive 45 miles to the Mobile airport in our separate cars for separate meetings in the airport’s lobby. I have hated him forever. To demonstrate that the Navy subscribes to the Peter Principle, after Mac was run out of the NavSea Counsel’s job for insensitivity to female lawyers’ complaints about not getting promotions to which they were due, Navy OGC moved him into the head office where he became Deputy General Counsel *in Charge of Personnel matters* for all civilian navy lawyers. Of the two lady assistants in DC while I was at Pascagoula, one each for LHA and DD 963 contracts, one went to Charleston NSY. Then she

got the job over the other one who had come to Groton and done an exemplary job as Assistant Counsel here. However, this second woman had committed the unpardonable crime of appealing both her delayed promotion to GS-13, then being denied the top job at Groton when my former counterpart, Charlie Rose, retired. She knew her name was mud, so she joined a legal publisher and has done extremely well in Rochester, NY, then Minneapolis. The first lady reached her level of incompetence as SupShip Groton Counsel like the idiot in Pascagoula. Sadly, she had to take early retirement due to a serious bout with cancer, but at least she married a doctor here and lives on *hoity toity* Mason's Island.

The foregoing teaches simply that if you did your job, and more, as I did, e.g. doing JAG duties because we had none of them in MS, you were pushed out for getting too good a rapport with the Admirals and Captains. Macmillan repeatedly rejected their attempts to submit "concurrent annual evaluations" of me on the basis that I only had a "dotted line reporting basis to them." They gave me 4.0s; whereas Kominers, then Macmillan bashed me with "satisfactory" and the rare "above average" rating, often for supposedly squandering time from my "real job" to help out the senior military commanders. In a field office, you do not tell a Rear Admiral that something is "not in my position description (PD)." The first and only time that I told Admiral McGarrah to put out his cigar when he entered my office, he put it out in my half full cup of coffee. Each enclosed office within DoD could be designated by its occupant as a (non)smoking zone, and I was and still am asthmatic. So, I had posted a large red hexagonal Stop Smoking sign on my office and enforced it. He warned me then and there about the other "no-no," which I never attempted. I always completed all of my primary OOL duties before helping Navy personnel, so it never detracted from my performance, and Macmillan backed off his specious claims.

So, with McDonald's help (confirmed by Stu Platt, the Navy's first Competition Advocate and a rare Supply Corps RADM, after HE retired), Pressly stole my job. He and Macmillan magnanimously offered to let me become Bill's assistant, remaining a -13, step 4! This abomination and cold hearted *de facto* firing constituted "some thanks for my yeoman work the previous 3 1/2 years as **the** SupShip Counsel, doing

singlehandedly the work of two contracts lawyers." Demonstrating that "this was one of those gifts that keeps on giving, like VD," the incompetent little twerp is an archetypal example of the Peter Principle. He had reached his level of incompetence and never left Ingalls in the ensuing 30 plus years. Further aggrandizing my demotion, within one year of my departure, Pressly had been made "Regional Counsel", was promoted to GS-15, and had hired two GS-12 assistants. There was no justification whatsoever for this pyramid building because Pressly initially handled the office singlehandedly also after my departure to EB because Ingalls had completed both the DD 963 and LHA programs, and no longer had submarine overhauls. Thus, when there was no real work left for him to do, Macmillan and MacDonald gave him still another undeserved promotion. Word was no one in OGC wanted him in a true GS-15 billet due to his well known incompetence.

We lived our first two years in Mississippi in a nice complex of two-story townhouses that had been built for sale, but were rented when a purchase market failed to develop. Mike was born during a hurricane that spawned a tornado on July 15, 1977. We had lost our last \$2,000 from the sale of the Orinda house to the collapse of a state insured S & L (merely a trailer on U.S. 90.) Eventually we got it back, but without interest from the State. The townhouse had a nice pool, clubhouse, and tennis courts. Will went to private kindergarten at the Gautier Baptist Church and learned quickly to read and do arithmetic. The aunt of one of EB's contract administrators (he then worked at Ingalls but we did not meet), Mary Alice Minor, world famous swimming instructor to infants, taught Mike to swim by age six months. Dixie and I had not joined a church in Orinda. We were married in the ASU chapel by Buzz Stevens, associate pastor of the Tempe Methodist Church, but we did not join it, and attended occasionally. For the kids' sake, as agnostic parents say, we joined the Gautier Methodist Church, down on U.S. 90. We met several very nice couples who also lived back up in Hickory Hills, Joe and Nadine Carmichael, and Mike and Juanita Rappoport. Dixie became especially close to Juanita.

Just about the time that we joined, the pastor, who had just been re-appointed by the District Superintendent to another two-year term, suddenly left our pulpit to become chaplain at a junior college. Our congregation was put to an unattractive choice, make do with

supply pastors or accept the appointment of a retired pastor from northern MS who wanted to return to the active pastorate. In retrospect, the congregation generally, and the Jays in particular, would have been better off had Brother Howard Lips never come to GUMC. He was an upstate redneck with questionable seminary credentials. He was also very opinionated, e.g. although the grand poobaa's of Methodism had recently relaxed the Discipline to allow the moderate consumption of alcohol (Dixie and I already were alxies, however), Lips forbade it to any church officers, etc. I was by then both a Trustee and a Director on the business management board of GUMC. Lips got a wild hair across his butt that God had commanded us to change fire insurance companies, e.g. drop our policy with Glenn Cox at State Farm just east on U.S. 90, and replace it at three times the cost from an agent in Pascagoula who sold exclusively to non drinkers and non smokers. I vigorously challenged Rev. Lips' waste of money for some half-cocked notion of purity.

I used to sit on the front pew in front of his pulpit taping his sermons on an old clunky recorder, and then drove the cassettes around to shut-in parishioners. Dixie hid out in the nursery every Sunday, although both of us attended adult Sunday School. One morning after I had challenged Rev. Lips during the previous week about moderate drinking, he looked down at me and said loudly, "If the Lord commanded me to pick up Brother Jay by the nape of his neck and the seat of his pants, and chuck him out the doors, I would come down and do it now." After he arrived from MS he regaled us with a story about how he came to return to preaching. He was driving a Wonder Bread truck in northern MS one night when he saw a fiery cross in his rear view mirror, etc., etc. He said that this was God's calling him back to the ministry. As my parting shot, quitting the church after the foregoing calling me out, I told him, "Brother Lips, you didn't get called that night by God. You just drove by a KKK rally and missed the burning cross in the woods until you had driven by it."

After two years in the condo, with our \$2,000 from the sale of the California house still tied up in the closed S&L, we badly wanted our own home again. My father loaned us \$1,000 and we were able to buy a 3 BR 2 BA brick house alongside the 17<sup>th</sup> hole of the Hickory Hills Country Club. Mary Murphy, a realtor in our new church, Gautier Pres-

byterian knew of a "steal" with no down payment required. The husband was a shady used car dealer who was on his way to jail because he had sold the same commercial paper to three different banks. We could have simply taken over his VA mortgage (big help since as a reservist with limited active duty I did not qualify for same in my own right), but I gave his wife \$1,000 to move out. It was a pitiful sight on a cold and clammy January night seeing her and two small kids huddled in front of fireplace for their only heat. Even a hard-hearted bastard such as I, had some pity.

Mary invited us to attend GPC, and we hit it off very well with their newly called pastor, a former USAF chaplain, Rev. Linda Jordan, a Southern Baptist seminary graduate. She was single, drove a white TR-7, and readily accepted our invitations to break bread and drink wine at our house after services. I briefly took "instruction" from her before I was allowed to join by "transfer of my letter." I confessed to her that I did not buy into the doctrine of pre-destination, that it was unfair, we were either among the elect or not from birth, and nothing we did in this life would change our fate. She said, "I don't believe that either; I won't tell if you don't." So we didn't. Dixie and I had Will and Mike baptized by Linda in front of my parents who drove over from Tallahassee. Very reminiscent of how my brother John and I were baptized together in New Paltz many years earlier.

Dixie's loneliness drove her to increase her drinking substantially over what it had been in AZ and CA. I soon bought a Honda Civic from one of the Navy officers who worked with me at SupShip, also lived in Hickory Hills, and whose daughter was our primary babysitter. This lessened her isolation (previously I car pooled with an engineer so she had our Gran Torino every other day), and she joined the Jackson County Homemakers' Club and took Will to kindergarten and picked him up. Because MS had no public kindergartens, they also did not provide transportation until elementary school. Dixie made friends with many of the ladies in her club and kept her friends from GUMC when we joined the GPC. I was constantly being sent by the Navy to the Army JAG School on the campus of UVA in Charlottesville for training and to Crystal City, VA, on the Robert E. Lee Highway aka U.S. 1 to discuss my work in MS with higher ups. I did not realize how much I was gone until Mike's birth. Dixie's mom flew to MS from

CO's Western Slope (Montrose) where they moved when we left CA and I did not get my job back in AZ AG's office despite Babbitt's best efforts.

A hurricane passed over Singing River Hospital in Pascagoula during Dixie's 12-hour labor. They had just tried to speed birth up by putting PIT into her IV when the storm came over, dropping the barometric pressure drastically. Mike then popped out while I was holding an old Kodak 126 Instamatic overhead to snap photos of the big event. In all the commotion, I was given 42" waist scrub pants that fell to the floor leaving me in my shorts. The nurses and doctors howled; Dixie had no idea what the hell was going on.

A tornado spun off by that hurricane hit our house ten miles west in Gautier. It was a very solidly built one-story brick, L-shaped house on a concrete pad. No damage was done except for losing my Radio Shack TV antennas. I replaced them quickly. Cable did not come up into sparsely populated boonies. Mobile AL had it, but Pascagoula, and certainly Gautier, did not. I pointed one element east-west for the Mobile and Biloxi stations, and another northwest to Hattiesburg for the PBS station. Mike was born Sunday afternoon, and that night I packed my bags and was off to Jackson, 200 miles north on a TDY mission to support the Louisville, KY, Naval Ordnance Depot's contracts specialist in settling a claim with Sperry Rand (it took all week, and the state capital was far more redneck than the three coastal counties which had a sprinkling of Yankees and westerners working in defense.)

Our neighbors across Egret Lane were Larry and Faye Ramirez and daughter Melodie. He worked for Ingalls in the yard as a blue collar. She stayed home and drank. Soon she and Dixie were hitting the bottle hard during the days. My own alcoholism contributed to my denial as to the severity of her problem. To our east, a Standard Oil engineer and his wife lived on Egret. They were named Strickland and had a daughter, Amy, near Will's age. They were playmates. I took out a non-golf membership in the HHCC so Dixie could take the kids to the clubhouse for its pool and we had dining privileges. But there was little else to do without going to New Orleans and Mobile. We did see a Willie Nelson concert with Emmylou Harris and Billy Joe Shaver opening in Biloxi once.



From the Wednesday before Thanksgiving until perhaps August of the following year I quit drinking for a combination of medical and religious reasons. I had to have been between 32 and 36 (from 1975-79) during my MS tenure. As a teenager onward, I had had many dental checkups which found and fixed only a few cavities. No mention was ever made of wisdom teeth. In the days leading up to one Thanksgiving, I developed an excruciating pain in my lower left jaw. So, wanting to enjoy the upcoming TG dinner, I drove over to Moss Point, a smaller town, north of Pascagoula, with no discernible border between the two, to be seen by a dentist in my Methodist church. Dixie thought I did not want to eat her turkey. Severe pain came on suddenly and Harry Walker, DDS, was able to extract the left lower wisdom tooth, sort of. He shattered it into many small pieces. He had to pull them out with tweezers, stitch me, and then put me on heavy duty antibiotics to prevent certain infection. So no TG turkey, nor Christmas turkey, either. It seems as if Easter came early the following year, pushing the start of Lent to almost January. By then I had dried out and liked the new feeling. So, I continued my abstinence from alcohol for those 40 days. By then, I naturally felt even better and needed my suit pants to be taken in. Right about Easter, I had severe abdominal/groin pain and went hurriedly to our family doctor next door to the Ford dealership on Hospital Road. Dr. Ward broke the bad news to me that at age 35, I had contracted my first prostate infection. He put me on a long regimen of heavy duty antibiotics, and he told me not to drink. So I didn't. I continued to feel better, and I had to have my suit pants taken in even more.

I was not at my alcoholic bottom, I did not suffer withdrawal that I know of, and liked how I felt. I did not drink again until August 1978 when Larry Ramirez saw me on a break from painting the wooden trim of our brick one story brick house. He asked me what I was drinking. I said "iced tea and lemonade." He asked whether I wouldn't really rather have a beer. Without considering all that I would be giving up (since I had had no contact with AA and knew nothing of progression), I said yes, so we drove down to U.S. 90 and bought a case of beer and split it. To my surprise, I was very quickly drinking as much as before. That is why, when I came into AA, and they said it was a progressive disease, i.e. that we pick up where we left off, we aren't



returned as virgin social drinkers, I knew that I was in the right place. I had experienced a slip without knowing it. Everything else that they told me rang true because of my experience. I had failed my physical exam at the F. Edward Hebert VA hospital in New Orleans because I contracted my first prostate infection, but the pain was not yet severe, so I ignored their advice to see my personal MD to get it cleared up, then return for a second physical. That exercise was undertaken because Admiral McGarrah was not content with my performing all the duties of a JAG. To satisfy him, I had to learn admiralty law because an Ingalls sea trial rider jumped overboard 100 miles out into the Gulf of Mexico, and his estate sued both Ingalls and the Navy. We also had minor accidents on the water around the shipyard which fell within the U.S. District Court's original maritime jurisdiction.

Most TV viewers associate JAG's with military trials. I never did a court martial, but the Supervisor, being a RADM, was the senior officer in port, and the ships left the shipyard as soon as they were commissioned. Therefore, the Commanding Officer of the ships did not have disciplinary control over his sailors, except for the one week period between commissioning and departure. Instead, my admiral did. So I was his legal advisor at non judicial punishment hearings (NJP) called in the Navy, Captain's Mast, which resulted in reductions in rank, confinement to the vessel (hard to do while it is still being built), the brig or prison. McGarrah found out that there was a Reserve JAG company that drilled in Jackson, 200 miles north, one weekend per month. So he made my life difficult until I submitted all the papers applying for a commission as a Navy Lieutenant, O-3 pay grade, but the only open billet was non-paying. So I would have had to buy my uniforms, drive to Jackson one Friday night per month after work, and then drive home Sunday nights arriving near midnight. Thank God I failed the first physical. After Dr. Ward cleared up my infection, and before I resumed drinking, I went back to New Orleans and passed my second physical exam. All seemed lost (in terms of the accretion of these unwanted, supplemental duties), but then the head JAG mailed me a letter informing me that unfortunately I had turned 35 between the two medical exams and, therefore, I was ineligible for a reserve commission. Imagine the crocodile tears I shed that night.

In addition to applying for other Navy OGC jobs—which Macmillan invariably blocked, I also woke up to the fact that I could work for any other private shipyard. Ingalls was a member of the Big Three along with EB and NNS. In the late 1970s, each yard had one or more claims pending versus the Navy in the Armed Services Board of Contract Appeals, Federal Claims Court, or at the Naval Claims Settlement Board in VA. There were also several small yards, Todd, National Shipbuilding, and Southwest Marine on the Pacific Coast and Bath Iron Works in Maine. I learned that because I had spent my entire time inside OGC at Ingalls working only on **their** contracts, I was free to leave and work for any other yard. On the other hand, lawyers at Nav-Sea HQ in VA worked on all yards' contracts and, hence, could not pass through the revolving door very easily. Not that my situation, and COI clearance letter obtained from the Navy's General Counsel kept me from being trashed in the press for being a traitor. The New London Day reprinted an op-ed piece from the Washington Post wherein *William W. Jay* was called out for being one of the mercenary Benedict Arnold's trading on his government training to now loot USG coffers.

Being totally blocked from remaining in OGC, during the summer of '78 a Chicago-based headhunter recruited me to go to NNS, and I agreed to do so for a salary of \$34,500. The deal was sealed via a phone conversation from my Crystal City Howard Johnson hotel room with two colleagues (Jim Delaney and Ron Shingler) listening in. We had taken a swim break from NavSea at lunch. When I got back to Pascagoula, my late wife and I took a three-week vacation to her parents' home in W. Colorado because I had a zillion hours "comp time" on the books to burn, and my vacation hours would be bought back from me. We anxiously awaited the phone call from NNS' HR department and/or moving company about selling our house and putting our furnishings on a moving van to the Tidewater. We waited and waited, but no call ever came. I called the headhunter to ask what happened. He, too, was a "decent egg" in Chicago. As before, this headhunter told me the truth as to what had happened, and it cost him his job because he betrayed his client's (shipyard, not my!) confidence.

As related by this guy and confirmed by top Navy lawyers, someone in Tenneco (NNS' parent company) Marketing in Houston got wind that Vince Ewell, chief counsel at NNS, had hired a navy lawyer.

This Tenneco *wuss* wet his pants, then he called ADM Rickover directly to make sure it was “okay.” Many expletives later, the marketing guy, none of whose business it was, had killed my deal, but the shipyard never had the *cajones* to call me and let me know. Meanwhile I had gotten an Ethics opinion from OGC bigwigs that I had no COI that would prevent my working for either NNS or EB (latter was good to know later.) However, this Q&A branded me as a **traitor**, so when NNS stood me up, I was road kill within SEA OOL. They had already decided to give my job to my former assistant, Wm. E. Pressly, when the LHA claim ended within the next few months.

At that point, the Placement Office at my *alma mater*, UCLS sent me an announcement that “a small New England shipyard was looking for an experienced government contracts lawyer, preferably one with Navy experience.” I said to hell with blind ads, asked Ingalls’ GC with whom I had a good rapport because HE had tried to hire me before the Navy did, but which job Litton HQ in California quashed, to give me Bill Gorvine’s name and address. I faxed him my resume and letter. He called upon receipt thereof and had me on the next plane to LaGuardia out of Mobile. I took old Pilgrim Airlines into Groton. The rest, as they say, is history. We hit it off famously. The interviews with him and my prospective colleagues went very well.

Next, however, was the sticky wicket of getting Dixie to go along with the move to CT. Having been burned by NNS, and being beloved at the Gautier Methodist Church (despite being a non-believer) and a two-term president of the Jackson County Homemakers, she initially refused to move with me. Hence, I made arrangements to live on Thames Street in the YMCA a few blocks north of EB. Divorce was not then on the table. For reasons that are still unclear, at the last minute, she decided to join me in Groton. We listed our nice brick home across from the 17th hole of the Hickory Hills CC with Mary Murphy, a fellow parishioner of Gautier’s Presbyterian Church (which I joined after being bodily thrown out of the Methodist Church by Rev. Howard Lips.) We had purchased it two years earlier for an even \$40,000 in a distress sale by the wife of a crooked used car lot dealer. MM sold our house in four days for \$44,000, so, minus her commission, we essentially broke even.

After having been hung out to dry by NNS, I was going to take the EB job regardless of what Dixie thought. Up until the week I left, she was intent on divorcing me in MS and keeping the house. I had already accepted that judgment and inquired about getting a room at the Groton YMCA within walking distance of the shipyard. I would have taken the tiny Honda Civic and left her the Gran Torino. At the very last moment, she changed her mind and decided to accompany me, bringing the boys, of course. I had elected not to have a house hunting trip because of her saying that she was not coming, so EB instead put us up in the P. Takis Velotis Suite at the Mystic Ramada Inn, cost free for our first 30 days. The moving company just drove the Honda up a ramp into the back of the van and we retrieved it from Congdon's Storage in, of all places, Montville, as soon as our goods reached CT and were put into storage. That turned out to be very convenient. Dixie's drinking coupled with the horrid weather let it fall to me to find us a rental home within the permitted 30 days. I rented a 3 BR 1 1/2 bath split level ranch on Holly Hill Drive in Uncasville, on Norwich's southern border off Route 32 and our stuff was moved in from Congdon's. I had already started at EB two weeks earlier, so that was the start of my 30 years in CT, but for the eleven months during 2001-02 spent in MT and NM.



## CHAPTER 16

### THE ELECTRIC BOAT YEARS

Dixie and I celebrated the illusory NNS job by taking three weeks' vacation, actually unused "comp time," by visiting her parents in Montrose, Colorado. Still being alone in SupShip's law department, I called in daily, but really enjoyed our time away from Mississippi's awful summer heat and humidity and in the cool dry mountain air of towns along the Million Dollar Highway. The Roses were very glad to see Will and new grandson, Mike. We looked like modern-day Oakies with four of us crammed into a tiny 1972 Honda Civic with multiple suitcases strapped on the roof inside the luggage rack. The little A/C valiantly tried to keep us cool traversing Texas both ways, but Dixie put her foot down on my taking a detour to Lubbock in order to view Buddy Holly's grave. Clovis, NM, was on our path so the consolation prize was my seeing Norman Pettis' recording studio where B.H. cut his Liberty, Brunswick, and Coral records. Not long after our return, EB recruited me, so we did not have to stay much longer in MS.

I arrived promptly at EB early in the morning. However, I was kept waiting to see Gorvine until the afternoon because he was tied up in GM Veliotis' office. We finally got lunch at 3 P.M., and the only two others going through the buffet line at the Chinese joint (a stone's throw from the condo where I now live) were then current Governor Ella Grasso and her immediate predecessor, John Dempsey, Sr., from Putnam. Bill was a big Democratic Party supporter and introduced me to them. Veliotis, the crooked Greek, loved my hatred for the Navy and put it to good use during the next five years until he fled to Greece one night barely ahead of the feds. Bill's daughter later told me how

much he agonized over hiring me because I would have been the first non-Ivy Leaguer. He and the patent counsel had gone to Harvard Law School; the other lawyer was a Yale and Cornell Law. **His excuse** for not having gone to HLS was that he was from Newburgh (I had shopped in his parents' department store as a small child while living in New Paltz—small world.) and he went to Cornell LS so he could pass the NYS bar exam. Sue convinced Gorvine that Chicago was Ivy quality, which it most certainly is! Later, he further relaxed his standards by taking Gail Heagan (Villanova LS) laterally from the HR Department and Merle Smith (GWU LS) from the Coast Guard Academy's faculty immediately after me. So I started work at EB on my wedding anniversary, Valentine's Day 1979, and had five fruitful years being trained by Bill. He gave good raises, too. I paid him back by hiring his daughter Sue while she was going nights to UConn's LS as my paralegal at Purchasing.

Both EB interview dates are indelibly etched into my mind by virtue of associated events, contemporaneous and historical, which coincided with those trips. I stayed at the Groton Motor Inn on the first trip. I awoke to the TV news that the recently elected Pope had died suddenly. My second interview was on Pearl Harbor Day, and it resulted in GM Veliotis' hiring me on the spot. There were no protracted consultations with HR and multiple VP's as at NNS in 1981 when they attempted to hire me away. My first round of interviews, unlike both sets at NNS, cut right to the chase, i.e. no chats with people not on the radar for the prospective job. The recruiter, John Hardink simply walked me to the old WWI-era clapboard fire trap Administration Building where I talked with all the members of the law department, which had just increased by one when Gorvine was forced to take Gail Heagan, a fiery red headed lapsed Catholic, off Tom Sotir's hands in HR. Bill was tied up sitting on Taki's lap, Edgar Bergen/Charlie McCarthy style, a scenario repeated almost daily for the next five years, so I had time to really get to know the three other lawyers, and vice versa.

Everett was a weird duck—constantly talking to himself. We were officed together, first in the Administration building, later in the Tech Center built in 1985. He consumed approximately 7,000 calories per day, yet was thin as a rail. I never hit it off with either him or Hirschberg.

## The Electric Boat Years

Everett did not matter, but when Hirschberg became DC sometime in 1984 when Gorvine left to be Taki's Deputy International Programs Director at the now-closed Quincy shipyard, he went out of his way to hurt me, e.g. loss of \$1,000 from an already small annual raise for refusing to do something that belonged in Everett's bailiwick when I already had twice the workload. Thank God, Hirschberg's wife, Margot, had such severe rheumatoid arthritis that he retired unexpectedly at age 62 to be with her in San Diego. I feared that he would stay past 65.

Because of the complete and unwarranted screw jobs that I had received by the Navy, both when an enlisted reservist at Emory, and during my four years as SupShip Pascagoula Counsel during the Carter presidency, I arrived at EB with a major hard-on to sue those bastards immediately and for maximum "big bucks." This was, of course, the era when all three major shipyards were already pursuing claims in excess of \$1B each versus NavSea for constructive changes, mainly defective designs and late/defective Government Furnished Information and/or Property. I had been on the receiving end at Ingalls, and could not wait to be dishing it out to Rickover and his SEA08 neo-Nazis.

Based on Dixie's believable threat to stay in Mississippi, I had made no house hunting trip to CT. Therefore, we were instead given one month's free stay in Veliotis' former suite at the Ramada Inn in Olde Mistick. It was huge and fancy. I brought in supper, mostly pizza from Angie's at the corner of Routes 1 and 27 almost every night while buying amoxicillin by the 50-gallon drum for Mike's seemingly incurable ear infection. Being in denial due to my own alcohol addiction, I subconsciously overlooked Dixie's steadily worsening drinking problem, e.g. she just would not go out with a realtor to find us a place to buy or rent during our 30-day hotel stay. Finally, I took the bull by the horns and rented a 3 BR, 1 BA ranch on Holly Hill Drive in Uncasville from Navy Chief Larry Schafer. Our household goods were already in storage at Congdon's on Route 163 in beautiful, downtown Montville proper, so it was a short move to bring them up to Holly Hill. We liked the house and met Bill and Debbie Calovis, neighbors behind us on Ann Avenue, when our sets of sons got into rock-throwing fights.

Dixie and I first attended Lee Memorial Methodist Church in Norwich, but we disliked both the old male pastor (Conklin) and his very



young female associate (who eventually became pastor of the UMC in Groton on Hazelnut Hill Road.) Hence we gladly accepted an invitation to attend the Montville Union Baptist from the Calovis's, and I joined soon thereafter, remaining a member until I moved, alone, to Groton, in July 1995. Having only been "sprinkled" as a four-year-old Methodist, Rev. Phil Goff had to dunk me on Palm Sunday 1980 along with the rest of the twelve-year-olds' confirmation class.

In 1980, U.S. tax law required us to roll over the small capital gain that we had realized on the sale of our Gautier home within 12 months, not 24 as in the present tax code. Dixie's drinking had gotten still worse, if that were possible, so I had sole responsibility for finding us a home to purchase (with my lump sum Navy retirement check.) I narrowed our choices down to two; a two-story salt box on Sara Drive in Uncasville, or a raised ranch in Oakdale. Joe Sutera owned an agency on Route 32 by town hall. I immediately felt that he was a Mafiosi slime ball (which his crooked dealings with business partners in New London that landed him in jail confirmed), but had a crush for the stereotypical dumb blonde agent who showed me houses. As the 12 months were about to expire in February 1980, I made an offer to the Choates via Sutera. He got them on the phone and offered them \$5,000 less than my signed offer sheet. They were desperate because the husband was out on one of the MDA's triennial strikes and they needed money to finish the house on Route 163 which he had started building. So, we closed just under the deadline. Our move, using a fleet of pickup trucks belonging to my new friends in EB Purchasing (Giroux, Latham, et al), was a scene out of Abbott and Costello, but we got moved in within one day despite huge amounts of mud and snow being tracked in.

Three days later, Dixie had me paged to the USAir counter at the Harford airport. She was hysterical because an overnight thaw, which had concealed that the Choate's septic tank was full to the brim, and then some, overflowed into the finished, carpeted basement leaving 3" of poop throughout the downstairs. All I could do, being on my way to Washington, the ban against my suing the Navy having been lifted, was tell her to call a septic service and a carpet cleaner, and I would pay both upon my return. Jumping ahead, much the same sorry fate befell Dixie in August 1984 while I was at Subic Bay, Philippines, ex-

aming the SSG Grayback before the Navy used it as an underwater target for the new MK-47 torpedo it was developing. Over the ensuing years we had developed a good working relationship with that rarity, an honest plumber, Frank Silvia, from Quaker Hill. He told Dixie that the well's water pump had failed, and that he would quickly replace it. But the bad news was, "I don't dig trenches anymore, and you do not know where it is buried." We had successfully sued the Choates for breaches of express warranties regarding the septic failure as well as the non-workability of the swimming pool pump in the early '80s. That killed any possibilities of ascertaining from them where the pump was located. We got no diagram of either the septic field or the pump at closing. Dixie dug several "dry holes." Our helpful neighbor, Al Lamke, (as opposed to the asshole town recreation director Jim Butler on north side), finally suggested that Dixie dig at a 45 degree angle from SE corner of house, and, *voila*, she finally hit pay dirt. Frank did his thing, and three Jays could stop using pool water to flush toilets and for their bath tub.

Meanwhile, back at *Das Boot*, I spent my first year mostly at the Purchasing Department where I was given a permanent office in addition to the suite that I shared with Everett back at the Administration Building. My major client then, and throughout my 22-year tenure, was Armand B. Giroux, a huge Canuck from northern New Hampshire who once was so close to death from a cerebral hemorrhage that he was given last rites. His title was Manager of Vendor Claims and Complex Subcontracts. Hirschberg, whose responsibility prior to my hiring was to take care of ALL matters arising at Purchasing, had neglected to respond in any meaningful way to five or six Requests for Equitable Adjustments (REAs or claims) by various Fortune 100 companies which subcontracted to us. This included big boys like GE, Westinghouse, FMC, Sargent Valves, Babcock, and Wilcox, etc. None of their claims was for less than \$500,000. In pre-computer days, these claims were set forth in multiple, thick three-hole ring binders which were not practical to be moved back and forth between Purchasing and the shipyard. Hence, I opened a branch law office in Purchasing, some days never reaching the shipyard. Naturally, my presence in a cubicle led to constant drop-ins requesting legal advice on the full panoply of contractual matters, especially terms and conditions.

Because there were then 160 buyers, I could simply not speak to them individually while attending to the claims and doing work on prime contracts back in the shipyard.

Therefore, I created with the help of Mr. Giroux and the Director, Craig Haines, a new position called Legal Liaison Representative which Giroux staffed with one of his younger buyers. There were many LLR's over the years, including Gorvine's daughter, Sue, while she was a night LS student at UConn in West Hartford. These folks maintained a third copy of all my output (first and second copies went into my chronological and alphabetized vendor files back in Legal) in their office. Buyers with questions had to see the LLR first to determine whether someone else had "already asked, and (I) answered" before getting to me. Giroux and I settled all of the subcontractors' claims for 40-50 cents on the dollar, and we both got accolades.

With G. W. Howell's express permission, I had brought Ingalls' Material Management Department's Purchasing Instructions with me to EB. Ingalls' MMD was split into two components, General Procurement and Subcontracts. The latter group was as qualified as prime contract administrators and was paid equally; whereas, GP personnel were buying simple items and paid as clerks. Craig Haines resisted splitting EB Purchasing similarly, but he welcomed my authorized plagiarism of Ingalls' PDI. I also revised EB's grossly outdated Purchasing Policy Manual and doubled the number of chapters. After these steps were accomplished, EB Purchasing finally passed its Contractor Purchasing System Review by SupShip Groton and DCAA, becoming an "approved" purchasing system. This permitted them to award the vast majority of their subcontracts and POs without "having to obtain the Contracting Officer's consent." The axiom says "no good deed goes unpunished," so my *reward*, of course, was that I had to constantly train new hires and to provide refresher courses to the old hands. My trips to major subcontractors' sites, e.g. Trident missile tube plants of FMC and Babcock & Wilcox in Minnesota and Ohio, respectively, were enlightening and produced much satisfaction when I defeated both companies' later lawsuits during the late '80s and early '90s. This culminated in FMC's attorney, William Warren, handing me a check for \$2+M in Gorvine's office. I have never seen so large a negotiable instrument, before or after.

## The Electric Boat Years

The award, administration, and dispute resolution of the subcontracts for the acquisition of Trident missile tubes deserves its own chapter. Invariably, the two losers would file Freedom of Information Act requests with EB which I immediately rejected because FOIA applied only to the USG, not prime contractors. Ultimately, that did not dodge the bullet because Westinghouse, FMC, and Babcock & Wilcox would then just send their FOIA request to NavSea. They, in turn, gave me ten days to respond. But at least our having received the request initially had given us a head start on amassing the necessary documents and then redacting the other offerors' confidential business data, especially pricing. During their "performance of these subcontracts," each of the three aforementioned companies invariably experienced cost overruns (to their firm fixed-price subcontracts), delays, strikes, and late and/or defective government material (primarily fixtures and tooling from their predecessor builder.) All of which caused them to file massive claims versus EB. EB could then file claims versus the Navy for all of those causative events which were the government's responsibility.

In 1980, before I was allowed to sue the Navy, Ed Banning, Assistant General Manager of Purchasing, who shared a suite of offices with Bill Gorvine over the guard shack to the Administration Building, sought my advice on how to prod Westinghouse in Sunnyvale, CA, to ship their missile tubes which were delaying EB's shipyard work on the Tridents. As a trivial "aside", corporate counsel are frequently tasked to do personal legal work for senior management. Banning had been born in Canada, and could not remember whether his given names were George Edward or Edward George. He had official documents with both variants. I had to get his new passport issued as EGB.

With Gorvine's approval, and notice to, but not approval from, the Navy, I terminated Westinghouse's subcontract for their default. This was a "first" in shipbuilding purchasing. They reacted with disbelief and intransigence. We further ordered them to immediately ship all of their raw materials, work in progress, and missile tubes in various stages of completion to FMC in Fridley, MN, outside Minneapolis. FMC had been awarded a subcontract for a later flight of Tridents and had begun work. Thus they assumed WEC's obligation to ship EB two additional shipsets of 24 each, 36-foot-tall ballistic missile tubes.

In subsequent years, FMC, in turn, fell behind schedule, could not meet the exacting specifications (especially for the flatness of the upper circumference of the tube and the hatch cover with which it mated.) So, they, too, filed huge claims, which they then converted them to lawsuits in their local state court in Anoka County. Despite EB's disadvantage of being on FMC's home field in front of "their" judge, we won those lawsuits and our counterclaims. All we really accomplished, however, was forcing us to use a third subcontractor, B&W, in Barberton, OH. The best thing we could say about them was that they were the closest to Groton of the three incompetents. Same drill, different plaintiff. They sued, we won, missile tubes were late, Navy was unhappy. EB, being sole source for Tridents, still made money out the *wazoo* because the target to ceiling spread on EB's fixed-price incentive contract was 152%. On the other hand, because of NNS' significantly lower "touch labor" rates, and the fact that they spread their shipyard overhead over a much larger base (they built and overhauled nuclear aircraft carriers and cruisers), their prices offered on the Los Angeles class 688 attack submarines forced EB to essentially bid at cost with no profit. When EB had cost overruns and/or delays on the 688's, the profits on the Tridents had to cover those losses. At the end of both the Trident and 688 contracts, 32 hulls of the latter, reliable sources told me that EB had essentially broken even over 25 years with the Tridents subsidizing the 688's. That is one excellent reason why the Seawolf and NNSN contracts are cost plus incentive fee rather than FPI. EB would not be in business today if it had been required to bid FPI versus NNS for those two latter day classes.

After resolving the subcontractor claims, for the next five years I spent most of my days in my shipyard office. The next great challenges were filing "insurance reimbursement requests" as we then called our "requests for equitable adjustment." After the Big Three shipyards settled their respective \$1B claims versus NavSea, the word "claim" took on a very pejorative connotation. So we avoided calling our REA's either of those pejorative terms, instead using creative euphemisms. But, the Navy, in its *infinite wisdom*, after WWII ended, for fixed-price ship construction contracts, continued to be the self insurer of all builders' risks under the terms contained in a blue booklet entitled Marine Builders Risk (Navy Form Syndicate) Policy. OGC

insiders had told me when I was “one of them” that it was created by snipping and pasting from three commercial maritime builders’ risk policies in use before WWII. When German U Boats began attacking completed and still-under construction ships up and down the Atlantic Coast, e.g. ships sunk at their piers in Hoboken, no private insurer would write policies for naval or commercial ships. Thus the Bureau of Ships (BuShips, later NavShips, finally in 1975 NavSea) had to become a self insurer to get any ships built in private (as opposed to public) shipyards. Gradually after WWII, naval shipyards that built conventionally powered surface ships closed, but those building, then just overhauling, nuclear submarines has stayed open to the present, e.g. Portsmouth NSY in Kittery, ME, with which EB still splits overhauls and selected restricted availabilities (SRAs.)

In 1981, after only two years at EB, NNS brought me back in for another interview and offered me a \$10k raise to join Hunter Creech’s law department following his sixth or seventh heart attack. He told me that his predecessor, Vince Ewell, had caved into Rickover’s pressure because a milquetoast in Tenneco’s Marketing department in Houston had been so stupid as to call Rickover and inquire if he had any objections to my leaving SupShip Pascagoula and joining NNS. According to Creech, who also was former Navy OGC, and coincidentally a close friend for many years of my then EB boss, Bill Gorvine, Rickover exploded in a storm of expletives, and Ewell got the message. Only problem for us, besides my being left dangling in the wind as a tried and convicted Benedict Arnold (from having told OGC of my offer and requesting, and receiving, a conflict of interest clearance letter from Saul Katz, then again from Sara Lister), was that no one told **us** that the deal was off. Jim McMillan, the priggish NavSea Counsel, also had just shot down my taking a lateral transfer to the Marine Corps Supply Depot in Albany, GA, 90 miles north of Tallahassee, which would have been an adequate consolation prize.

NNS offered me a raise from \$40 to \$50K and the COL in the Tidewater definitely was cheaper. I would have gone. They confirmed during interviews, all the way up to HR VP, what had transpired in ‘78 when the Chicago HH lost his job for telling me the real reason that the shipyard left me at the altar. Then NNS jilted me again, someone in their management, resorting to his uninformed understanding of

COI principles decided that it would not look good if they stole a lawyer from their competitor. I could not talk them out of it—citing the fact that Chrysler did not bat an eye over stealing Iacocca from Ford, so why should I not work for NNS? After all, I did not know any trade secrets, being a non engineer. We had a separate patent counsel (Bill Everett) then. Gorvine never found out about NNS' offer. Soon afterwards, Hunter Creech, NNS died of his seventh and last heart attack. They created a two-headed monster to run their legal department. Vince Ewell who recruited me in 1978 had joined Tenneco (parent) in Houston by then. Don Moore whom I had met via Shipbuilders Counsel Contracts Committee drove a stake in the ground and said I was his choice. When they would not take me, he quit. They had to use him, at great expense, as outside counsel for several years because they had no other options. Don Honeycutt ran the HR soft side of legal. I stayed in touch with Moore for many years through NNS' contracts director Jim Konouck, who also had wanted me.

After my abortive attempt to switch to NNS, derailed, I was told by Don Moore, because of their having found out that Dixie saw shrinks every other week, our marriage was on the rocks, and divorce was inevitable. In 1983, I had consulted Hy Wilensky, who wound up **defending** me when Dixie eventually filed in August 1985, who advised me that if my wife passed out after one drink with me after I got home from work; I should just find one or more girlfriends. It was cheaper! He recommended against my filing because in that event, I would nevertheless be hit with big child support, alimony payments and lose the house to her anyway. He was a prophet. I don't know if it was because he was Jewish, but all those financial hits occurred as result of preliminary court orders. There was also a conflict of interest from my having given Wilensky the bulk of the small local collections matters that Comptroller Art Barton foisted off on me when Everett did nothing with them for 18 months.

While I was in Pascagoula, NavSea decided to permit field counsel, such as myself at Ingalls, to "adjudicate" claims under this policy up to \$100k. Hence, we were all brought to the old NavMat (Naval Material Command, no longer extant) and trained in the details of this policy as well as the most frequently occurring "**acts of God**" that would lead to claims. (Bolding signifies the Navy's erroneous interpretation



of the only viable claims as being limited to hurricanes, earthquakes, wars as opposed to simple negligence of the insured shipyards.) The clauses in Ingalls' two major non-nuclear surface ship construction contracts which incorporated the MBRNFSP contained very low deductibles of \$2,000. Hence, they inundated my office with as many as 20 claims per week for minor "accidents" occurring in the yard. Parrotting the Navy's party line, I denied almost every single one. Because, by definition, they had to be for less than my \$100,000 authority, few if any were made into claims and litigated at the ASBCA.

In 1981-83, EB, conversely, experienced two "bet the company" situations involving, respectively, our incorporation into foundations and pipe hangers of non-conforming (to the specification) carbon steel and, even worse, the certification as having been performed and as being satisfactory of thousands of welds when, in fact, many were never performed at all, and many thousands of others were "unsat," i.e. should have been rejected, ground out, and reinstalled. Many of these welds were in very inaccessible locations where both the weld and inspection thereof had to be done using mirrors on sticks, etc.

When these defalcations came to light, they threatened the continued existence of EB because all work on at least 16 ships, both Trident missile subs and 688 SSN attack subs, had to be stopped until an extensive inspection program both on the ships and in Procurement and Procurement Quality Assurance department records was conducted. Non-specification steel (plain vanilla M-1020 carbon steel bought from a Bridgeport distributor when mills were closed due to strikes) was removed, and the specified QQS-741D, whose scarcity led to the substitution of generic 1020 carbon steel from shady wholesalers versus mills, had to be procured and installed. Similarly, every weld performed by the four rogue welders, code named Brown, Gold, Green, and White (whose actual identities I never learned) had to be re-inspected. Many, but by no means all, or even the preponderance, had to be re-done or installed for the first time, then inspected and properly certified.

EB's General Manager from 1977-1984 was one P. Takis Veliotis, a huge Greek, i.e. 6'5" and 260 lbs. I shook hands with him at the culmination of my second interview. His bear paw totally engulfed my hand and wrist. He simply said, "I hear that you're the guy Gorvine



wants. Welcome aboard." I had a similar "come to Jesus" moment when Gorvine dragged me with him to Taki's first floor corner office in the Administration Building. He told me, Gorvine's already knowing, about the situation with steel and suggested that as a trained former SupShip Counsel I should take the lead in recovering at least \$500m from the Navy, and without calling it a claim or suing under the Changes clause etc.

Foolishly, relying upon my prior indoctrination by RADM Stuart Platt (USN-Ret) at NavMat, I tremblingly told Veliotis that a shipbuilder's own negligence was not covered by the MBRNFSP. To which he responded angrily, "Horse Shit" or something equally vehemently opposed to my *former* party line. He said that my job depended upon recovering one-half billion dollars because, simply put, the shipyard could not absorb the cost of the rework, and that GD corporate in St. Louis would not bail the division out. As a sidebar, Veliotis operated EB as if it, not GDC, were the parent corporation, e.g. a) he denied Admiral Rickover/s admittance to the shipyard on the basis that EB no longer had any cost-reimbursable contracts and b) he ordered Gorvine to fire me for allowing Wayne Wells, GD's VP Finance into EB without Veliotis' express permission. Instead, all corporate officers had to remain at the local Holiday Inn where all meetings with them transpired.) So, we are talking about one cantankerous, autocratic SOB. Taki relented because I was new, and Art Barton, EB's Comptroller, had signed Wells in, not I.

Grasping the gravity of the situation, I immediately used my rolo-dex to call all my contacts within the Shipbuilders' Council of America's Contracts and Repair/Overhaul committees to which I was EB's representative (because neither the Contracts Director nor the Project Manager-Repair and Overhauls) deigned to waste their valuable time on trade association activities. Fortunately, an elderly fellow at Todd Seattle, Art, had recovered a \$50k claim involving Todd's own negligence. Furthermore, he put me in touch with John Higgins, a marine insurance broker on Wall Street who confirmed Art's opinion that negligence was covered, not just so-called "acts of God." I reported this to Taki and Gorvine. They said, "Great, now find us a reputable lawyer who also believes this." Fortunately, Higgins sent me to Sheldon Vogel, an elderly partner in Thacher Wood and Proffitt, who specialized in

admiralty law. He had won several large verdicts for commercial shipyards under Builders' Risk policies whose provisions closely tracked the MBRNFSP. From the outset, he was highly optimistic that we could prevail, but in NY courts. Sadly, EB had to sue the Navy in either the ASBCA or the Court of Claims (now the Court of Federal Claims), or so we both thought.

With such huge sums at stake, I got permission to consult with EB's usual outside D.C. government contracts law firm, Sellers, Conner & Cuneo (now McKenna Aldridge Long.) In those days it could properly be described as a boutique firm specializing in suing the USG for contractors. Herb Fenster, possibly the most obnoxious, but assuredly the most creative partner, soon realized that because the defective submarines had all already been launched, i.e. were on the "high seas" (Thames River, in this case) when the bad steel had been installed, we could do a surprise flanking maneuver on NavSea, which would have made Jeb Stuart proud! Herb pointed out the U.S. District Courts' original jurisdiction of maritime claims. He collaborated well with Vogel who did not mind letting Herb take the lead. The Navy's original blustering denial of coverage (before we had presented it as a claim or "insurance reimbursement request" (IRR) as it and its companion welding lawsuit came to be known) immediately turned to threats of financial retaliation if we had the gall to proceed to a verdict. NavSea knew that NNS was waiting in the wings to present its own \$1B+ claim for defective work on a CVN. Thus the Navy could not let EB establish an adverse judicial precedent upon which all the other shipyards could "piggyback."

By then, EB had also discovered the defective/missing welds situation and apprised the Navy that we would be submitting a fully documented and priced IRR for it as well. We priced it at approximately \$500m. At the start of the steel problem, I was formally designated EB's "Claims Czar" and put in charge of 50 employees from all affected disciplines. This matrix organization reporting to me resulted, *inter alia*, in my no longer sharing a secretary (in an open area between our two closed offices) with Patent Counsel W.C. Everett. His office became the "war room" where, in pre-personal computer times, all files were indexed and stored. I personally pulled together all the sections of the IRR, technical, pricing, contractual, and legal, and submitted it to

the Procurement Contracting Officer (PCO) in Crystal City—skipping the ACO at Groton. Just when I was enjoying my trips to *Gucci Gulch* (actually 1525 Eye St. NW, one block south of 16th and K Streets) and relishing sitting at counsel's table in USDC with Fenster and Vogel, I was reminded that as Claims Czar, my task was to put my nose back to the grindstone and produce a similar IRR for the welding matter.

My having done a 180 degree flip flop on the question of what comprised “insurable, covered events” under the MBRNFSP did not go unnoticed by my former employers at NavSea and in OGC HQ. I was subpoenaed before a grand jury (quashed before my appearance date) and the SEC where I refused to invoke the Fifth Amendment and spent an entire day explaining my change of heart to the full Commission. Somehow, I was party to stock price manipulation? I knew this was not bean bags when EB hired a prominent Boston criminal defense lawyer, William Looney, to represent me at the SEC. Against his advice, I chose to testify to vindicate my having taken the opposite side of the “acts of God” only coverage. While I was tempted to explain my reversal of opinion sarcastically, I couldn't just say that Veliotis now signed my substantially larger paycheck, I had to regurgitate everything that Messrs. Higgins and Vogel had told me. Hence, I did a law review worthy dissertation of how much more I had learned about Builders', i.e. All Risk policies from attorney Vogel and insurance expert Higgins. The SEC was duly impressed and did not press any charges versus me although I had to suffer through another “you are a Benedict Arnold traitor” lecture for having passed through the infamous “revolving door.” It was strange that the SEC, IRS, FTC, et al never pursued charges when their neophyte lawyers left government service after three years of low-paid intensive training to join private law firms in D.C. and then turned around and sued **their former** employers. But the Defense budget has always raised passions far more.

Ironically, our *local mullet wrapper* (late father's description of Tallahassee Democrat in which we wrapped crab bait), the *New London Day*, which Veliotis forbade EB employees to even read (both my sons had *Norwich Bulletin* routes up in Oakdale), libeled me in 1981 by reprinting an op-ed piece that first appeared in the Washington Post, labeled the Iron Triangle. It defamed several government lawyers, calling me *William W. Jay*, for having left the Navy, then turning around

and suing their employers. I demanded a retraction by showing them COI clearance letters written to me by first Saul Katz, Navy OGC's ethics expert, and then again by Sara Lister, Acting Counsel, before Togo West took over full time. *The Day* never issued a retraction, and I was ordered not to sue the ignorant bastards. Gorvine and I also were really hammered in *The Day* after we filed the two IRRs for being crooks and having brass stones to sue for EB's own screw ups.

I have not revealed the outcome of these two matters. They are discussed in detail in the book, *Running Critical*, which dealt at length with Admiral Rickover's stormy relationship with EB going back to the 1960's when EB took over responsibility for design of reactors and subs from the former Naval Ship Engineering Command. The short version is, that to resolve the matter outside of court without establishing the precedent which the Navy so feared, the parties cut a deal in the back seat of former GDC chairman David Lewis' limousine in 1985. George Sawyer, Assistant Secretary of the Navy, chased after Lewis' limo, was let into the back seat and offered EB a total of \$500m additional profit on its next four ship flight of 688's if, in return, it dismissed the IRR's which were then in USDC, and kept our mouths shut. Well, the terms of the deal eventually leaked out, NNS did not win **its** IRR, and EB and the Navy became best friends again—until the next crisis. This occurred when Bush 41 cancelled the entire 30-ship Seawolf program after the contract for the first vessel had been awarded because the Berlin Wall had fallen and, *ipso facto*, submarines were no longer necessary to combat our new, ex-Communist Russian friends. I have never had a kind word for Slick Willie Clinton, the sole exception being that **he** restored the second and third Seawolves which, with the totally make-work mid section modification costing \$800m, permitted EB to have not closed its doors (yet.) The USS Jimmie Carter, the second Seawolf awarded, became the third delivered because NavSea and EB's congressional allies decided to change the midsection to allow for carrying more embarked Marines, SDVs, and other classified equipment. This bought EB several more years of "new construction."

I could not be adequately consoled by Gorvine after the settlement, wanting a complete, judicially sanctioned, ass kicking of NavSea. Gorvine told me that I, had in effect, won those dollars; he gave

me a 14% raise, and forced me to take five weeks' long deferred vacation all at once. All that Dixie and I could afford to do was spend the summer with my parents in Tallahassee during the worst of its insufferable high heat and humidity. Thunderstorms regularly flared up at 4pm each day by which locals set their watches. Ugh!

My next great opportunity as an in-house trial counsel came soon afterward the dismissal of the IRRs due to an accident in the South China Sea which occurred in the early '80s, but was just making its way through the federal courts in Texas. During the late '60s, at the height of the Viet Nam conflict, Mare Island Naval Shipyard in Vallejo, CA, found itself shorthanded for government-employee (civil service) designers and draftsmen. This was before lawsuits versus the Labor Dept. and Civil Service Commission prohibited the rampant, illegal practice of government facilities augmenting their own staffs by using "farm-in" contracts to hire private shipyards' workers to handle increased workloads due to the wear and tear of heavy wartime deployments. This was the so-called Pellerizi rule named after the Dept. of Labor GC who forbade it.

The advent of nuclear submarines only began the replacement of **attack** submarines. In the early '60s, EB started work on the Polaris program, the first class of **ballistic missile firing** nuclear submarines. Prior thereto, BuShips, then NavShips, decided to convert several diesel-attack submarines, including USS Grayback, into cruise missile firing submarines, designated as SSGs. These boats were required to surface and fire short range surface-to-surface missiles out of launch trays angled at 45 degrees. See, in this regard, Chinese rockets *circa* 1000 BC. These boats proved ineffective and dangerous to their crews because they had to surface to fire, becoming immediately radar-detectable targets exposed to aircraft depth charges and cannon fire as well as hostile surface ships.

Hence, the pre-James Bond, MI5 brainstorm to convert two SSGs into troop transports that would carry embarked Marines and SEALs, the latter of whom would drive primitive Swimmer Delivery Vehicles (SDVs) to the shores of North Viet Nam (and Cambodia and Laos, but that is another story) then attack shore installations behind enemy lines. SSGs stored their cruise missiles in two cylindrical tubes on the deck forward of the conning tower. Brainstorming settled upon

having the SEALs and Marines enter the aft ends of the diving chambers from the so-called dry side via hatches cut through the pressure hull. At the completion of a mission, the SEALs returned to the flooded wet side and waited while one of their members on the wet side simultaneously activated **both** a hydraulic 6" floor drain valve and a 3" manually cranked vent valve which restored an atmosphere to the wet side, after which the door connecting the two sides was opened and the frogmen re-entered the hull. Then, they returned to the submarine via the aforementioned hatch.

MINS issued EB during the mid-'60's several cost-reimbursable "farm-in" contracts under which upwards of 100 Groton-based MDA designers and draftsmen were sent to MINS where they were interspersed within the government's own workforce. That is, EB personnel did not sit off by themselves and design only a few particular components necessary to the conversion of Grayback from SSG to SST. In order to grade EB's work and to determine how much it should be paid, MINS and EB jointly agreed that the drawings prepared by EB workers would be identified by a black stamp, an eagle inside a circle. Unfortunately for EB, at least initially, one such component was a reach rod connecting a circular hand wheel on the wet side to the manually operated vent valve. The operator whose head was immersed during the entire operation knew he had fully opened the valve when the metal stop tab that his hand was turning hit the side of the valve.

On the fateful night which led to the first and only (so far) product liability death case versus EB, a first time wet side operator, a Machinist Mate 2nd class with several marijuana busts in his service jacket, failed to completely open the vent valve. The hydraulically operated, larger (6") drain valve performed flawlessly with the result that a vacuum was drawn within the diving chamber. Only the most experienced frogman, a CPO, realized that he was blacking out and, therefore, hooked his arm up to the elbow inside horizontal waist high piping. He was the only survivor among the six divers. Five died, and the estates of four of the decedents **sued the Navy** itself for wrongful death.

The Justice Department lawyers defending the Navy in the Houston federal court (where Gloria Trevino filed her first case) were aware, that by statute, servicemen were prevented from suing their military

department for injuries including death that resulted from their having been furnished defective equipment, weapons, and otherwise. The USDC for the Southern District of Texas summarily dismissed the suit versus the USG (Navy.) Plaintiffs' counsel, from a boutique personal injury firm, Wayne Fisher LLC, quickly reviewed the drawings of the vent valve and detected the GD/EB stamp on the drawing for the reach rod connecting the hand wheel to the valve and determined to sue EB, but in a different Texas federal court. The named plaintiff, Gloria Trevino, surviving wife of PO2 Michael Bloomer who did not fully open the valve, sued EB in USDC for the Eastern District of Texas situated in Beaumont, an oil refining and port town with 20 plus percent unemployment. Strategically, our team of lawyers quickly opted to forego a jury trial packed with unemployed offshore oil rig workers and their families whom we presumed would crucify GD. Wrong choice, we wound up with the civil side equivalent of a "hanging judge." He was the former president of the Texas Trial Lawyers' Association, sort of Texas' Sen. John Edwards. We knew from the outset that our geese were cooked. It was just a question of how much the damages would be. Turned out to be about \$14m, but that is jumping ahead.

EB fully expected complete cooperation from the Navy in defending the lawsuit, both factually with expert witness testimony and by their lawyers supporting our legal argument that the *Feres* doctrine immunized EB from liability based on the court-established precedent that governmental contractors designing and/or building war-fighting equipment to government specifications were equally exempt from liability as the USG itself. Navy Counsel, including some of my old OGC friends, laughed at EB, siding with the plaintiffs, including putting on the stand an expert witness who lied by denying that the Navy had final approval, and hence responsibility, for the reach rod drawing.

Judge Parker quickly ruled in the plaintiffs' favor and assessed EB for \$14m damages. During the trial, I had carefully studied the very old cost-reimbursable contracts under which EB farmed out, Navy farmed in, the designers and draftsmen who prepared the reach rod drawing. Like all cost-reimbursement contracts, it contained an INDEMNITY, obligating the Navy to pay EB for any damages assessed



against it due to its performance thereof. If you suspect that this is beginning to look like a cat chasing its tail, you are right. After entry of judgment against EB, at my urging, our counsel filed suit versus the Navy for \$10m indemnification under the contracts' clauses. We simultaneously filed a claim with Lloyds of London, GD's excess liability carrier for the remaining \$4M.

Guess what? We won the second trial at Judge Parker's courtroom in a newly constructed courthouse in his hometown of Marshall. It is in East Texas' dense piney woods forests only 26 miles from the Shreveport airport. I had a hearty laugh at Louie Newman, one of my former OGC antagonists while waiting for flights home after Judge Parker ordered the Navy to pay us the \$10m. So, EB came out whole including our legal fees. After that, my litigating days were over for good. (Postscript: the actual cause of the SEALs' deaths—besides Bloomer's failure to fully open the vent valve—was the Subic Bay Navy Shipyard's **incorrect reinstallation** of the reach rod during an overhaul just before the incident, not its EB design! So justice was fully done. The Navy wound up paying the four widows and their kids after all. Wayne Fisher, who had made millions suing GD's Fort Worth aircraft division for defects in the F-16's built there, took his one third and lived happily ever afterwards. The same could not be said for his associate who blew his brains out with a revolver in his bathroom half way through the first trial!)

The last great EB legal victory in which I participated from my desk in the Tech Center was overturning the injunction that NNS secured against EB that prevented it for 11 months from starting work on the second Seawolf that Clinton awarded EB—after countermanding Bush 41's cancellation of the entire 30-ship program. NNS and Sen. Warner, then chair of Senate Armed Services Committee, obtained a Temporary Restraining Order, then a preliminary injunction preventing EB from doing any work on Seawolf 2, including the procurement of any materials and supplies thereof. This impacted me by totally stopping the issuance of ALL subcontracts and purchase orders which I would have helped Purchasing negotiate and administer. Hell broke loose for me 11 months later when the injunction was lifted and every buyer wanted his/her subcontract/PO reviewed and approved first! NNS sued EB and the Navy in USDC for Eastern District of Virginia aka the



*Rocket Docket.* Unsurprisingly, the home town judge granted *ex parte* the TRO and preliminary injunction. When NNS tried to make it permanent, the Navy finally sided with EB and justice prevailed.

Personally, besides being inundated by the 11-month backlog of still-to-be negotiated, afterwards legally reviewed, and approved POs and subcontracts, I faced a barrage of litigation from vendors who had based their prices upon the once-reasonable supposition that they would receive an award for ten shipsets of deliverables, not just one shipset for the one fully funded first hull. I had precluded their ability to recover both "unabsorbed overhead costs" and "non-recurring engineering costs" by carefully writing the Requests for Proposals and Invitations for Bids to make explicit that bidders were to specifically acknowledge that their PO would cover only one firm shipset with *EB having an option* for nine more shipsets. For competitive reasons, all successful offerors' and bidders' pricing had amortized their fixed and non-recurring costs over a 10 shipset buy. When we awarded only the first shipset and simultaneously informed them that the nine options would not be exercised, we, not the Navy, were sued by everyone. We won, because we had written the PO Terms & Conditions in good faith based on the Navy's representation to us that EB would get a first flight of ten Seawolves. However, for fiscal (annual appropriations) reasons, the Navy only had money for the first ship. Sound familiar? This was the precursor to the NSSN. I will never refer to a submarine totally designed and the first of which class has been built in Groton as the "Virginia class."

Here again, Sen. Warner extorted the award of half of the four boats comprising the first flight by telling the Navy, credibly they thought, that unless NNS got half the work, he would kill the entire program. That could have been EB's death knell. Despite my advice to top management that we file a bid protest and fight for all four ships, I was ignored, and then fired, for the first of three times! Begrudgingly, I then wrote the Teaming Agreement with NNS (with minor input from my NNS counterpart, Jim Gilbride.) EB effectively surrendered and, in the long term, will be closed now that the Democrats have won the Presidency and secured much larger majorities in both houses of Congress. The Democrats will withdraw from Iraq even quicker than Bush 43 planned, and they WILL slash Defense Dept. budgets.

## The Electric Boat Years

Inevitably, the Navy with diminished SCN (new ship construction) funds will have to “single up on NNS” because it, but not EB, can build nuclear powered **surface** ships, i.e. CVNs and cruisers as well as overhaul them. Then the next BRAC will come along, and with EB gone, and with no synergy existing with a shipyard three miles down river, Groton’s sub base will be closed and its subs moved to Norfolk, but mainly to San Diego, Guam, and Pearl Harbor due to the threat from Red China. Would the last person leaving SE CT please turn off the lights!

My last ten years at EB, including 28 months (after a forced early retirement), first as a temp, then as outside counsel, were unexciting, mostly desk work fighting the Defense Contract Audit Agency to keep monies earned and spent years prior. DCAA was ten years delinquent in auditing EB’s overhead. Not EB’s fault! DCAA sent Tiger Teams of many temporary duty auditors and challenged several years simultaneously. My biggest clients were Tom Brown, then John Leonard, VP’s-Finance. We successfully defended ourselves against the vast majority of these Form 1’s, but our legal defense costs were themselves unallowable.

From 1989 to 1999 when former Jenner & Block lawyers, CEO Nick Chabraja and GC David Savner, Northwestern LS ’67 classmates and litigation partners in J & B’s Chicago office, and the Crown family’s personal lawyers, engineered a total takeover of GD, I supervised a lawsuit in Montreal in a Quebec provincial court. I inherited this pension matter from Bill Everett, erstwhile Patent Counsel, who had never traveled there in the five years he had cognizance prior to me. Simply put, the legal issue was whether a dual employer pension plan could be **partially** terminated when one employer withdraws. During the mid ’70’s GD bought Canadair in a failed attempt to sway the RCAF’s decision as to which fighter plane to buy, GD’s single engine F-16, or Northrop Grumman’s twin engine F-15. The RCAF selected the latter in case one jet engine failed over its vast NW Territories; in which case the pilot could then presumably still limp home on the remaining engine.

GD did not sell Canadair immediately after being shafted. By the ’80’s, GD sold it to the Canadian Government, but leased back one fourth of the facilities and opened a valve building subsidiary, GD Manufacturing Ltd., which built valves ONLY for EB. Given Rickover’s

paranoia re foreign sourcing and the dissemination of Naval Nuclear Propulsion Information, I and the GM, Lynn Farr, never understood the rationale for GDML's existence given that it was in French-speaking Canada and because identical, better valves of all types were available from U.S. suppliers at one-third GDML's price. Something was definitely rotten in Denmark, political payoffs no doubt, but this tale remains to be unraveled.

I traveled to Montreal many times, almost invariably during the winter months because the Francophone law firm took six weeks' vacation every July and August. On my first trip, again on Pearl Harbor Day, 1989, the anniversary of the date on which Veliotis hired me; our new twin turbo prop plane had a fire in its starboard engine necessitating an emergency landing at Burlington, VT. My photo disembarking was on the front page above the fold of the next day's *Burlington Press*. We were taken the rest of way to Montreal in an unheated van in 9F degree weather. To further worsen the night, if that were possible, I took by mistake a tan Samsonite briefcase identical to mine, but which belonged to someone from Hull, Ontario, out of the dark back storage compartment. I was dropped first, at the Sheraton Centre Hotel, next door to our lawyers, Stikeman and Elliot. Poor bastard whose briefcase I had taken had to drive back downtown from Dorval airport and page me from the rooftop restaurant to make the switch back. (I was so shaken and famished; I had not even opened the briefcase after tossing it on the bed.)

Fortunately, I had taken four years of French, albeit in Florida H.S., from 1957-61, and I knew like the back of my hand GAAP accounting and the USG's Cost Accounting Standards as well as FAR 31.205, the cost principles for government contractors. So, when I had to sit through depositions in French, I kept up pretty well using the spreadsheet exhibits and with Lynn Farr's translating as/when needed. GDML foolishly precipitated this litigation when negotiations over the pension plan split of excess assets broke down by withholding November and December 1984 (the last two months of a long term lease) rent as a supposed set off. Canadair by then had been re-privatized, was owned by Bombardier, an 800-pound gorilla in Quebec and with the Canadian Supply Service (Canada's combination General Service

Administration and Defense Logistics Agency.) They fought back and very hard.

Bombardier did not hesitate to throw its weight around, hiring a male chauvinist pig attorney (Jean Savard, ironically, a political enemy of the late father of the female Stikeman associate who first handled the case with me) who refused to meet or even speak on the phone, with Anik Trudel and her female successors. They also had the judge in their pocket, e.g. when we completed our discovery before Bombardier even started theirs, he would not order them to do discovery or risk default judgment. Neither would he sever our counter claim, three times larger, from Bombardier's original claim for a separate expedited hearing. Bombardier invited me to an airport hotel one July by telling us that they would **finally negotiate our number**. Instead, I was led into the boardroom where their in-house counsel told us a) that our figure was totally rejected, and b) he then proceeded to subject me to an hour-long slide show tripling their claim with, of course, no prior notice. I told him to fuck himself, called Farr for a ride (because I had been dropped off for what we thought was a full day *mano a mano* negotiation.) We drove downtown to Stikeman Elliott, decided that my trip was totally wasted, so I flew home earlier than planned, and both parties went back to trench warfare.

Compounding this treachery, Bombardier hired away from Towers Perrin the actuary who had prepared our claim. When I asked Stikeman Elliott to not only have this bastard disqualified from working for Bombardier but to have Bombardier sanctioned and the actuary disbarred, the judge laughed at us; and Stikeman Elliott said there was nothing they could do.

About that time, in the fall of '98, Chabraja had purged GD's last in-house GC, Bob Duesenberg of the prominent St. Louis family, whose brother was GC at Monsanto. Bob had reluctantly gone to Falls Church when CHQ moved from his hometown, but then was shamelessly kicked to the curb by the Crown family's company law firm, Jenner & Block. Chabraja brought in Savner to be his hatchet man. In the spring of 1999, I and many 55-year-old divisional lawyers were all simultaneously purged. More about that, *infra*.

As the preliminary to the aforementioned purge, Savner sent a Chicago litigation partner, Susan Levy, the quintessential Bitch, to

interview each and every in house lawyer, in every division, about his/her handling of litigation under their cognizance. She had the incredible *chutzpah* to denounce my failure to resolve the GDML matter after ten years. I explained the foregoing underhanded shenanigans that prevented our even getting to trial. She dismissed me from her presence in Merle Smith's enclosed ninth floor office as one would an errant school child. Within two weeks she and my last GC at EB, Tom Kehoe, a true know-nothing (but smart enough to have fooled the voters of Glastonbury who elected him to the General Assembly), agreed with Bombardier that both parties would dismiss their respective claims and execute a mutual release sweeping it all under the rug. This occurred when we were finally on the verge of a trial and our *bona fide* claim exceeded Bombardier's by approximately \$3M.

Soon thereafter, I was ordered to send lots of my desk work to J & B's DC office to be "solved" at rates of \$300-\$400/hour by young associates who knew far less than I had already forgotten. This was a pretext to get rid of older in-house lawyers throughout the corporation.

After Stu Hirschberg quit unexpectedly at age 62, GD did not immediately replace him. My African-American colleague, Merle Smith, who was hired two weeks after me at the end of February 1979 (from the USCGA faculty), was made interim DC, a title which he held for eight months while GD considered its options. Merle had resigned his Coast Guard commission after 13 years, purportedly because he would not accept an assignment to Governor's Island in NYC, preferring Boston or nothing. He took a civilian faculty job at the academy. Bill Gorvine hired him to do OSHA, specifically radiation, cases and some admiralty or maritime matters because the yard was choked with submarines of both classes as well as numerous non-EB owned barges and tugs.

I had recently gotten out of rehab in RI and realized that I was probably disqualified by virtue of my alcoholism by Bob Duesenberg, GC in the former St. Louis CHQ, from fair consideration as Stu's replacement. Hirschberg had gone out of his way to assure me when I left for rehab, and again upon my return, that he had told no one in management at either EB or GDC. Of course the preposterous cover story he cooked up to cover my 30 days absence, i.e. that I was on "special assignment," was believed by absolutely no one who had

closely associated with me since 2/79. They knew only too well of my daily heavy drinking habit, and immediately noticed the change in me upon return to EB, and the loss of 35 pounds over the ensuing six months.

Sometime thereafter, EB's lawyers attended a client seminar put on by Sellers, Conner, and Cuneo in D.C. for ALL their government contract clients, which included GDC CHQ lawyers and those from other divisions. While I was going through the buffet line, Bob Duesenberg quietly whispered to me that he had heard about my "problem" and "wished me well in my recovery." (Note: one of the two original St. Louis Deputy GCs, Mort Menton, with whom I worked closely because MM was a government contracts expert, was also a recovering alcoholic which fact was known in the higher echelons of GD management.) I trusted that Hirschberg had not breached my confidence, and that, therefore, the most likely culprit had to be Merle because he was still just "interim" DC. Under Stu, Merle and I had both been Deputy Division Counsels at an equal wage grade, and presumably, pay. Merle presided over the "labor lawyers" and a staff of inside and outside paralegals who were producing voluminous documents using an Optical Card Reader in response to subpoenas issued by the USDC in New Haven for a grand jury investigating years of EB's fraudulent dealings with the Navy. Even David Lewis, CEO, testified in that drawn-out proceeding. Merle ingratiated himself to Lewis by carrying his briefcase into the federal court house in New Haven captured in the New London Day via an AP photo.

I, on the other hand, was in charge of the remaining lawyers, paralegals, and secretaries in the Tech Center who performed work on what can best be described as "business law." This encompassed prime- and subcontracts, patents and other IP matters, export controls—mainly licenses, Technical Assistance Agreements and Manufacturing License Agreements, and matters from the Finance, Accounting, and Tax departments. I also personally performed the thankless tasks of acting as EB's collection agency for amounts owing from former employees for delinquent computer loans and un-repaid travel advances, etc.

Merle eventually was given the DC job permanently, and I became his sole Deputy having administrative, budgetary, and hire/fire responsibilities over ALL the Legal Department's staff as they re-

turned to the Tech Center from the former fitness center at Groton Five Points. I had to fire one paralegal for alcoholism (she refused treatment) and related falsification of her time card. Soon thereafter, I had to fire another attorney, also a recovering alcoholic, a JD whom I had gotten Merle to hire into Legal when Contract Changes fired him, for falsifying his time card (he was EB's lobbyist to the CT General Assembly.) But because he lived in Colchester—halfway to Hartford, he worked partial days claiming that the day would be over before he could reach shipyard, so he would just stop at home any time after 2 P.M..

A related ethics matter which I had to resolve, despite Legal's having two employment lawyers, concerned EB's Director of Contracts "open and notorious" romance with a SupShip contracting officer who had cognizance over EB's Trident contracts. While SupShip Pascagoula Counsel, I was TDY'd to the Navy's Office of Civilian Personnel for a week-long course in "ethical" matters relating to, among others, permissible activities of civilian employees, such as partisan electioneering, post-government employment, and impermissible financial interests of themselves as well as their families in companies selling to their military department.

Despite this relationship's being a "slam dunk" COI to even an untrained lawyer, Merle, when asked for an opinion, fired from the hip, advising *orally* that he saw nothing wrong with it. The unanimous reaction of the Vice Presidents on the tenth floor was "poppycock, this smells to high heaven." Smith was forced to give this to me to investigate and to issue a **written** decision. I already was the lawyer in charge of deciding which retiring Admirals EB could hire, what they could NOT do, and re-writing their PDs so they did not break civil and criminal statutes governing post-government employment. This was an easy case to decide, but no one except myself saw the implications if I ruled that my MAJOR CLIENT, the Contracts Director, was violating EB's policies and procedures, and that Ms. L. was violating numerous statutes and Navy regulations. EB had no control over her activities. Based on my opinion, our GM ordered Dale B. to stop dating her immediately or he would be sent to an obscure job where he had no contacts with SupShip Contracts Dept. The Navy's attorney, a former female colleague in OGC, could not ignore the situation. She had Ms.



L. transferred immediately, for about two years, to SupShip Boston, where she handled far less complex and sizable contracts as her penance. This thoroughly pissed off Mr. B. who would not speak directly with me for several years thereafter. This *silent treatment* by my major client made my job advising him and his staff much harder than necessary. SupShip Contracts also was angered by losing one of their sharper CAs.

Merle and I were drinking buddies before I quit in November 1985, especially when his wife went back to GWU for one year's residency to complete her doctorate in psychology (she had, and still has, a reasonably successful counseling business in New London.) Merle's major weaknesses were his inability to perform all the supervisory duties of a department head and his blind spot that prevented his seeing that he was under very close scrutiny by the President, Jim Turner, a Virginia gentlemen whom EB stole from NNS, as well as the VP's who all correctly suspected that the main reason Merle got the job, rather than an outsider, since I had been disqualified by my "disease," was that none of GD's other 29 law departments was headed by an African-American.

GD's annual salaried performance evaluation carried the acronym, SPADR. It had to be performed by the end of March in order that merit raises could be included in the employees' first July paycheck. HR took this very seriously, but MJS was very delinquent every year despite my offering to draft an evaluation of each law department employee for his review and signature. The beginning of Merle's demise came when he stupidly answered a typewritten memo from President Turner replying to the VP-HR's request that MJS be made to submit his delinquent SPADR's within one week. Merle wrote a snotty reply in the margin that he was too busy practicing law to attend to the mundane task of evaluating his staff. He did not mention my offer to take care of the matter, except, of course, for my own evaluation.

Jim Turner and Joe Doyle wrote back, also in the margin of the original memo, that Merle was only performing half of the requirements of his Position Description and that if he could not perform ALL requirements of his job, the two of them were prepared to fire him, bringing in someone who would do so. At this point, Merle brought this memo and marginal comments to my office, almost crying, ask-



ing what he should do. I answered, "Reply to the effect, *maxima mea culpa*, that with Walt Jay's help I will get the SPADR's done by end of next week." I don't know if this transpired, but Merle was soon gone as DC. Note: he had never been made a VP, was WG-10, not 9, which grade and title were conferred upon his white successor.

Dan Hapke started with GDC in St. Louis right out of Washington University's LS. He was a tall, relatively handsome man who later confessed to the younger labor lawyer, Rodger Lehr, that he never spent more than one third of his time in any position actually doing the required work. Rather, he spent one-third sucking up to his superiors, and the other one-third looking for his next job. When GD moved its CHQ to Falls Church, VA, Hapke gladly went along although his first wife divorced him about that time. After several years in Falls Church, CHQ sent Hapke to San Diego to be the GC of a subsidiary manufacturing cruise missiles. Hapke diligently studied for and passed the very difficult California bar exam. Soon thereafter, Martin Marietta acquired that division and informed Hapke that his services were no longer required. Initially, Hapke was thrown a few bones by the San Diego and LA offices of Sellers, Conner, & Cuneo; but he had remarried (an obnoxious woman from Texas who drank her bourbon straight and smoked like a cowboy, cigarette dangling from corner of her mouth.) She was a square plug trying to fit into a round hole when she attempted to socialize with the other VPs' wives in Groton during Dan's short tenure at EB. Among her other eccentricities, she raised the Texas Republic's flag each morning at their East Lyme McMansion. Dan also felt that he was not earning sufficient income at SCC.

Hence, he contacted GD CHQ and "called in his chits," reminding the GC and CEO what a "good soldier" he had been by relocating to Falls Church, then San Diego, causing marital turmoil and now loss of income. Fortunately for Hapke, his request to be "taken care of for past services rendered" coincided with Smith's pissing off President Turner and VP Doyle. They killed two birds with one stone by firing Smith and bringing in Hapke as GC and VP. GD management undoubtedly knew that they would face an EEO lawsuit from Smith, but fired him anyway. EB got off relatively easily by paying Smith a lump sum approximating his salary of \$100,000 and hiring him as a consultant for the following year with a guarantee of at least another \$100,000. This

was confirmed to me by both Smith himself and by Doug Peachey, the older of the two employment attorneys, who worked on the settlement.

Hapke and I had met at several annual counsels' conferences in St. Louis a few years prior, but by no measure knew each other. However, he wasted no time in purging me as a remnant of Merle's reign, plus the fact that I had seniority over all EB lawyers and was almost ten years older than he. His first SPADR of me, in March 1995, ranked me as a terrible lawyer. I had fallen from a 1K (1 being top of 5 numerically, and K as key employee) to a 4S (satisfactory.) I was given maybe a 2% raise. I took written exception as permitted by HR and filed it in my personnel folder. By January 1996, he called me into his office and threatened to fire me within two weeks if my work had not improved. Oddly enough, none of my clients had criticized my work. *Au contraire*, such hard-to-please clients as Fred Harris, VP Nuclear Engineering, who was later Program Manager-New Construction (and now, President of National Steel and Shipbuilding in San Diego), gushed effusively about my timely, effective advice. I recognized this as the pretext for firing me that it was and took preemptive measures.

At this juncture, I asked my female career counselor in Rocky Hill, whom I saw on the way to monthly NCMA meetings in Hartford, to recommend several plaintiffs' employment law firms because I realized that if I did not sue EB, I would not last until I turned 53 at the end of June 1996. The significance of that date was that once I was within two years of my early retirement date (55th birthday), I could be "bridged to early retirement," i.e. would not receive anything from EB the next two years, but **would receive a reduced pension two years thereafter.**

I settled upon a bright young lady named Mary Kelley with a prominent Hartford employees' rights firm and paid her a \$1,500 retainer. She immediately wrote EB HR generally, and Hapke in particular, a scathing letter pointing out, because of my research of my personnel file and SPADR's showing that I had been a 1K ever since my hiring in 2/79, she would sue immediately for ADEA violations and several other types of discrimination. This had the desired effect. Hapke agreed to meet with me immediately in the presence of Dan Clancy from HR to review my prior two weeks' performance and to give me

assignments for the next two-week period, which, in turn, would be reviewed every two weeks thereafter. Despite our written agreement that I could remain through the end of June, Hapke was still threatening to fire me on June 29th when I had hit age 53. So much for written promises from GD and EB management.

My work had never declined in quality, but over the ensuing five months Hapke must have come to his senses because his treatment of me steadily improved, and my assignments returned to including very significant matters. He made no apology for my not receiving a merit raise on July 1st, but surprised me by giving me a “catch-up” raise on September 1st, a much improved SPADR in March 1997, and a decent raise that July 1st. Therefore, I was almost a happy camper again. It looked as if I could stay as long as I wished, maybe even until February 14, 2003, when I would make “Magic 85,” i.e. the sum of age and years of service, at which time a **full** retirement was paid.

Hapke surprised his staff and mightily disappointed EB’s top management by announcing at the 1997 Christmas party that he would be leaving in two weeks to become General Counsel of Thiokol Corporation in Salt Lake City. No one missed his obnoxious wife, but Legal was severely damaged again. Shortly before Smith’s firing, during an 18-month period during which EB foolishly explored going into commercial markets, Tom Kehoe, now a State Representative from Glastonbury (this further lowers my opinion of the average IQ of our General Assembly), who had been **fired by ABB** in Windsor, was brought into to help me because I was deemed too specialized in **government** contracts to handle all the commercial contracts that the new GM from B&W, Roger Tetrault, foolishly sought, but which never materialized. Due to that shortfall of work and the angry retirement upon two-weeks notice of Patent Counsel Bill Everett (when Merle denied him his first annual merit raise in 27 years with EB), Kehoe was given export controls, intellectual property, and some international contracts.

Upon Hapke’s sudden departure, Kehoe, like Merle before him, was made **interim** DC, not made a WG-9 and VP, and was told he was on probation. GD’s GC again spent eight months searching for an outside candidate before reluctantly making Kehoe’s appointment permanent, but only as Division Counsel, not a VP General Counsel at WG -9. I soon discovered both how little work Kehoe had done and how

poorly he had performed what little work he did. His **entire workload** was transferred to me because, as he said, "Neither of the two employment lawyers nor the woman lobbyist and environmental lawyer, Rose McBride, could possibly do it." Do you think that I got a raise or bonus for doubling my workload? Not a chance. Kehoe also sent me, with posits, most of the work he received while DC, and I replied directly to the client, so it was no secret as to who was the best and hardest working lawyer in Legal.

Notwithstanding the foregoing, in March 1999, Kehoe, saving my SPADR for last—pissing me off because everyone knew I was taking two weeks vacation for the first time in many years to see the Red Sox' spring training in Ft. Myers, entered my office, slamming the door behind him. He said, "this will take only 30 seconds because you won't be on the payroll on July 1st!" I asked him what the fuck he was talking about. He said, "I promised CHQ and (GC) Savner that I could make a contribution to EB's overhead reduction campaign by downsizing EB's legal department from five to four by getting rid of one lawyer. You can quit or be fired!" When I protested that I was the best, most experienced lawyer with the heaviest workload, he shoved an ADEA release form and a six-month temp agreement under my nose and said that I had seven days to accept or reject both. Then he dug his hole deeper saying, "You are now past 55, the oldest person in Legal, the only one eligible for a pension, and you owe it to your younger colleagues to take one for the team." I told him, "Go fuck yourself!" and immediately called a lawyer friend at Suisman Shapiro and asked him to set up an appointment ASAP with his labor law partners to discuss whether I should put my tail between my legs, signing both documents, or sue the rotten bastards.

My friend set up a meeting with Jay Berryman, both EB unions' favorite Workers Compensation lawyer, plus two of his colleagues, and the four of us discussed the matter and reviewed my prior SPADR's including especially mine under Kehoe which were above average (I never regained 1K status.) To my utter surprise, these guys told me a) we recommend that you keep your 401k funds instead of giving them to us, and b) as a professional courtesy, there was no charge for their services.

They explained that white males in professional jobs fared very poorly as ADEA plaintiffs, the thought being that the victim should quit whining and go out and get another job. Also, for all ADEA plaintiffs, only 18% won at trial court, and half were reversed by the federal Circuit Courts of Appeals. Jay was aware that during my last year at EB I had seen my cardiologist, a newly retained neurologist, and had resumed psychological therapy for angina, migraines, and depression, respectively. He said that because it would be difficult for a government contracts attorney to find work locally, I should take the temp job which called for a maximum of 40 hours work per week at \$75/hour for a term of 26 weeks. I had lived in a duplex with my younger son Mike, the tattoo artist, since July 1995 which was two blocks from the shipyard, so this job would continue to be an easy "commute."

From the outset, Kehoe breached our written mutual agreement that I would work a full 40-hour week by saying the maximum was now 30 hours/week. I should have sued the SOB's immediately for clear breach of contract. Nevertheless this produced \$3,000 per week, I started drawing my pension, and I was getting health insurance (for next 18 months) at \$211/month via COBRA. Demonstrating GD's ulterior motive of essentially capping my pension and stripping me of my benefits, I reported daily to my former desk, used my former PC to service my former clients, doing identical work as when I was an employee vice a "contractor." Because Apollo Technical Services, my job shop which supplied EB with engineers already, accepted a rollover of my Defense Dept. Secret clearance, I lawfully continued to sit in on classified meetings and review similarly restricted documents. However, after the six-month contract expired and I became simply an outside lawyer, EB Security knowingly "fudged" regarding my then-expired Secret clearance. My duplex sure as hell was not a "cleared facility," yet it was full of classified contracts, etc. Security also connived in this fiction because they both a) gave me a **permanent** orange **visitor's** (is this an oxymoron?) parking pass closer to the front gate than ever before, and b) put a horizontal red stripe across the top of my visitor's badge so that I could continue to attend restricted meetings.

Everyone was highly satisfied with my work, and I fully expected my initial six-month contract to be extended when it expired, ironically, on Halloween. No way, Jose. That complete idiot Kehoe let it

expire without ever discussing its renewal with me. When it became apparent that I was leaving again on October 31st, my colleagues for whom I had fallen on a spear, threw me a second retirement party, even better than the first one, complete with black and orange cake, jelly beans, and balloons completely filling my office. I still wonder why Kehoe did not have the balls come down from the tenth floor and wish me *bon voyage* a second time. The answer comes quickly below. (Hint: it was not my last EB gig.)

So I cleaned out my desk for a second time, accepting sadly that this truly was the end of my association with EB. Wrong. Kehoe, being a total fool, re-assigned my complete workload to Rodger Lehr, the younger of the two employment lawyers. This was a ludicrous situation, one of this nation's only two nuclear submarine shipyards, and it no longer has a government contract lawyer on its staff. But because they are such bastards in the way they treat ALL employees, they still found it necessary to keep both employment lawyers (who were busy defending other wrongful discharge actions) and a diabetic environmental lawyer who had been stripped of her lobbyist duties, and hence had nothing to do! Lehr had the time, but not the know-how, to trifle with my work load because Susan Levy, the Bitch from J&B's Chicago litigation department, had stripped Lehr of his trial case load in local courts and at CHRO. Rodger was one of the **most obnoxious persons** I have ever met. But he supposedly was an excellent trial lawyer and was working for one-third or one-fourth of what a similarly qualified outside lawyer would have charged EB. Not to worry, J&B started sending lawyers from D.C. and Chicago to try the rinky dink cases that Rodger and Doug had handled successfully. As with my wrongful discharge, this was a completely **ultra vires** act undertaken to unjustly enrich J&B by ripping off non-insider stockholders by increasing subsidiaries' outside legal fees by three or four times what they had been formerly when large, competent, in-house legal staffs had handled the bulk of these matters. I tried, but could not find one, to hire a lawyer to sue GD on a shareholders' derivative liability lawsuit for the officers and directors affiliated with J&B unjustly enriching themselves. I even told Pat Kilcoyne, SupShip Groton counsel, outside the Groton Radio Shack, just before I left for Montana that she, the ACO, and local DCAA could make real heroes of themselves

by disallowing ALL of J&B's billings by the amounts they exceeded the salaries of all the 55-year-old former attorneys whom Savner and Chabraja had fired since the beginning of 1999.

By Tuesday of the first week of November 1999, Lehr called me (since I was not reading or replying to any emails being thoroughly pissed off at the world and EB) stating that a) because HE could not handle my workload, b) Kehoe was too mortified after having fired me twice to call me, c) Tom approved verbally my being re-hired without an intermediary because I possessed a CT law license, and d) EB wanted to know if I would work as outside counsel, in advance of a PO, and what my hourly rate was. I answered that I charged my other small business clients 150 Yankee dollars per hour, although I would never let a client work in advance of a written contract, but that I knew where to find EB if they reneged on paying me, I could start immediately.

Thus, I started my **third** stint at EB legal. Traffic gave me back my permanent visitor's parking pass. Security even intentionally made the mistake of giving me a visitor's badge with the red bar across the top signifying I still possessed my Defense Dept. Secret clearance. I did not undergo a separate security clearance investigation and my duplex sure as hell was not a "cleared facility," but who cared. By March 2000, I was billing EB about \$12,000 per month in addition to fees earned from Flight Safety Technologies and BST Systems. Most days I worked from my old office with same PC after I was given a new user name and password. Often I used my internet mail accounts with hotmail and yahoo to avoid the EB server.

Whenever Chabraja or Savner visited EB, whether known in advance or suddenly, I was asked to go back home and work from there until Irma, the last paralegal, called with an "all clear"—at which time I walked the two blocks back to the shipyard. No point in losing my good, first row visitor's parking place. As an outside counsel, my monthly bills **had to be approved by corporate**, yet those SOB's maintained the fiction that I had left for good 4/30/99. As it turned out, I outlasted both Kehoe and Lehr. Rodger was fired 4/00 for continual bitching about having his trial work removed. Kehoe was as incompetent as he had always been. In June 2000, he was asked to take a demotion from DC on tenth floor back to being a worker bee with



us on ninth floor. I assumed that Savner would have sent Joe Chontos (current VP-GC) then. He refused, so he was fired, i.e. walked the plank with no severance. That left Doug, the older employment lawyer, and Rose McBride, the environmental lawyer who had taken over export licensing so I could concentrate on contracts and IP, as the only two *employees* in the legal department. To show MY continued good faith, I volunteered to return to my former temp arrangement during the summer of 2000 so **they** could take vacation. I worked 45-hour weeks in exchange for a reduced \$75 hourly rate until Labor Day when a new GC, Joe Chontos, reported from Corporate Legal. He had been an Army JAG doing procurement law, spent some brief time at J&B, so he knew government contracts. I returned to my \$150/hour rate as “outside counsel” and expected my hours would be drastically slashed.

Not so, Joe called me in for a meeting, we hit it off well because we were both Chicago LS grads, and he said he would need months to learn EB’s culture and shipbuilding prime- and subcontracts. Hence, my workload and monthly billings remained at about \$10,000 until July 2001 when Joe hired a laid off IBM IP attorney, and Purchasing informed me that I had almost exhausted the \$45,000 funding allotted for that CY. So, for August 2001, I was paid to train Peter Schwarz in FAR, etc., and then rode off into the sunset (Montana) at the end of August. A total run of 28 months in EB Legal after my first firing. Not too shabby. When I exhausted COBRA and was quoted \$1200/month premium by BC/BS for an individual policy, I rejoined the Connecticut Bar Association on my own nickel for yearly dues of \$195. By doing so, I got group health insurance from NEBCO for \$375/mo. This tided me over until I joined Envirocon’s payroll on September 1 although I did not start work until mid-month. Hence their BC/BS of Montana paid for my injuries incurred in an auto accident in South Dakota’s Badlands near Mount Rushmore.

Before I left EB a final time, Ingalls in MS interviewed me via phone and then in May 2000 in person at the Pascagoula MS shipyard. My totally incompetent assistant who stole my job in 1979, Bill Pressly, having Peter Principled out at GS-15, was still SupShip Counsel. Compounding his maliciousness of 21 years’ previous, when he found out from UTC’s Government Contracts Counsel, Patrick Gnazzo (former head of the Navy Litigation Office—successor to the aptly called CAD,



Contract Appeals Division, in those bad old days) that I was headed to Ingalls' Contracts Department for only \$60,000, the little turd grabbed his ACO and cried to Ingalls' HR VP that I should not be allowed to come back to work on the "other side of the fence" 21 years after I had left OGC. Between them, they concocted a bullshit story that my work for EB constituted a COI because GD also owned Bath Iron Works. BIW was Ingalls' major competitor for non nuclear surface warships. The HR recruiter, like the Chicago HEAD HUNTER re the NNS job many years earlier, called me to say that while the Navy's objection was a total lie, they had no choice—given business realities—but to withdraw my offer. This was done despite the fact that they had already extended to me their job offer which I had also accepted already in writing. So both sides realized, but could not state publicly, that my offer to work in Ingalls' Contracts, not Legal Department, had indeed been killed to please the Navy lawyer. The Navy is full of low life bastards who stab people in the back and deny them chance to earn a livelihood.

In May 2000, I got an email from NCMA's Central CT chapter containing a meeting announcement from Pat Gnazzo and Paul Robert about that June's CCC gala end-of-program-year meeting (free booze etc.) I hit "reply all" button and shared my "good news" with them that I would miss the meeting because I was going back to Pascagoula. They told Greg Garner, by then a Hartford area management-side labor lawyer who, in turn, forwarded the message to Pressly. It then wound up being hand carried into Ingalls' HR VP's office by Pressly and his ACO demanding that my job offer be quashed. Greg Garner, who, as a GS-12, became one of Pressly's two assistants, just totally misled me about what he thought concerning my former assistant and his boss (WP) at Pascagoula. Then, for no good reason, Garner stabbed me in the back by sending the Navy, both Pressly and others in OGC Central, a "heads up" that I was coming to Pascagoula as a non-practicing lawyer in Contracts, working for the Contracts VP, my former Gautier neighbor, John Arledge. The deal included a salary of \$60,000 and the right, along with the other three or four attorneys in Ingalls' Contracts, to go head to head versus Pressly (and flunkies) without using Ingalls's legal department.

I think no one misinterpreted my jocular remark that "I would kick Pressly's butt (in negotiations)" as a "threat" in a physical sense. Rather,

the ACO in 2000 and Bill Pressly were deathly afraid that I would be too formidable an adversary. Therefore they did not hesitate to do all in their combined powers to quash my offer. Not every shipyard can get a good attorney in their Contracts department that cheaply. I also was pained that because my patron, Ingalls' VP, John Arledge, as well as the recently retired GC, Bill Powers, had initially *sponsored* me, their VP-HR then caved so easily when Pressly raised a ruckus. Ben Mullin, the recruiter who arranged my interview and visit, sent me a totally bullshit letter saying, "Upon further consideration Ingalls was rescinding my prior (written—I still have both letters) offer of employment due to MY having a financial conflict of interest," i.e. General Dynamics owned both EB and BIW—Ingalls' major DDX competitor. The big lie, of course, was that if anyone were to be injured by my employment at Ingalls, it was BIW, and they had no objection to my joining Litton. Pressly stabbed me in the back again, 21 years after he had stolen my job as Counsel Code 130. I should probably not carry this resentment to the grave, but I will, and fervently hope to live long enough to piss on his grave.

A more benign explanation for this fiasco would be that I did not do sufficient "due diligence" about working for Ingalls after having been on the other side of the table from 21-25 years prior. Ben Mullins in HR implied that he had gotten slapped around really hard by the GC and HR-VP for not considering whether my being hired would provoke that kind of frenzied reaction inside SupShip Pascagoula. After I took violent exception to my being "unhired" for blatantly false reasons, Mullins and his woman boss in HR, not the VP, blocked my emails. I ascertained that Ben still worked for NNG/Marine (he had talked of retiring at the end of 2000) because American Shipbuilders' Association sent him and Dale Banks, as well as other top shipyards' contracts officials some policy paper on Other Transactions. I was the one who raised the questions in my three interviews (VP, Director, and Manager to whom I would report): a) since Pressly was still there and Ingalls Contracts let their attorney/contract administrators go one on one with him, and he had stolen my job, did they think this would prejudice them in the Navy's eyes, and b) did Ingalls believe that I had a financial COI because i) GD owned both EB and BIW, ii) I was receiving GD pension, and iii) I had nearly \$200,000 in GD stock. **They had**

**not even thought about the latter.** Yet that was the “ostensible” reason they gave for rescinding their job offer. As to the former, they said they had thought about it but felt that I would act in a mature manner and not let any old animosity color my business dealings with Pressly. That was how I would have handled it. Yet, that turned out to be “real” reason why my job offer was rescinded one week after I had accepted it and returned to CT, starting to plan my relocation. (I had already picked out a 2BR condo in Pascagoula.)

The long term AA view which I have taken is that it was best that I put my questions on the table and that Garner stabbed me in the back by giving Pressly a “heads-up,” because if I had shown up down there, **then gotten fired** for this reason, I would have been Shit Out of Luck. At least in CT, I had EB as a client at \$150/hour through the end of August 2001, my younger son Mike and his daughter Aubree lived nearby, and I was surrounded by many friends from church, AA, and the Democratic City Committee. Also, the doctors I had seen for more than 20 years would not have to be replaced, etc. Thus, most of my bitterness towards, Macmillan, Garner, and Pressly has “passed.” But it revealed that they were all spineless turds, and that Gnazzo and Robert would not apologize to me for ratting me out to OGC HQ even though they were responsible for inculcating “ethics” in their UTC troops. I had tired of driving up to Farmington on my own time and money for Central CT NCMA meetings. G. & R. by then had totally taken over the chapter and held all meetings at the Farmington training center. Postscript 2007: Matters within UTC and at P.W., in particular, worsened over the ensuing seven years; namely, the Central Connecticut chapter events were now held on “company time,” i.e. they start at 1500 with a seminar, culminating in an evening meal, at a total cost of \$50. That is all well and good for the UTC minions, but totally excluded all non-UTC employees both for cost and lost work reasons. Gnazzo left UTC for a job with a Long Island company, Computers Associates, which promptly was debarred and humiliated in the financial markets for severe ethical lapses that he either allowed to occur or failed to detect and remedy. So much for his practicing what he preached! 2009 news-flash—Bowling to economic pressures, UTC has just asked CCC NCMA to find somewhere else to meet. This was the sad end of an old chapter.

## CHAPTER 17

### EARLY DAYS “IN THE PROGRAM”

Dixie, while she was divorcing me in 1985, let me sleep in our basement with the cats. which was not all that bad. We had a bathroom there, and I could leave through the mud room and garage without seeing her or the boys. I was still part of the legal team trying the 2nd half of the Grayback death case in Marshall, TX. I spent the week in mediocre hotels in east TX and continued to live off my expense account. So it was no privation to be paying the mortgage and everything else associated with the household. One night I came home from a business dinner at the Norwich Inn where I had been with our outside counsel from DC and intended to stop at two drinks. Instead, Dixie heard me crying while sitting on the bed bemoaning the fact that I had not wanted to get drunk and did not understand why I could not control my consumption. With her understanding of physiology and practical AA knowledge, she explained that when one is hit with the sudden complete loss of tolerance (two drinks put us on the floor on our butts when the day before we could hold a fifth), that is the end of the trail. After she threw me out of our Oakdale house, to a one bedroom apartment in nearby Salem, I lasted through only 17 days of binge drinking before I suffered the two and one-half hour blackout in a blizzard which convinced me finally that I was absolutely powerless over alcohol and that my life had been unmanageable for several years. Everyone has his or her own unique story, but mine started with a shattered wisdom tooth back in Pascagoula which led to a nine month period of complete abstinence.

In summer 1985, I was not a happy camper when Dixie filed for divorce, especially when I found out the circumstances under which she “found” her attorney, a red headed vixen named Lorraine Eckerd. She was then a partner in a Norwich firm with an AA lawyer whom I unfortunately still see several times each month at meetings for lawyers, and occasionally for regular members. This guy, about my age, “13th stepped her” which I surprisingly never suspected, so I was surprised when she made that amend to me after she became “terminal.” For the next several months, Dixie let me sleep in the finished basement (which we used as our family room with TV and stereo) with our two cats on the weekends when I was back home from helping try a case versus GD/EB in Marshall, TX. But this *truce* inevitably ended, and I showed up for good with no more places to hide on Halloween 1985. She had left a restraining order on the dining room table with a “trick or treat, Happy Halloween, get your ass out, the sheriff is coming in one hour if you are not gone!” note. I had lied about not looking for an apartment while home on previous weekends, so I was out of there in the allotted hour. I had an old Datsun B210, four-door sedan whose back seat folded down, as if I could have had golf clubs. It helped move lengthy items. I rented four miles away in another town so I could see our boys on weekends at my place. They hated it because the master TV antenna (no cable then) in my building had failed, and we only got two channels on rabbit ears (CBS out of Hartford and Norwich’s PBS.)

In only three weeks of living alone, I was quickly over the brink and into binge drinking. I had a strange sort of “out of body experience” seeing my arm and hand holding the tumbler of straight whiskey on the rocks as not being attached to me. The night of my last drink, I somehow lived through a two-hour blackout on my way home from the URI vs. UConn football game in Kingston, RI. A blizzard started as the game ended. The last thing I remember was talking to a Sigma Phi Epsilon named Rudy next to my Honda Civic. Being “blitzed”, I drove off leaving my stadium chair and radio where they had leaned against a tire. I drifted off course by about 45 degrees, “coming to” at the Sunoco station in Oxford, MA. It was just west of I-395, south of Worcester, long enough ago that the four-lane highway was still designated Route 52 in both CT and MA. It was a “straight shot” (poor pun intended) one hour north of my apartment. I laminated the Sunoco

## Early Days “in the Program”

gas receipt from my blackout and used it as a bookmark in my first hard copy of the Big Book. I am forever thankful that the kids refused to go to the game with me because it was very cold, with heavy snow forecasted. Upon getting home, I called Dixie and told her that I was finally ready to “admit that my life was unmanageable.” I had known the truth for at least the previous three years that I was “powerless over alcohol.” She told me that I could have two drinks on Sunday to avoid having the DTs.

My late wife took me to my **first real** AA meeting the next day at the paper board factory in our hometown. Luckily, the chairman who was also an EB salaried employee gave me the EAP Director’s name and phone number on the back of a raffle ticket. I called Ken S. on Monday morning and walked over to his office in the Benefits Building. He asked me, “Who do you think I am? Some kind of miracle worker?” It turns out that he was. After a few phone calls to the “top shelf” rehabs in RI, (salaried drunks were not sent to the old Starlight Farms), he called me back before COB to tell me that High Point had accepted me for tomorrow. Dixie drove me to this rehab in RI Tuesday morning with a paper shopping bag full of extra AA books she had accumulated via her uncanny luck of winning raffles. She had five or six pigeons supplied already!

I could foresee that when the trial in Texas ended, I was destined to finish my career at my desk because GD had already decided that we would not sue the Navy except in extra-ordinary circumstances. I hated the prospect of doing nothing but Terms and Conditions for a succession of legal liaison representatives at Purchasing. I had been applying for jobs all along. In the summer 1985, a dangerous hurricane had hit SE CT. Power was out for almost one week. We used water from the swimming pool to flush toilets and bathe. I went to Rockford, IL, for a job interview with Sundstrand before its merger with UTC’s Hamilton Standard in the ‘90s. I was drunk on the plane to O’Hare, drunk when I picked up the rental car, drank more in my hotel room at the hotel with the famous clock tower, and was still drunk, not hung over, during the interview. What a waste, that was a job for which I was exceptionally well qualified and I had the IL bar.

It was a *gift* that in September 1985 I was flown from TX to San Diego via Salt Lake City for a weekend interviewing with Southwest

Marine, a small repair company with yards the length of the Pacific Coast, e.g. San Diego, Long Beach, Portland, and Seattle. I would have been a contracts manager traveling constantly which would have allowed me to continue living off an expense account, i.e. some one else (ultimately, the U.S. taxpayers.) As kids say now, "What was there not to like about this setup?" My hotel in El Cajon on I-8 had a Bully's prime rib restaurant, the tropical drinks were tall and sweet, and the long-legged thin blonde waitresses got me to thinking of who I could be dating once the small matter of our divorce was out of the way.

SWM accommodated me in every way conceivable. They agreed that my salary would be only \$50,000; whereas my end-of-the-year, under-the-table cash bonus would be \$35,000 so as to defraud Dixie by understating my pay. They also agreed that the movers would pick up all our belongings in Oakdale and drop the bulk of them in Montrose, CO, where Dixie's parents had moved from Scottsdale some years earlier. Being a control freak, I had already ordained in my mind that I would sell the house, and that she and the boys would move in with her parents. The few things that I was allowed and/or wanted to keep then would continue on to San Diego where I would rent a 1 BR unfurnished apartment. I thought that I would soon be living in the paradise where Dixie and I had honeymooned and which we visited frequently when my pal from Tallahassee was on active duty in Imperial Beach. I was on the verge of accepting this job in San Diego, when I had what I call my first "spiritual awakening" in my hotel room. I woke up at 6 A.M. the day of my departure drenched in sweat, with the realization that I, too, was an alcoholic and had been one for many years. I phoned SWM and told them I had decided to turn the job down after all. That proved to have been a life-saving move. The Engel brothers who owned it both were coke heads. One of their wives locked herself in a bathroom at the company's Christmas party held at Art's house that December and blew her brains out. Had I taken that job, and if I had traveled the West Coast with an expense account, I have no doubt that inevitably I would have gone into drugs on top of the booze and been dead very soon.

It helped immensely that Dixie was in the program for nearly two years when she summoned up all her courage and threw me out of



## Early Days “in the Program”

the house at 98 Leita Drive. She was very scared because she had not worked (GS-9 lab tech in Phoenix with USDA) since Will was born 12/24/73 which gave her valid reasons to have had big economic fears. Since I, too, was and still am an alky, she wondered both if I would pay child support and alimony, and whether I would keep my job at EB. Luckily, because I turned myself in and requested help, EB gave me a chance and I did not blow it—partly because of my two periods of abstinence years earlier when I drank again. I saw that “my disease had been in the parking lot doing pushups while I was dry as dust and twice as useless.”

I had my return ticket from San Diego to Hartford re-written by Delta so that I could return via Tallahassee where I had a brief heart-to-heart talk with my mother who was drinking increasingly heavily after Dad’s death 12/18/84. I told her bluntly that I, too, was an alcoholic, that I needed to quit, and knew that AA worked because Dixie had “white knuckled” her way through nine months by then. Mom had given me money to hire Hy Wilensky, a New London collections lawyer to whom I had thrown EB’s work, to defend me in the divorce action. Being a drunk, I had the *chutzpah* to have actually demanded custody for myself! What a total farce that would have been. I messed up badly raising Will and Mike with three and one-half years’ sobriety when Dixie died! Mom did give me \$5,000 when Dad’s sister Lillian finally died in Atlanta. I used it to pay my apartment rent. Thank goodness that when the well water failed (TV antenna never worked) in July 1986, the property manager bought my argument that I had been “constructively evicted” and let me out of my one-year lease three months early. I had been going to EB in sweat shirt and pants over a T shirt and shorts carrying my suit, shirt & tie, and clean underwear in a plastic hanging bag. I would work out at the Fitness Center first thing, and then dress for work and ride the elevator from the basement executive parking to the Law Department on the ninth floor. Dixie took pity on me and let me take my shower back at our house which was sort of on the way to EB.

When I got out of my lease, she relented partially by letting me back into the house so long as I again slept with the cats in the family room downstairs. Eventually, I “bought my way” back upstairs by taking \$26,000 out of my 401k and giving it to her to re-model the



downstairs in whatever fashion she wished. She worked with a remodeler, Joe Roy, an honest, capable journeyman and produced a very nice master bedroom downstairs in the old family room, her master bathroom with walk-in closets on three sides and a very nice double vanity and tub/shower with glass sliding doors. So, she joined me in the MBR as wife. However, she never dismissed the divorce papers. She kept them hanging over me until the statute of limitations ran while she was dying. Hence, we were in our dream home for less than one year before she developed “bronchitis” which was really an aggressive form of small cell lung cancer that killed her in less than two years.

At rehab, I was the oldest person at 42 by far out of 40 patients in two 20-bed wards! I also was just about the only “pure alcoholic.” Dixie and the boys visited each Sunday, but she remained firm in her conviction that I was still definitely out of the house and the divorce was going through to its conclusion. I had drunk primarily manhattans and wine from stemmed glasses. That is, before I started buying weak canned cocktails by Seagram’s from Fox’s Liquors on Mitchell Street or the Yellow Front Package Store in Hodges Square, New London, and drinking them on my way home. At the very end, I had “graduated” to buying full bottles of sweet vermouth and whiskey, pouring off about 8 oz. of booze into an empty half pint bottle, and then filling the whiskey bottle with 8 oz. of vermouth. That made a perfect 2:1 manhattan that I then poured into an empty Pepsi can that I hung from door in one of those cheap door beverage holders before the cars came with the recessed variety. A “pure” alky—is that an oxymoron, or what?

I had not done drugs in years. Everyone else was “cross” or “poly” addicted. The youngsters from East Providence had done pot, coke, horse, downers, uppers, and the whole nine yards. I spent all of my free time in my room. I recall that my longest tenured roommate was a first line supervisor nearly my age from EB’s Quonset Point hull manufacturing facility. Instead of “bonding with my peers”—none of them were my “equals,” I wrote a 28-page Fourth Step for the older of the two Catholic priests who were our “spiritual advisors.” Because the younger one was a recovering cokehead, and my not being Roman Catholic anyway, I felt more comfortable talking with the older priest who was also the chaplain at Providence College and had been the

same at Georgetown previously. After reading my “tome,” he told me that I had not done anything that the vast majority of male drunks hadn’t done before me, but only better. I found out back in the meeting rooms in the “real world” that there are only two kinds of alkie; cut vertically, men and women; horizontally, sober and using.

Ken S., EAP Director, conditioned my getting my job back upon two sets of actions: first, I had to attend at least five meetings per week; secondly, I had to go into therapy with the MSW of his choosing. Oh, yes, I also had to obtain a sponsor within my first week out. Dixie knew that it was beyond my capabilities as a totally not humble person to ask some older man with lots of years to help me. Therefore, she took matters into her own hands. She knew that I was the type who always sought “the easier, softer way,” which meant that I would do two of my five meetings on my lunch break from EB with my brown bag. She ascertained that there were two noontime step meetings at Faith Lutheran (known to AA’s as “Trails Corner”) on Tuesday and Friday that I would undoubtedly attend. EB was forcing me to attend, so they did not mind as long as I put in my full eight hours by a combination of coming in early and/or leaving late. Dixie approached a “council of elders” and begged that one of them would take me on as a “pigeon” (before that term fell into disuse as being not *pc*.)

After my first such meeting, a guy about my height, but at least 15 years older, came up to me, gave me his first name and said, “Junior, I drew the short straw, I am your sponsor. For now, all you have to know is that these are my five weekly meetings. Be there, you weren’t a DUI, so you drive. The other two nights you can go to meetings of your choice.” I knew that he knew everyone everywhere so I had better not lie to him about those other two. Hence, I “did 90 in 90”, the usual prescription for newcomers.

This fellow was quite pedantic having been a history and English teacher before he got his sixth year degree (a doctorate in Education without a thesis.) After a lot of years as his *sponsee*, his lecturing me chapped my ass. We had frequent fights over how to handle Mike, and it finally became our breaking point. I had “zero anonymity” about this matter anyway because his wife was a supervisory social worker for the Department of Children and Families who bossed the young lady social worker who had Mike’s and my case. We had been adjudicated

in Juvenile Court to be “a family with social needs” because I beat the snot out of him when he was 14 for trashing our rented house on Deer Trail in Oakdale while I was in Tampa shackled up with my girlfriend who had just moved to St Pete. So his wife also knew that part of “my story” in detail. Several of their daughters were alcoholics, so I could, and did, tell my sponsor, if he had all the answers on how much tough love is enough, how come he did so well raising them? In addition, my secretary’s husband supervised Mike’s Juvenile Probation officer.

Besides being demagogic from serving as a H.S. principal, my sponsor also refereed football and basketball games. After retiring, he was on the adjunct faculty of local colleges and mentored troubled kids. He was tough on me, and I needed it—up to a point. I dropped him several years ago over how much Tough Love had to be applied to Mike. He directed me to change the locks on our two BR duplex in Groton and throw Mike’s stuff out into the freezing cold and deep snow. I would not go that far. In January 2000 Mike rolled his Jeep Wrangler on I-95 in front of Levine’s Budweiser distributorship. He forgot to put his seat belt back on after dropping his daughter at her mother’s condo in Niantic. Mike knocked Christie up when he was a senior at MHS. I babysat my grand daughter a lot during her first five years because Mike could not pay child support while apprenticing at Flat’s Tattoos. So we provided daycare as “in kind” because by then I was working for EB primarily from home despite the shipyard’s being only two blocks away.

I go to three or four meetings a week and talk a lot with guys my age in the program about health problems and our getting old. We have lost a lot of guys in past few years to colon and esophageal cancer, naturals for drunks drinking whiskey straight if they were also heavy smokers. Thank God, I quit cigarettes in my early 30’s. I want to die sober, just not any sooner than absolutely necessary. It has worked, one day at a time, and I have been C&S 23 years. My sponsor nearly killed me for letting Bud Williams, LHS’ All State QB in 1960, who broke his wrist at UF and then lettered as a linebacker, put an apron on me and make me tend bar at Leon H.S.’s reunion in 1986 that I attended by myself while still separated from Dixie.

## Early Days "in the Program"

I also defied my sponsor by dating his next-door neighbor who "got friendly with me" at meetings that we all attended while her fiancé, who was dying of testicular cancer, was still alive. After Dixie died, she (15 years younger and a very pretty blonde with her BS in psychology, 3.75 GPA Roger Williams) and I went for coffee and ice cream with groups after meetings (a tradition that seems to have died.) We soon progressed to movies and dinners, but she was frigid and still grieving her fiancé, Peter, who had died one year before Dixie. So I dropped her hard, too hard (six-page, single-spaced harsh inventory of her), and went after women my age who wanted sex, also. The Sicilian lady who moved to St. Pete for a job at Stetson LS and left me truly broken hearted was the ideal next partner. When I dropped her home after our second date, she took the initiative by asking, "Would you like to come in and test my new queen sized water bed?" Pure unadulterated sex until she moved in June 1991.

Soon after Dixie died, I joined the Professional Singles Association which was then very active with dine-outs, hikes, volleyball, house parties, etc. I met my first love through an actual blind classified ad. I almost did not call her back because she replied by mail and her sticker showed the very uncommon surname of one of my more frequent EB clients. Because she sent her phone number, I called her and we went out that night. Nevertheless, at the end of my many weekend "sleepovers," she insisted that I stay until "he" dropped off or picked up their young daughters. I had to step between them several times to prevent fisticuffs. So I got the idea firmly implanted that adult dating came with its own special set of "drawbacks." In addition, this woman cruelly told Mike just before she moved to FL that "I don't want to marry your father because I could not stand being your stepmom!" Nice, light touch to use on a 14 year old whose mom had recently died.

Then I "hooked up" with a drop dead, gorgeous scientist who had been married two times previously, or so I thought. I saw her at a dine-out with an elderly member and asked the club's perennial Lothario who she was and what she did, etc. He gave me her name, but I had to look up her phone number and got her out on a date within ten days. Her parents were both Finns, and she not only was a real blonde, but she possessed the classic hourglass figure and was insatiable. She

lived in a two-story condo close to EB which was ideal for taking her out to dinner after work, getting it on for several hours, then arriving home before 10 to “tuck Mike in.” I did not immediately realize how badly this set Mike up for his drug and alcohol abuse as well as fathering a child during his senior year of H.S.

I dropped the blonde bombshell when she started looking for houses for the three of us (she circled in realtor’s guide properties where we could put Mike in either a mother-in-law apartment or small trailer that was already on the property.) I had also learned by then of her third marriage, in between the first two, that she had annulled (which, in her sick mind, permitted her to withhold the information.) Because she was shamed by my showing up in a satin LA Dodgers jacket and cap to drive her to an allergist’s appointment in Old Saybrook one Saturday, she opened her closet and threw a gray leather London Fog waist-length jacket at me and told me, “Never show up at my house again looking like a little boy going to a ball game with his dad.” In the same vein, one night while we were in bed, she saw the wristwatch Dixie had given me on her night stand. She jumped out of bed, ordered me, “Come here. Try these on.” Her reference was to three fake Rolex watches all with varying band lengths. She placed the one that fit me around my right wrist (yes, I am left handed) and said, “Now that you belong to me, never let me see you again with that other watch on.”

She also came as close (pun very much intended) to the Glenn Close character in *Fatal Attraction* as anyone I have met or seen in the cinema. She knew that my therapist was a Jewish woman at least ten years my junior whose office was on Lafayette Street in Norwich just south of Backus Hospital. She always tried to pry out of me what she and I talked about. After my therapist felt we had dealt adequately with my booze problem from her perspective, I kept on seeing her anyway to deal with grief, single parenting, dating again, and co-dependency issues (both Dixie, even in death, and Mike.)

After I started this weird, sensual relationship, the scientist obviously became one of our topics. The crushing blow to our dating occurred one morning when, at the conclusion of a rare 8 A.M. week-day session, I opened the door to leave, and this woman fell into the middle of the room because she had had her ear to the office door.

## Early Days "in the Program"

She got nose to nose with my therapist, and I thought a fight would ensue. I learned later that my "girlfriend" had been arrested twice for second degree assault, once on her second husband, the other time on a casual date. This woman left, returning to work, and the therapist and I spoke alone briefly, during which I was told, not advised, to drop the woman immediately or I was fired as her client. I arranged to breakup on the beach at UConn Avery Point. When the therapist learned that, she said, "That woman is a threat to you, meet in Friendly's (ice cream parlor) or a coffee shop, but it must be in public for your protection." I followed that advice, but being a horny male, eventually saw her again. I confessed to my therapist, and, true to her word, she dropped me, suggesting that going forward I stick to male therapists with EB's EAP whose offices were just outside of the shipyard. I did so for many subsequent years, and now see a Ph.D. and M.D. at the VA Mental Health Clinic for depression and recurring anger at Mike's travails that have kept me in CT long after I had wanted to move to FL.

The clincher with the scientist came the night of my AA anniversary. We were in bed, and afterwards, we discussed where we could go to celebrate. I suggested the usual dinner; afterwards I would stay the night. She, instead, insisted upon my taking her to one of the two Indian casinos. I told her, "I don't go to those places. Besides being an alky, I used to have a gambling problem." It was just betting on football with Motorola co-workers, but Dixie made it plain after the first year of our marriage that she was tired of emptying ashtrays, fetching beer, and watching me "double down" and lose more than beer money. The scientist insisted, so I ended it for good. When I got home, I called my sponsor and told him, "I was in the Garden of Eden tonight, and the snake spoke to me and told me I was not an alky." He congratulated me on finally heeding his and the woman therapist's advice. The snake had also chided me earlier asking me "Why do you still have to go to those goddamned meetings?" and "Can't you have just one glass of wine?" That was, and still is, dangerous territory for an alky still grieving the loss of a wife of twenty years who was his strongest AA friend.

Regarding ladies in the program, I definitely do not do the 13th step. Strangely, after those two lengthy relationships, I have not dated a woman in the program again. I realize that we all have much more

in common than we have idiosyncratic differences. At the beginning, I thought Dixie was the only woman drunk—even after reading women’s stories in the appendix to the Big Book’s first edition. But, after giving it much thought, I decided NOT to date women in the program. We are all “sick,” and many of them were just as promiscuous as the worst of our male members. Obviously Dixie and her older friends from Montville didn’t, but it would be crazy now at 65 to risk AIDS.

Perhaps because of my selfish womanizing, Mike got hooked at an early age on booze and pot, lived in foster homes, was a street person, and drug dealer. I put him through Stonington Institute and he conned me into thinking that he had stayed clean and sober for almost four years. He had clearly relapsed by January 2003, when his Flat’s co-worker Jason evicted him from their rented house in New London. I helped Mike break back in after the landlord immediately changed the locks to take back the PC et al that I had given Mike before my move to Montana. He also had left behind a lot of clothes and personal effects that Jason apparently decided to keep as “in kind back rent.” I sued him in Small Claims Court, but all three parties dropped their claims against each other.

Mike again got his act back together, but did not attend AA. He was rarely drinking and cut back on reefer. After Jason evicted him, Mike slept in the loft over Guy’s unheated garage off Route 82 in Oakdale. He had only an arctic sleeping bag and kerosene heater. By then, I was in a one BR apartment in Groton and could not let him sleep on my sofa. I almost bought him a condo in Salem in 2003, but he was too newly sober. After he proved himself, I bought it for him spring 2004 (he slept at friends’ houses that winter.) It is a one BR condo and is in my name. He pays me rent and the association fee every now and then. I have left it to him via codicil one to my will.

My decision to have EB put me in rehab destroyed my career. I had no realistic chance of moving up from #2 to top dog in Law Department any of the three times that the job became vacant after I returned from rehab. As we say, “I had the gift of desperation.” I had been traveling constantly since 1979, much of it by choice to stay away from Dixie, who had a much lower bottom than I, e.g. passing out during the day, and then again after one drink with me at night, and the boys. I was also physically, morally, and spiritually debilitated



## Early Days “in the Program”

from constant hard living. I did need 30 days R&R. As luck had it, my counselor was part of the 15% of non-program people at High Point. But, he was a doctoral candidate in marriage counseling at URI. So I benefited greatly from long talks with him about what a shitty husband and father I was. He told me just to stay sober when I got out, go to meetings, and if the Higher Power meant for things to work out, they would.

Mom spent her first Christmas after Dad’s death, not counting of course 1984 since he died 12/18 that year, with me in my little 1 BR apartment in Salem. At Christmas 1985, I was very shaky in early sobriety being only a few days out of rehab. Nonetheless, I humored her, but only let her have a drink when we went out to dinner, but not keep any booze in my place. I had time to show her around because the shipyard closed down for the holidays between Christmas and the day after New Year’s. Due to so many drunks at every level, NO work ever had gotten done then, and many “industrial” injuries happened. Mom wanted to see New Paltz again, and Roy Featherstone invited the two of us to spend Christmas Day and a few afterwards with them at his house in Milton high on the west bank of the Hudson. He had a fabulous view of the river and railroad lines on both shores. IBM’s huge plant south of Poughkeepsie on the opposite shore reminded us that many jobs were in NYS thanks to Big Blue.

Mom had never mentioned Dad’s out-of-control drinking as the actual reason for his discharge by the USF&G. He and Roy, a tee totaling Southern Baptist from Kentucky who drank nothing stronger than fermented buttermilk, had been friends since their days together adjusting workers’ compensation claims in the Brooklyn Navy Yard during WWII. They became “friendly adversaries” when Roy graduated from Brooklyn Law School’s night school, passed the NYS bar exam, and did what only comes natural to a converted claims adjuster. He opened his own, one lawyer plaintiffs’ personal injury firm and sued insurance companies including the USF&G.

The families remained friends. I have been friends with his daughter, Grace, ever since she and I were kids together. I frequently stopped in Milton on my way back to CT from NYSBA LAP conventions (always to the north and west of Poughkeepsie) and chatted with her and new hubby. Roy was lonely. Hope, his wife, had died, and



Grace lived next door, but was divorced from her drunken first husband. Roy never minced words. Over Christmas dinner, at the dining table, he said to me, "Walton, I hear you just got out of alcohol rehab. That makes you a chip off the old block. You're just like your old man." I asked him what the hell he was talking about. He stared at Mom and said, "Mimi, you and Bill never told the boys why y'all had to move to Florida, did you?" She turned as white as a ghost and could not talk.

So Roy continued, "Your Dad was 'famous' for hitting every bar on both sides of the road driving down Route 32 from Kingston (Ulster County Seat with the court house) back to New Paltz. He did the same thing at all the joints along Route 9W coming home from his office in Newburgh. He got fired for his drinking, but I pleaded his case to the NY big wigs. They gave him one last chance, but said that because he had burned all his bridges in NYS, it had to be very far away." Luckily for all of us, the USF&G was about to open a new field office in Tallahassee and it fit Dad like a glove because he was from SW GA. Mom was also much happier, too, to be closer to her sisters, Jet and Trudi in Tampa, and to the beloved campground (which I hated every minute we spent there as kids around all those women and preachers!) Mom and I drove back to Salem on a Sunday along I-84 listening to the Patriots' playoff game. She and I finally talked about Dad's drinking. She acknowledged that everything Roy had said was true, but made no apology for lying to me about why we moved to FL (I loved New Paltz and wished I could have grown up there, earned a NYS Regents scholarship permitting me to have gone to a SUNY free, and gone to graduate school there.) That is why I came back to CT. I love New England.

Mom was a boozier, too, getting much worse after Dad's death. I made her drinks from their old liquor cabinet even after I quit. Things got even worse following her relocation to NM to be near John. She mixed alcohol with prescription painkillers while living in her assisted living unit in Albuquerque after she gave up her house in Tallahassee in October 1992. She moved to that city because my brother lives and works there. So, in my humble opinion, given that my Dad was fired for drunkenness at USF&G, in my case alcoholism was, and is, a family disease. How much is *genetic*, and how much is *learned (bad)*

## Early Days “in the Program”

*behavior*, I cannot quantify, but my parents (whom I am not *completely* blaming) led me into it. I cannot blame them totally, or bad luck etc., because I could and should have quit while in college or law school. I had a mental obsession with alcohol, but did not yet have an overwhelming physical compulsion that I could not have shaken off. Hence, it was my bad choice. Alcoholics experience a euphoria that non-alcoholics will never understand. It lures us back repeatedly until we are so hooked that we cannot quit even when we want to.



## CHAPTER 18

### MIKE VERSUS POLICE

Dixie had warned me about our two sons while she was terminal, but very lucid. She and Will had fought physically on several occasions, and she suspected that he did not love her. His testimonial to her at his May 2004 wedding reception totally convinced me that despite whatever conflicts they might have had when he was younger, he did indeed love and miss his mother. Most of our conversation, however, centered on our younger son, Mike, who had just turned 12 when she died. He had just finished Fair Oaks Elementary (which Will also attended) where his teacher, Mrs. Gula, had pampered him because of his mother's illness. Incidentally, she led the charge of FO teachers who brought the three of us food the rest of August until school resumed. At the Junior H.S., Mike had the same adjustments as the others, multiple subjects taught by different teachers, and having to rotate among classrooms. Within the first month, Mrs. Gengres, the Vice Principal who handled disciplinary matters, was calling me at EB demanding that I pick Mike up immediately because he was being suspended. She would permit no in-school detention, then riding home on his bus. Will, on the other hand, had stayed after school a lot, but for sports and other activities. So I got on the "mommy track" at work, constantly leaving to take Mike home, or worse, to doctors and dentists all of whom Dixie had found in Norwich, not New London. I won't blame other kids for Mike's acting out. He was under stress, and I was a lousy single parent, wanting to go out and get laid after a two-year dry spell. Mike got into drugs and alcohol while still in JHS. He chose the bad crowd he ran with. He quit the football team when

he and the line coach “had words” when the coach grabbed his face-mask and shook Mike’s helmet violently—forgetting that Mike had only recently had ear surgery from the Salmon incident. He excelled at art, and graduated with a B average. Invidious comparisons to his older brother led many, including me, to overlook that he had an IQ of 128.

His junior year at MHS, he was expelled for throwing a paper cup of hot cheese into the face of a girl who was annoying him in the cafeteria. By then he had already been in trouble with the police and we had been to juvenile court. I had hired Gil Shasha, New London’s best, and certainly not cheapest, defense attorney to get him out of trouble. Mike had driven Will’s old ‘86 Honda hatchback into ditches numerous times. When the school board made no effort to home school him as they were legally obligated to do, I had to hire Bill McCoy, a Montville family lawyer, to sue the Board of Education. As a result, they sent teachers to our Route 32 condo and Mike finished his junior year with enough credits to return as a senior. But then they wanted to send him to the Alternative H.S. at the old Palmer School on Maple Avenue with kids who were serious criminals and had far worse mental problems. We fought that, too, not inexpensively, and he completed his senior year at the regular H.S.

I used to wonder when, not if, I would get that dreaded call in the middle of night, which every parent fears, about Mike. I finally did the summer of 1994 when he was “Rodney King’ed” on the state highway in front of my condo in the wee hours by a Montville cop. Mike and his girlfriend, Christie Hendrickson, the future mother of my grand daughter Aubree, had had an argument in our neighborhood at a friend’s home and were walking up Route 32 towards her mother’s house, in front of my condo, which was up a private drive a few hundred yards. They were in the process of taking a short cut through the woods just after passing my drive. The Montville cops had had Mike on their shit list for several years because he was no angel. He had assaulted a couple people, including the girl, at MHS, and was home schooled the second semester of his junior year. So the cops all knew him, and to them it appeared, so they said, that he was stalking Christie for about 100 yards. Hence, they thought he was chasing her. They caught up to only him, cuffed him, and threw him in the back

of their cruiser. They also took a 4" hunting knife from a sheath on his belt (proven to have been under the legal limit.) When they went after **her**, he jumped out of the cruiser and ran away, but was harmless with his hands already cuffed behind him.

He had already fallen face down when Officer Salmon, a real life pig, caught up and clubbed him in the area of his right ear with a huge, heavy 4D cell flashlight, strictly out of anger. Salmon and his wife, it turns out, ran a "kiddie" porn website from their home while he was on the force, so Mike's attorney probably could have found a way to get that in evidence (as impeachment evidence re his veracity and character) if Salmon had taken the stand. That's why his second attorney and I were really mad at Mike for taking the State's settlement offer on the eve of trial in New Haven. As it was, this \$85,000 payment still was the largest insurance settlement which the State of CT ever paid for police brutality. This came back to haunt Mike in spades in February 2006 when state troopers from Troop K in Colchester broke through his locked condo door in the middle of the night and assaulted him without cause.

In 1994, I was just glad a) that I still had Mike on my EB medical insurance, b) there was the opportunity for a skilled ENT surgeon to rebuild his inner ear using cartilage from his outer ear (lobe), and c) he eventually realized, for at least a few years, that he was an alkie, too, and got professional help. I was able to put him through rehab around Labor Day 1997 while he was still on my EB insurance. He formerly dealt drugs from my apartment, so his shift to the tattoo business was, in my view, a step up professionally! Thank God (I call him my Higher Power) for small favors.

I was very disappointed that Mike settled his suit after waiting three years for his "day in court." Frank Liberty, with whom I tried cases for EB locally was his attorney, but was "conflicted out" when his four-person firm was bought by the largest local firm which represented the Town. Our new lawyer wanted a \$10,000 non-contingent suit fee plus the usual 1/3 when we won. He specialized in police brutality cases, down in New Haven, and he estimated that the verdict could be \$200-300,000. After getting his windfall, Mike comparison shopped and bought his new Jeep Wrangler in New Britain, not locally. He paid cash for it, but had no collision insurance on, it when he rolled it in

January 2000. I sold it for salvage for \$2,500 and had to turn around and give those funds to Backus hospital. After that, he was on Title 19 (Medicaid) and the state and feds, not Daddy, paid his medical bills. I waited to sell our 4 BR, 2 full BA house with a 24 x 24 four-feet deep, above-ground swimming pool on a 3/4 acre lot until the summer of 1991 when Will graduated H.S. and took off to Lakeland for Florida Southern College. Our buyers tried to renege at the last moment, so I stopped looking for a 2 BR condo for Mike and me. Then, on closing day, the buyers changed their minds again, and we went through with the closing. My realtor had an even bigger house for sale which was overpriced in the same part of Montville only 9/10 mile from MHS. So Mike, age 14, could walk. I rented until it sold 10 months later.

Will made good grades during his three years at BULS while bartending part-time at various bars and having an "active social life." I gave him hell during honors presentations at graduation because all six top academic awards went to females! On top of that, the commencement speaker was a woman judge (alumna) from the First Circuit Court of Appeals there. Showing his disdain for New England, even for our nice summers, he booked out for Orlando immediately after his last exam. I had to threaten him with no monetary assistance during his jobless spell unless he flew back three weeks later (on my Frequent Flier ticket) for the actual sheepskin presentation because Dixie's mother flew to Buffalo or Toronto from Colorado and then rode over to Boston with his aunt and uncle. I attended, but Mike boycotted! Will then hung around Orlando until the State's Attorney's Office hired him after he passed the summer bar exam. He said sarcastically, but truthfully, that he had to wait until all the barely qualified minorities and UF graduates had been hired until they took someone with far better grades and bar exam scores to fill out their roster. I liked visiting him, and we have relatives in Tampa, so Florida rates high on my list of retirement destinations.

He married a beautiful, smart non-attorney case worker at Morgan & Morgan, Laurie Anderson, in May 2004. He immediately became stepdad to her children Jeremy and Ally. On Flag Day, June 14, 2006, Samantha Lee Jay joined the family. They have a beautiful house in a gated community east of Orlando and near the East-West Expressway, FL 408, so they are doing well. In January 2008 after nine-plus

years with the SAO, Will crossed over to the Dark Side, joined several former colleagues in private practice where they are doing fine.

In June 1995, after Mike graduated from MHS and was living near the Norwich border with his girlfriend, Christie Hendrickson, and their baby Aubree (born unknown to me in May), I was tired of the 15-mile commute to the shipyard, so I moved to Groton. I lived in one half of a two-story duplex two blocks from the shipyard. I was alone initially.

After Mike's beating by the Montville cops, Mike and Christie asked if they could sleep together in the second bedroom of our condo. The layout made for some privacy because the large upstairs bathroom had entrances at each end, and the bedrooms were at opposite ends of the second floor row house. I took the position that while I could not stop them from having sex, I'd be damned if I would sponsor it by allowing it under my roof. They left in a huff, moving in with her mom, boyfriend, and her five or so younger siblings to a 2 BR shack on Fort Shantock Drive near the Thames River. I paid Cherine Cichi \$30 room and board per week for Mike, but never knew that Christie was pregnant. I just handed an envelope and Mike's prescriptions (from an EB paid shrink for Ritalin and Prozac) through the door while all the cigarette smoke engulfed me. When I attended Mike's MHS graduation in mid-June, they did not bring the baby, and her tummy was washboard flat, so I had no idea that I was a granddad until Mike gave me a Father's Day card with the hospital photo of Aubree date stamped five weeks earlier upon it. I literally fainted back into my recliner. Otherwise, I would have punched him out, but my girlfriend was present and would have prevented it. Both Will and I had warned Mike that Christie would stop taking her birth control pills because she wanted to get pregnant. Will's buddy, Brian, from back up on Leitao Drive, had knocked her up the previous year, but he dodged a bullet when she miscarried at five months. I gave Mike a box of condoms when they left my condo, but he blamed me saying that they must have leaked!

Mike and Christie soon split up; she "threw him out of the apartment" notwithstanding the lease was in **my** name. She and her girlfriend stayed on Leffingwell Road, but "forgot to pay me rent." She was months away from going to Family Court for orders re support, visitation, etc. Mike had taken a three-month drafting course at Thames Valley State Tech just down the road, but *forgot* to take his exams, so he



earned no credits which might have later transferred to UConn Avery Point. He had started messing with drugs and alcohol in H.S. For the next several years he floated around Montville and Norwich “couch surfing” until he wore out his welcome at various friends’ houses. He never called me, so I did not know his whereabouts. I just heard rumors from other parents or his classmates when I ran into them.

He worked menial jobs, e.g. night janitor at a nursing home, food preparation at another, earning only minimum wage. I found him living in a boarding house on Route 32 just up the hill from Ski’s garage. My two sons’ wrecks and towing bills kept the Wisnewski family solvent. I invited the prodigal son to come live with me at my Groton duplex in the smaller second BR which faced out onto Rainville Avenue. Back then, EB still had second and third shifts. We never did get around to buying window A/C units, so the drag racing that characterized EB’s shift changes kept him awake along with his since diagnosed, but still untreated, sleep apnea.

When I found out that he was still dealing drugs, I insisted that he keep them in his car’s trunk, not in my basement. Soon his partner in crime from Montville H.S. and JHS, Tim Wilson, who lived in a tiny apartment above the Golden Peacock Chinese restaurant opposite EB’s main gate, were apparently poaching on the Latin Kings’ marijuana territory. One morning, Tim awoke with a .45 pistol in his mouth to which a very angry black L.K. was attached. He said something to the effect, “You and your honky partner’s days of dealing in Groton are over, you know what I mean?” This so badly scared the piss out of Tim that he went to live with his lesbian mother and her partner in Ft. Lauderdale. From information contained in his dad’s very recent obituary, Tim is living in Vermont with his wife.

About that time, I put Mike through Stonington Institute’s rehab in North Stonington on Route 2. It was much shorter (and far less effective) than my 30-day rehab at High Point in North Kingstown, RI, at the end of 1985. The “patients” were in-house for only ten days, then they were shunted off to a halfway house in Groton or New London. According to Mike, most of the residents immediately resumed drinking and drugging. At the time that he was to be shifted to a three quarters house, I said “to hell with it” and just let him return to our duplex. He had gotten a DUI somewhere in that time frame, so I recall

driving him to HIS AA meetings, then being told, not asked, to please go to another one myself, and then leave it early so I could pick him up exactly when his ended. I told him to go to hell; hanging around outside afterwards smoking allowed him a chance to “bond with his age peers.” He did meet some guys who stayed clean and sober for awhile. I bought Mike a used car so that he could attend UConn Avery Point only three miles south of EB. He earned a 3.3 GPA and 36 credit hours over two years and has recently ordered his transcripts and expressed an interest in getting his associate’s degree. After those two years at AP, he refused to return to school and carry enough credit hours (12, I think) to remain on my EB health insurance.

He continued to live in the duplex but began an apprenticeship on Poquonnock Road in Groton with Guy Flatley at Guy’s Tattoos which cost me \$1,800 upfront, but resulted in his learning a “trade” at which he has worked for nine years and is starting to make money. He wound up working at least six years for Guy in Groton and Salem where he managed the second shop. Mike got into a bad auto wreck January 2000 and broke his hip, pelvis, and scapula with the result that I became his sole “caregiver” for six months. He was run off I-95 northbound in front of Levine’s (Budweiser) distributorship just west of exit 74. He said that a silver Buick with New York plates, first three digits were 586, tailgated him in the fast lane, so he signaled and got over into the right lane. Then his tormentor did the same, but quickly jammed on his brakes—slowing so substantially that Mike would have hit him had he not braked and driven on to the shoulder. Sadly, he had forgotten to put his seatbelt back on after dropping Aubree off at Christie’s condo in East Lyme, and the shoulder was loose gravel and sloped towards the guard rail. His newly purchased (with proceeds from the Montville Constable Salmon insurance settlement) Jeep Wrangler had a high center of gravity and rolled at least three times, ejecting Mike on the initial impact because he was left helplessly dangling between the upper and middle wire strands of the “guard rail.”

Attesting to the “I don’t give a shit about anyone else times” that we live in, at least 20 minutes elapsed, based on his body temperature in the January nighttime cold of about 10F, before a motorist going north called 911 on his cell phone. Not one Good Samaritan stopped

to aid him. At least the Trauma Center at Backus Hospital responded in record time, picking him up and getting him into ER by 8 P.M.. They did not call me until midnight, saying that he was seriously hurt, but that he would survive so that I could see him first thing in the morning. Backus' computers still listed me as the "responsible party" from his AP student days, so they tried to get me to sign off agreeing to pay his bills. I told him, "no way, Jose," he works and is uninsured, how do I get the State to pay for it? I was given an 18-page Title XIX Medicaid application to complete. His caregivers, on the other hand, had no idea that he was uninsured. So he received top notch care and was about to be sent to either Pendleton Rehab in Mystic or a similarly great place, Gaylord in Wallingford, when someone from the Business Office came up and pissed all over those plans. Because he was "on the dole," they sent him home in a blizzard with the promise that a DSS worker would visit, once, to teach us both some simple rehab exercises that he should do.

They also insisted upon discharging him very prematurely. I refused to agree, but they called my bluff by bringing him to the Route 32 main entrance in a wheelchair and pushing him out into a blizzard at 12 degrees. I drove him home, very slowly—cars were sliding off I-395 right and left. When I got to our duplex's parking place, I got him out of the passenger side and tried helping him up the two high concrete steps to our front door. My next door neighbor, a cute single woman named Mary MacGillis, tried to assist me. The steps were icy, and Mike fell despite the two of us holding him upright. He struck his other shoulder on the water spigot being further injuring on both the way down and on impact with the frozen ground. The force of his body turned on the water spigot, and he was drenched from head to toe in 12 degree weather. My adrenalin started flowing, so I singlehandedly got him to the second floor bathroom, undressed him, and drew him a tub of hot water because he was shivering so badly I feared he was going into shock. Meanwhile, Mary called the local ambulance. We did not bother redressing Mike. We just wrapped him in several blankets, and the EMT's carried him downstairs on a stretcher. I was told to meet them at L&M in New London. I went there, as did my girlfriend. Both of us were sitting in the ER confounded because the attendants had no record of a Mike Jay having been admitted.

## Mike Versus Police

Finally, someone called the L&M ER and told us that while they were crossing the Gold Star Bridge, the ambulance crew had been diverted to Backus' Trauma Center again. She and I took one car and got there by maybe 10 P.M.. Mike had been admitted and put in the orthopedic ward. This time, Backus was in no hurry to discharge him, fearing a big lawsuit. Several attorney buddies told me the facts were clearly in our favor, but asked, "Why bother, because if Mike were on Medicaid, the damages would just have gone back to the State to pay Backus' bills." The usual circular firing squad with Mike and me in the middle prevailed again.

When he was discharged the second time, we got the rehab "show and tell" at the duplex which lasted less than an hour. I immediately got a wheelchair free from the state and began dropping Mike at Flat's shop around noon to continue his apprenticeship. Then I picked him up again, many days as late as 10 P.M., and carried him upstairs to his bedroom. This went on until July when a second operation was performed by Dr. Balcolm of the Norwich Orthopedic Group. Medicaid again paid, but only after I re-enrolled Mike who had been booted out in March when DSS discovered a \$2k mutual fund that he had forgotten about and of which I had never heard. I completed the 18-page application immediately in March, so his doctors' visits before the operation were also covered.

Mike went back to Flat's Tattoos in Groton and continued living with me until April 2001 when he moved out to live in a four-story house in New London with a co-worker, Jason, and a female student. Each had his or her own floor and shared the ground floor common area. Feeling that he was finally on solid ground, when my Purchase Order with EB expired in August 2001, and my having received a job offer in Montana as a contract administrator, I canceled my month-to-month lease and arranged with Envirocon for the moving van to pack and load my belongings and for "temporary lodgings" at the Holiday Inn in Missoula. Before I even reached Montana, the "bird of paradise" dumped another ton of shit upon me outside Mt. Rushmore in the South Dakota Badlands.



## CHAPTER 19

### DIXIE LEE ROSE 4/26/44 – 8/12/89

My late wife, Dixie Lee Rose, was born April 26, 1944, to Robert Lee Rose and Bettie Willie Dixon in Trinidad, CO, a small mining and ranching town south of Pueblo on what is now I-25. That must have been the hospital closest to their ranch in Villagreen, which is a suburb of that great metropolis of Kim, which is on the U.S. highway 160 east of Trinidad. Her dad was fighting in the European theatre (Italy, then France) when she was born. After the Germans surrendered, his unit of combat engineers was put on troop ships and had embarked for the invasion of Japan when the atomic bombs forced the emperor to surrender. Hence he came back to Kim via the West Coast. His father, Lee Rose, was a well known rancher in the Sangre de Cristo Mountains down to the New Mexico border. R. L., as he was called, worked as a brakeman on the Denver and Rio Grande RR and made three roundtrips per week from CO to Dalhart, TX, at the very top of the Texas Panhandle. In between, he "sort of ranched," as he readily admitted. He also got very involved with the local rural electrification groups and spent time lobbying for them at the capitol in Denver. He never could explain why he quit the railroad after nine and one-half years to ranch a larger spread given them by Bettie Rose's dad, E. B. Dixon. He was only a few months away from a minimum (10 years' service) pension that would have given him "walking around" money in later life.

Bettie Dixon had at least one sibling, Uncle Jack Dixon, who ranched on the Western Slope in Delta at the time Dixie and I married on Valentine's Day, 2-14-70, in Tempe, AZ. Jack had big herds and a

fiery temper. I was scared to speak to him during our visits to Montrose (where her parents moved after we left AZ) because I was an eastern greenhorn not worthy of his niece. Jack was put on six months' probation for punching the lights out of an IRS agent who hassled him a bit too much at his trailer on the summer mountain pastures in Delhi. Jack was married to Janie, and they had three pretty daughters. Pretty much lost track of them since Dixie's death 8-12-89. She also had a close family friend from Kim who, with her husband, wound up as the Post Mistress of Slick Rock, CO, 50 or so miles SE of Montrose. They ran a general store next door which was all that there was of SR.

Dixie and her older brother, Dale who died 12-31-07 in Salt Lake City where he lived less than one mile from Bettie's home, attended the one-room school at Kim. Dale graduated from high school, enlisted in the Air Force, but was soon sent home because of deficiencies in math. They had to have missed something because he had become one of Utah's premier gunsmiths while he was married to his Mormon first wife. He devised his own understanding of trigonometry and could predict the number of inches a bullet would drop over several hundred-yard intervals. Unfortunately, he blew his right thumb off test firing a weapon for Utah's best gunsmith at his second job and apparently did not collect unemployment or disability compensation, being "self employed.". For many years he was a blue collar federal government employee at Hill AFB and several arsenals. He and Sonja had three great sons, and he was remarried to a U. of Utah professor at the time of his death.

Bonnie Faye Rose was the youngest sibling, born 1-9-50, also in CO, but she got the best education of the three because R.L. and Bettie moved to AZ just before Dixie's junior year in H.S. which would have been 1960. They initially had a trailer while looking for their eventual permanent home in Scottsdale, several blocks north of Camelback Road and three blocks east of the Pima reservation where "the Indian who drank," Ira Hayes, drowned drunk facedown in a few inches of water in a drainage ditch. Dixie graduated from Scottsdale H.S. in 1962 with Jim Palmer, the Baltimore Orioles pitcher who gained more notoriety for his Jockey underwear ads than his 200+ wins in the American League.

Dixie entered Arizona State University Fall 1962 and roomed her first year with Patty McGlinchy who later married Gerry Pauli. It was their small dog that bit me in the face during the ACC Order-to-Show Cause hearings versus the Southern Pacific RR. They did not then have a pot to piss in and no liability insurance on their tiny rented apartment a stone's throw from St. Joseph's hospital. They long ago became millionaires in Sedona; she from her Pauli's Pottery, and he from going from apprentice electrician to full partner with his father-in-law in building those expensive resort homes in the Red Rocks of Sedona near Cottonwood Creek. Dixie's ambition was to attend medical school at the U. of A. in Tucson, but she had problems with prescription drugs early on at ASU and wound up sitting out her junior year at home. That is one reason, years later, that both Bettie and Bonnie told me not to beat myself up so badly for having made Dixie into an alcoholic during our marriage. Besides the pill problem, she apparently smoked her fair share of reefer and drank lots of Colorado Kool Aid aka Coors with the Lambda Chi Alphas, to which her boyfriend, Jerry McReynolds, belonged. Like my old Beta chapter at Emory, that fraternity had two warring factions, the Crusaders for Christ and the Crusaders for Coors. I, too, would have thrown in my lot with the latter.

Dixie received her BS in zoology in 1967, then began course work for her MS in entomology (uck, the study of bugs—she was forever telling me that spiders were not “insects,” rather they were arachnids.) She had begun working as an intern for the U.S. Dept of Agriculture's Western Research Laboratory on the Apache Trail in Mesa, U.S. 50, same road that ran in front of the Oasis Apartments where we met in January 1969. She worked herself up to GS-9 lab technician and prided herself on being the first woman to supervise men there, back when that was “unusual.” The most interesting guy who worked for her was Sammie Anderson from Statesboro, GA. He had actually worked in a hot dog factory and assured us first hand, that like watching a bill become a law, we never wanted to see hot dogs and sausages made. From then on, like him, we ate only hamburgers at picnics! Dixie co-wrote many published scientific papers with her boss, Dr. Patrick Vail, but I did not like his following her home while we were dating. He had a gorgeous wife, Deanna.



Younger sister Bonnie was the fortunate one. She not only inherited Dixie's saxophone, Clarence (how did they know then to name it for the "Big Man" of the E Street Band?), but was able to attend the fanciest, newest H.S. in North Scottsdale, Saddleback. Her best story of the degree of wealth that some of the kids who lived in Paradise Valley or on Camelback Mountain had was this: It was not unheard of for braggart girls to have different colored panties for each of the seven days of the week; but Bonnie knew a classmate who had a different colored Mustang convertible for each day. That totally blew my mind. Bonnie modestly concedes that while she is smart, that Dale was the smartest, and Dixie, like her Dad, read the most. That was a habit forced upon all the Roses by the long harsh winters on the Plains spent in a tiny town. They bought pickup loads of flour and other supplies in La Junta 20 miles north of the ranch where Granny Dixon, E. B.'s widow lived. And that had to make do until spring (mud season.)

Bonnie went to Indiana U. in Bloomington on a music scholarship. In those prehistoric times, IU's Marching Band, like those of other Big Ten football factories, excluded women from marching, just concerts, etc. It was probably during her junior year that Bonnie called Dixie and told her that her boyfriend had received his draft notice, and they were booking out for Canada. I got on the line and asked her to let me try to get him "conscientious objector" status, but she said it was too late for that. So Bonnie went to Canada, made a big show of renouncing her U.S. citizenship. Initially she made no move to divorce him. Years later, she called me and inquired how she could divorce him. I put her in touch with Canadian AA lawyer friends. In fact, unbeknownst to her, he had lived nearby working as a H.S. music teacher and had divorced her years previously—giving notice by newspaper publication. Bonnie's work with agricultural cooperatives eventually led her to York University in Toronto, a change in major to sociology, and her second husband, an older fellow from Winnipeg.

Skipping ahead 15 years, as she and WK contemplated marriage, so that he had free access to the U.S. as the spouse of a U.S. citizen, Bonnie came to her senses and called me in CT and sheepishly (not her normal mental state) asked if I knew how she could regain her U.S. citizenship. I called our then Congressman, Sam Gejdenson's

local office in Middletown, CT, and found out how very simple the process was. They aided us, and I put Bonnie in touch with a Buffalo AA attorney friend of mine. All she had to do besides file the proper paperwork was file her past three years' federal tax returns and pay up. Because Canada's federal government and the Ontario provincial taxes vastly exceeded the combination of U.S. and NYS taxes, she had to pay nothing.

B & W ran a consulting firm from a five-story house in the hills of western Toronto. After it had been burglarized multiple times, they eventually purchased a riverfront home on Niagara Falls Parkway, Ontario side. Bonnie secured a prestigious job as Vice President—Administration at Niagara University in Lewiston, a Catholic university.

Dixie was an excellent homemaker, great cook, talented seamstress, and avid gardener. We had a clear division of labor, the outside being mine. Thank goodness our house in Mississippi was brick; I only painted the trim once. The house on Leitao Drive in the Oakdale section of Montville was another matter. When we purchased it in March 1980, I knew my summer work was cut out for me. Its clapboards were a hideous puke green. I had to scrape them clean, prime them, and finally apply two coats of Sears' best white latex. Due to blistering (I must not have scraped deep enough) and the fire alongside our garage set by our sons and two of the three Calovis boys while Dixie was visiting Bonnie in Toronto, I must have painted that house at least three more times. We didn't like change, so it was white every time! We were bad drunks by then, and I shudder now (as did my secretary, Karen Olsen, when I described it) thinking of being on the top rungs of a 36-foot extendable ladder with a plastic cup of manhattans in a hanging cup holder (remember those before cars came with recessed cup holders?) and a one-half full can of paint, holding brushes in my teeth.

I also mowed the lawn, often mistaking her strawberries (too damn close to the house!) for weeds and cutting them, too. The least pleasant chore was redoing the asphalt blacktop each summer. The subsurface gravel must have been poorly laid and sealed. It was also triple-wide because Barbara Choate ran a beauty salon in the room between the family room and attached one and one-half car garage

(try parking a Honda Civic against a workbench, then backing in a Datsun 210.) The lane closest to the concrete walk to the front door led to the “mud room” between garage and salon. We, too, used it for what the name suggests, getting boots off and not tracking mud and snow into the house proper. The middle lane was half the length of the longest lane into the garage. Our neighbor, Al Lamke, a Prince of a Guy, very kindly erected a basketball goal for the boys and their friends. So, I annually recoated the equivalent of a two and one-fourth lane asphalt blacktop driveway. Although I used the smaller, snip-off the nipple, more viscous handheld sealers after brooming it clean; every winter all the old cracks reopened. It was no mistake that Mike and I moved to condos after selling the house in 1991 when Will left for Florida Southern College in Lakeland. Unpredictably, I had been forced to rent a still larger house from our realtor (owner was a Coast Guard CDR in Alaska who was lowering the price by several grand per month until it sold in April 1992), so when Will succumbed to homesickness at Christmas time and left FSC, we had plenty of room for him while he attended UConn’s Avery Point branch in Groton spring and summer semesters before daring to live in the notorious Jungle on the Storrs campus that Fall.

By then, Mike and I had rented a unit at Birchwood Commons next to St. Bernard’s Catholic H.S. on Route 32 in the Uncasville section of Montville. I saw the irony of again living on a state highway #32 (See Chestnut St. New Paltz 1948-1953.) Will found it impossible to study in the Jungle whenever he had exams, hence he came home on weeknights to study in the peace and quiet of our condo. We only had 2 BRs, but the basement had all required electrical outlets to run a space heater, PC setup, and several lamps. Will showed his ingenuity with theft of services from cable companies by splitting the basement inlet to provide him a cable connection for PC and TV. He called me sheepishly one night from Storrs just before the Thanksgiving break. He started the sentence, “Dad, would you really mind,” which I finished for him, “if I went back to Florida Southern.” I quickly stated, “No, you recall that with your initial \$2,000 scholarship, it was cheaper than in-state tuition at UConn.” He replied, “I have already contacted them, they will let me back in, and they will increase my scholarship.”

So after Christmas, he drove back to Florida in the 1986 Honda that I had given him out of H.S. in 1991. He finished college in three-plus years by being conditionally admitted to Boston U. Law School for September 1994, provided that he completed eight credit hours as their undergrad that summer. I paid for him to live on Commonwealth Avenue with his Camp Wightman counselor sweetheart, who was from Norwich, and, of course, he aced the two courses and was admitted to BULS from which he graduated in May '97 *cum laude*.

Dixie died in August 1989. Sadly, she had a swift growing small cell cancer that was not associated with smoking (she had quit 16 years earlier when pregnant with Will) that was too small to show up on a normal chest x-ray. In addition, her doctor, an internist, the same guy who saved me in October 1981 from an unneeded double bypass) butchered her diagnosis. The tumor, incidentally, began in the scar tissue of the left lung where the upper lobe had been removed (for Valley Fever) in Walnut Creek, CA, in December 1974. In September 1987, Dr. Costa diagnosed Dixie with bronchitis and prescribed a state-of-the-art antibiotic. When that did not work, he prescribed another newer, more expensive one. I could not even purchase this at the old pharmacy at the Groton rotary entering the city. There was not yet a pharmacy next to Beit Brothers' grocery on Route 32 in Montville. I had to go all over the county, e.g. Ocean Pharmacy south of L&M Hospital in New London, the Gales Ferry Pharmacy on Route 12 north of the sub base, and Bean Hill Pharmacy in Yantic where the river floods every spring.

Dixie was finally diagnosed with lung cancer in early April 1988 after coughing all winter. Her M.D., an internist, whom she also saw for pap smears because she hated ob gyn's), thought it was "just" bronchitis, but he never took a chest x-ray. I had been taking allergy shots from the time we moved to CT until October 2000 when I lost my EB health insurance when COBRA ran out. My allergist was a noted pain in the butt, Dutch-uncle type. Will punched him in the face when we took him to Dr. Sprecace for the patch tests. So, Will received his shots in Mystic from a kid-friendly doctor. But George Sprecace and I enjoyed chatting. He cut his practice back and got a JD from UConn LS by attending day classes and working only two days per week.

I twisted Dixie's arm to go with me for my shots and let him examine her. He took x-rays and found a two cm tumor in the upper part of the left lung's lower lobe where she had 50% removed in California because of Valley Fever (fungal disease like TB.) Bad luck in the form of an infection resulted in her urgently needed operation being postponed for five critical weeks. In the interim, we took a "vacation" to see my parents and spent time at Gulf beaches. She always enjoyed the Gulf, Mexico Beach, or Alligator Point. When we returned, the tumor, of course, had enlarged substantially.

The thoracic surgeon, Dr. Paul Geraghty, who was the best, came out of the OR with a grave look on his face, sat me down and asked me to help him lie to her. When she eventually found out, she was very angry towards me because, in her own words, "You've ruined my last summer of gardening and swimming in our pool." Her surgeon thought immediately that she was hopeless and did not even recommend that we get an oncologist. He suggested our just going to hospice for pain control. Somehow, we heard about an experimental protocol being done at Yale, 50 miles south on I-95, and I talked her into seeing an oncologist there. He similarly swore me to secrecy, said that she was already Stage Four (terminal), and recommended simultaneous chemo and radiation. What a horror show. After her first session at Yale, she barfed in our car all the way back to Montville and in the car outside our Montville pharmacy while I filled scripts. Yale New Haven Hospital could have at least sent her home with samples of all three drugs to tide us over for a day or two until I could go to the local drug store and fill the scripts with multiple refills. The radiation at Uncas on Thames, a former sanitarium off Route 32 in Norwich, directed at the sternum, wound up giving her third degree burns of the esophagus so that she could not swallow at all. We did not have A/C because we lived 700 feet above sea level and had huge living room windows facing west from whence steady breezes came during the summer. Hence, as it got hotter that summer, she nearly died of dehydration before I forced Backus hospital in Norwich to admit her and hook up an IV drip. This saved her life, but only for a short while.

We discontinued the radiation because Uncas claimed that there was no way to shield her sternum/esophagus and still hit the tumor. She continued chemo through the end of summer and into fall.

On Veterans Day 1988, she went back to Backus hospital the night before her fifth of six scheduled sessions. We had hopes that she had pulled it off. Her oncologist, a young M.D. named Dennis Slater, who has built a fine reputation in the ensuing 20 years, (Yale made us get a local one), did not like the way she looked. She must have been mildly jaundiced which suggested metastasis to her liver, so he sent her for CAT scans before putting her through the monthly hell (three very toxic chemicals.) He, too, came back with a very grave look that said it all. The cancer had spread to the brain, hip, and liver, which meant that she would be dead soon. Therefore, he ordered that there be no more chemo. Dixie was a very brave trooper. We had made reservations for the weekend at the Holiday Inn in Somerville, MA—bad part of Boston just over the Route 28 Bridge from downtown. She insisted that the boys and I still go, swim, see football game (UConn at BU), and the Science Museum just as previously planned. Several AA women slept over at our house and consoled and waited on Dixie. She was admitted to hospice in February 1989 as having less than two months to live, but she surprised them all, and me, by making it to August.

She wanted to die at home and probably would have, but for the fact that she unthinkingly (how well would anyone on her heavy doses of oral morphine have done?) got out of bed to pick up a dropped morphine tablet at one of the rare times when all three of us had left her alone for only an hour to get our haircuts together in Norwich from Barbara Ryan of City Snippers. En route home, an ambulance passed us at a very high speed with lights flashing and siren blaring on Route 163. I wondered out loud to the boys if one of the old farts who never paid them on time for the paper (Norwich Bulletin) had had a heart attack. To our shock, the ambulance was in our driveway, and Dixie was being carried out on stretcher. I felt awful for having left her. She used our portable phone to call 911 and a neighbor, so the ambulance beat us back. I had just bought \$400 worth of morphine on our return trip at Bean Hill Pharmacy in Yantic. Because of burglaries, most pharmacies did not stock it. That afternoon, she had a stainless steel rod surgically implanted in her broken leg at the hip so that she could sit up in bed and a wheel chair, and spent two weeks in New London's hospital, then her final two months in the Greentree Manor nursing home in Waterford.

She was lucid nearly until the end and pain free. Both boys refused to visit her due to her increasingly bad (gaunt and bald) appearance. Without whining, I just will observe that it was also a tough 18 months for us, too. EB's insurance covered almost everything, and my boss gave me liberal "personal time." I took the first week after her death off at home to cry my eyes out and clean out her belongings. I itemized and gave away to charities and one consignment shop her clothing and materials because I filed a Schedule A & B anyway with my Form 1040. In September I was promoted to Deputy Division Counsel and given a \$6,500 raise on top of the \$3,500 merit raise which I had just received in July. However, that was the last real money that EB ever gave me! In effect, they bribed me into stopping looking for other jobs until I passed 50 when there were no more opportunities.

Just as she was with her co-workers in AZ and the Jackson County Homemakers in Mississippi, once she got sober, Dixie was enormously popular in AA with both women and men. Her first sponsor, a cleaning lady with a van, picked her up with the other "pigeons" and took them to daytime meetings daily. Dixie also attended night meetings on her own in Montville while I was still drinking. Dixie understood the program very well and was very adept at "carrying the message" to newcomers judging from the number of "sponsees" (the pc word now for newcomers) she quickly amassed. Some of them still called me several years after her death. Knowing she was terminal and feeling still possessed of her wits, Dixie wrote her own funeral service with the aid of my friend from SCADD, the Rev. Dr. Bob Bartlett, the then Protestant chaplain at L&M. Don Byles handled arrangements including cremation ASAP under CT law. The memorial service was held at his New London funeral home on Whale Oil Row. He asked me afterwards if I wanted one last look at her before he headed to the crematorium, and I didn't have the guts. I assumed she looked about the same as on 2:15 P.M. Saturday 8-12-89 when she took her last breath.

The nursing home staff knew that day would be her last. They had bathed her; put her in a pretty white smock with huge pink circles and matching head band. However, the previous night they had told me that she would last through the weekend, so at noon Saturday I was standing on a vanity in our upstairs bathroom putting in a new



fluorescent bulb for my in-laws so they would be able to see after dark. The Roses called the house and told WK and me that she was fading very fast, drop everything, and haul ass to Greentree Manor. Knowing the short cut, he and I headed south down Colchester Road to come in via Fire Street. Damned if a mama duck and her ducklings didn't choose then to cross the road in front of us. WK so surprised me by slamming on his brakes that I almost rear ended him at a very unpropitious time. I swerved missing him, so I was strung out already when we reached Greentree. Dixie's breath was labored and she just took one last large breath, exhaled, and did not breathe again. I fell to my knees sobbing, while the others held it together very well. Two days elapsed before the memorial service. Mike was at home with his grandparents, while Will was at the American Baptist Church's Camp Wightman in nearby woods, and B and W were at the Norwich Sheraton, their favorite.

The memorial service was held on Monday. Because it was a work day at EB, many of our friends plus people who only knew me, carpooled to Byles' New London Funeral Home. The shipyard, I was told, even ran at least one school bus of mourners over. Naturally, the funeral home was packed to the bursting point with AAs, her friends, mine, and ours. Dr. Bartlett did some readings from the Big Book and the Old Testament. Dixie never accepted Christ despite the daily phone and mail entreaties of my born again brother and sister-in-law in New Mexico. She had advanced her concept of a Higher Power from daisies to a Forgiving God who created the Universe. As far as I was then, and am now, concerned, she is in whatever place was reserved for the best of the best. I seem to recall some AAs giving testimonials, then the service ended, and the family and I stood in a receiving line sharing hugs (AA members) and handshakes (earth people) for an hour or more. Later, Don "Digger" Byles told me that Dixie's was the largest service he remembered holding in the funeral home. He had moved sliding walls back in all directions so that every space on the ground floor was occupied.

Wonderful AA women had gotten to our house while we were still at the funeral home. They let themselves in and, naturally, brewed multiple huge pots of extra strength coffee. Platters of food (that lasted the entire next week) were put out on our traditional folding card



tables. It was not a festive party by any means, but all the people who had wished to, had already said their goodbyes to Dixie while she still recognized them. That encompassed a helluva lot of women because I stopped by Greentree every evening after work on my way home to feed the boys. Many, if not most, evenings, a women's only meeting was in progress, and Dixie, in no uncertain terms, told me to go eat a sandwich at Papa Gino's in the New London Mall, order a takeout pizza for the boys, and come back before closing time. I had three sponsors: Dixie, because she took my inventory every day after the separation ended; Ken Shortman, the EAP Director at EB whose boss' office was next door to mine at EB; and a beloved gentleman, who died in 2-09.

We had reconciled in fall 1986, but she developed "bronchitis" fall 1987 and her internist misdiagnosed her. After her death, I wanted to have tangible proof for her parents and our sons that I had done everything possible to recover damages from Dr. Costa for delaying her treatment by at least nine months. Two law firms and two oncologists working independently told me that while her internist was guilty of gross medical malpractice, we would be awarded no damages even if we succeeded in court because she had a fast spreading adenocarcinoma (what killed Jim Valvano, NC State hoops' coach) and that she was "dead meat" by the time that her tumor showed up on an x ray. Metastasis had spread the cancer to her liver, brain, and hip, but those secondary sites did not show up until Veterans' Day 1988 when she was in Backus Hospital for the fifth of her six scheduled chemo treatments. We had begun to hope a miracle had occurred. No such luck! So it rains in good peoples' lives, and the survivors have to pick up the pieces and move on.

I knew that some people within and without the Fellowship were making book on how soon it would be before I relapsed. Wind of that got to me, and I swore I would not give any of those bastards the sick pleasure of seeing me "slip." During the week that EB gave me off, someone else took Mike after the Roses left, and I spent most daylight hours in the attic removing to the garage Dixie's endless supply of dress materials and "sewing notions." Her really good clothes from closets, sewn from Vogue, et al patterns, went to a Waterford consignment shop. Months later the owner called for a reckoning and

we were both surprised how much her creations had sold for. Run-of-the-mill stuff and the “work in progress” went to Salvation Army and Goodwill. I swear that for years afterwards I saw Dixie’s dresses at meetings, especially in New London.

Within a few weeks of her death, Don Byles started calling me regularly asking me when I would pick up her cremains. She had instructed me very explicitly as to their disposal. I kept stalling him, and he would console me saying that the ashes of some of his late father’s buddies who had been killed in WWII were still on his shelves. Finally, I sucked up some guts, and contacted her last two sponsors. We decided upon Columbus Day which was an EB holiday. I had a short, collapsible Army surplus trenching shovel from my Scout days. We met somewhere, and the three of us headed in one car to Enders Island, on the tip of Mason’s Island south of U.S. 1 on the Stonington side of Mystic. The Edmunite Order has a monastery there. It is a very poorly kept secret that many persons who took Holy Orders made a friend of John Barleycorn and then recovered in our program. So they have always hosted weekly meetings and separate gender retreats. Dixie asked that I dig a hole in one of the flower gardens and bury her ashes. I did so, next to a tall stone lamp post that I can easily find over and over. A monk reading his breviary observed this undertaking without staring or speaking a word. My knees shook and I was nauseous. Her male and female sponsors were braver than I, but then, it was not either of their spouses. We beat a hasty retreat, and I have no recollection of the rest of that day.

When I first shared this secret with another member, he asked me, “Do you really think that she is the first AA buried there, or will be the last?” Word gets around. Fr. Thomas X. Hoar, the prior then and now, sent me a large envelope with a slightly smaller SASE envelope asking me before year’s end whether I wouldn’t like to memorialize my departed loved one with a small marker in either of the monastery’s two memory gardens. I fessed up, paid the \$250, put Rose as her middle name instead of Lee, and had it placed in the Sacred Heart of Jesus Garden. I am sure that that pleased her atheist parents no end. They had shown their displeasure over the use of a Baptist preacher and reading from the Bible, albeit only the Old Testament and talk of a “Higher Power,” by leaving the post-service coffee get together

at our house after only one quick cup of java. They said that B and W needed to be back at work Tuesday in Toronto, so the four left in a cloud of dust. Further "making my day," Don Byles came to the front door during the continuous meal and asked me to step outside. No one else caught on, but I could see down the hill, on our cross street, that he had driven a van not a hearse. He apologized that he had not gotten me to sign one last paper allowing the cremation. I asked him with tears in my eyes, "Do you mean to say that you have Dixie's body down there inside a cardboard box in your van?" He sheepishly admitted, "Yes, I do, that I am on the way to the only local crematorium in the middle of the big Norwich cemetery bisected by I-395." Even though I cried some more, I was comforted a little by the knowledge that Dixie's last parade had brought her back past home this one last time.

## CHAPTER 20

### MONTANA

After EB informed me during July 2001 that my Purchase Order funding would run out at the current spend rate by 8/31, I began looking in earnest again for a non-lawyer job in contracts using especially both NCMA's Career Center and its various chapters' job sites. Denver was and is one of the chapters with employment sites and job listings, and it allows job seekers to post their resumes for prospective employers to examine. As a lark, I applied for a job with Envirocon in Missoula, MT, for a contract administrator with two to four years' experience, top pay of about \$40,000. I was completely surprised when Jack Gilbraith, the VP for Operations who was based in Denver, not MT, called me back and invited me out there for an interview. It became immediately apparent that he and Mike Stevenson, President, totally controlled the hiring process. Maria Houston, the woman contracts manager who placed the ad because she desperately needed help, was simply taken to lunch at a sports bar, and pretty much told, "Meet your new helper."

Although a formal offer was not extended by the close of business Friday, everyone knew it was a foregone conclusion because Gilbraith and Stevenson had the Washington Group's corporate travel office re-write my plane ticket for a Monday return and extended my stay in the Holiday Inn Express across business I-90 from their offices for the weekend. I was also told to keep the rental car and use it to find a place to live *just in case I were hired*. Wink. Wink. I did use this opportunity to find a nice 2 BR condo on the third floor of a nice new complex behind the bowling alley on the north end of town which

I subsequently purchased. I got back to Groton very late Monday because of the time zone differential flying eastward. Tuesday Jack called with a salary offer of \$64,000, a 10% bonus, and complete relocation package. It took several weeks to get United Van Lines over to my duplex that I formerly shared with younger son, Mike. I gave notice to my landlord, and because I was month-to-month, was free to leave without forfeiting my security deposit.

Having been to Seattle and Vancouver, BC, I was curious to see what the Inland Pacific NW looked like. For my entire four days there, temperatures stayed above 100 each day. They told me it was unusually high, not to worry, that it was not like that every year. Needless to say, the interviews with Gilbraith and President Mike Stevenson went very well. First, they informed the other Contract Manager, Maria Houston, over lunch in a sports bar diagonally across the street from then office at 50 Taylor St., wedged between the Montana Rail Link tracks and business I-90, that I was their choice. This turned out badly because since she was not consulted in the matter but had written the job spec seeking a rookie she could boss around. So she subverted me from day one after I started work in mid-September. Gilbraith's wife refused to live in Montana, hence he was allowed to do his work and supervise us from the Golden, CO, regional office. We had a conference call with him every Friday morning as our staff meeting.

I was also given up to 30 days in the big downtown Holiday Inn in which to buy or rent a home. (HIE was across Taylor St. from the office.) The only catch, which turned out to be a big one was my probationary status for first year with the proviso that if I were terminated for cause or quit before 12 months elapsed, I had to repay Envirocon. I also signed a promissory note backing up that prospective indebtedness.

Things got off on the wrong foot before I even left CT. Four black packers from Rogovin Van Lines in New London arrived at my duplex together at 8 A.M. and spread out over the two floors of living space and my full basement. My son warned me at breakfast the following day that if I had not secured ALL my valuables in the car trunk, they would have been already stolen. It turns out that a scumbag named Hermie, whom I saw one year later unloading a load of furniture at Peppertree Apartments, "took charge of" the MBR. He stole both my

and Dixie's wedding bands and her engagement ring, the really good "knock off" Rolex that my scientist girlfriend had given me "back in the day," my U. of Chicago LS class ring, my Phi Beta Kappa key, and Uncle Milton's 100-year-old railroad watch on a gold chain. It obviously pissed Envirocon off badly when I got all over the cases of their preferred van line at both origin and destination, finally suing the van line in small claims court in Missoula.

So I had a sinking feeling in my gut when I left my latest girlfriend's house where I spent the two nights after my "goods" left. Bright and early Sunday September 9, 2001, I drove west on I-95 for what I hoped was the last time that I would ever be in CT. Putting EB in my rear view mirror, as well as New London, where Mike had been living in Jason's apartment since April, was also a relief. I absolutely intended to never come back East! Lack of planning and plain bad luck showed up early, e.g. on the Cross Bronx Expressway that takes one right past the closest exit to Yankee Stadium. Damn if the Yanks weren't hosting Red Sox at 1 P.M., so I was in stop-and-go traffic needlessly when I could have taken I-287 and the Tappan Zee Bridge to the Garden State Parkway, thence to New Jersey Turnpike.

No, I wasn't lost; rather, I was headed to Wilmington, DE to visit that office for a full day on Monday September 10th. I was also going to stop in Naperville IL to do likewise at the Chicago office, but that was "on the way." In fact, Gilbraith had told me to take as much time as I wanted on the drive out, just average 300 miles per day. So I wanted to see LS classmates, Bill Decker in Kalamazoo, MI, Jan Brakel and Gordon Berry in Chicago. Everyone knows why that became "not feasible." I had a few bobbles crossing the Delaware River from NJTP to the U.S. highway where my motel for the next two nights was situated. I had a productive "work day" visiting the office and making rounds of the larger job sites with Tom, a non-practicing lawyer, who was the contract manager for the East Coast. I had supper and crashed early for my drive to Western Michigan.

Tuesday, September 11th, I had free breakfast in my hotel, loaded my 1992 Honda which had 125,000 miles, and got right onto the nearby Pennsylvania Turnpike and headed west. I was not totally unfamiliar with it—having gone into NYC from Harrisburg on a trip back from Albuquerque with my older son, Will, after Christmas of his 3L at BULS,

when he drove to the West Coast and picked me up in Albuquerque at John's house. I started playing my jazz tapes—this old car did not come with a CD player. I had gone 150 miles west by 10:30 A.M. when I stopped at a Howard Johnson's east of Pittsburgh to drain off the coffee. Just before exiting the PTP, four or five cherry red cop cars with hand placed "bubblegum machines," rather than "antlers," passed me with lights flashing and sirens sounding. I was at first afraid I was busted for speeding. But they went by me like I was standing still. It never occurred to me to turn on my radio. As I walked painfully into HoJo's caring only about the location of the men's room, I passed under a TV which showed the World Trade Center Towers on fire.

After the "pit stop," I watched the TV for a few minutes, then got back in my car and tuned to the far left end of FM dial searching for PBS stations. I found one in Pittsburgh, and stayed with a variety of them all the way to LaPorte, IN, on the IL Stateline. Traffic going around Pittsburgh from S, E, and N was very slow going because a large portion of the city's population was evacuating. So when the PTP ended, I just got on the Ohio Turnpike and drove NW as fast as I could. I ate in the car while riveted to the radio. I had long since given up any thought of seeing Bill Decker in Kalamazoo. I was so upset that I crossed northern Indiana in the darkness. Finally, my neck, back, and pinched sciatic nerves in both legs forced me to stop. I have no idea what hotel I stayed in. I brought supper into my room at 10 P.M.. I ate, took hot shower, and tried to sleep.

It turned out that the PA HoJo's where I had stopped was the nearest rest stop on PTP to farm field where the fourth plane went down (Shanksville), after it was commandeered back from the hijackers by the brave crew and passengers thereby avoiding another strike in DC. I experienced personal grief regarding both the WTC's and offices on the west side of Pentagon. During the early 1980s when I filed Marine Builders' Risk insurance claims versus the Navy for EB's defective and missing welds as well as for the non-specification carbon steel that Purchasing mistakenly bought from a jobber when mills were out, I had stayed in a hotel on the lower floors of the North tower, and went up on the South tower's observation deck several times. Our outside admiralty and maritime lawyer, Sheldon Vogel's office was nearby on Wall Street.

Likewise, I had been in the Pentagon at least five times during the same time frame while on the Shipbuilders Council of America's Contracts and Ship Repair committees visiting then Under Secretary of Defense, Mary Ann Gilleece, to press the industry's positions on proposed changes to FAR and DFARS. I recall that she had a view of the Lincoln and Washington Memorials to her NW. So the third plane killed the occupants of her area.

Having driven to the IL state line on the 11th, I looked forward to a quick and easy drive to Naperville, but that did not come to fruition due to normal commuter traffic as well as deferred heavy maintenance being done to the interstates because it was still hot, late summer. Despite having lived on Chicago's Southside for three and one-half years, I had no clue where the detour took me. I avoided the Dan Ryan Expressway, and eventually found the Northway which took me to an east-west U.S. highway, possibly Route 66, that landed me at Envirocon's Chicago office door. They had not expected to see me that day, and I had not called ahead.

I was given an impromptu tour of the office and introduced to those workers. Then the Program Manager sent me out to two job sites with a very attractive Hispanic woman who lived in Batavia, farther west. By 2:30 P.M., we had seen all that there was to see. Both she (I don't know why—but I shouldn't have emailed her from Missoula despite her singleness) and Roger, office head, urged me in view of the long first-day's drive and my having friends whom I could at least call from my motel, to have lunch, stay at a hotel which they could book at the corporate rate, and not leave until Wednesday 13th. Damn, I wish that I had listened to them. I had lunch with Roger, told him I was too upset to stick around, and could call LS friends the first time I was back in Naperville.

I got on I-90 and drove like the proverbial bat out of hell through Wisconsin. The Chicago guys gave me directions different from what I had downloaded from Yahoo. The difference was whether, when in Wisconsin, to turn west towards Lacross or head north to Minneapolis/St. Paul and take I-94 through North Dakota. My calculations showed that paralleling the southern Minnesota border and crossing SD was shorter. And my girlfriend had urged me to stop and see the sights along the way if I only had to make 300 miles per day. So,



I stayed on I-90, stopped in Lacrosse, brought Burger King into my room, watched TV, and crashed early again.

The next morning I took bagel, apple, and banana from the breakfast bar for my lunch, and crossed a river into MN. I drove it quickly, nothing to see except farmlands. I finally got to SD by 1 or 2 P.M. I made needed pit stop, got sodas to go, and ate my second free breakfast heading toward the exit for Mt. Rushmore as fast as I dared. An hour before the lunch stop, about the SD stateline, the weather changed dramatically. I was in only a T shirt and shorts because it had been in the '70s in MN. Threatening dark thunder clouds appeared, and a wind from the west was higher blowing more than 30 mph. Despite the inclement weather, I got off I-90 about 70 miles SE of Rapid City determined to see Mt. Rushmore.

While I was parked on the side of road at the base of exit, two young guys in a huge pickup truck took the ramp and hollered something obnoxious at me about old farts or worse. They turned left onto the overpass heading south towards the national park entrance. Their two-mile head start allowed me to overtake them parked fully on the grassy shoulder in front of an Indian Trading Post a few hundred yards up the road from the National Park entrance with its \$10 fee. Given their youth and verbal hostility, I crept towards them with my left turn signal on—intending to pass them in the oncoming lane in case the driver opened his door. No lights were showing in the pickup, and, despite the tinted window, I could see that both occupants were still in the cab.

Suddenly, without using his directional signal or waving an arm out his window, the driver cranked up and made a U-Turn in front of me. I was already in the other lane, so if the pickup had simply proceeded straight ahead, I would have merely passed him on my way to the NP gate. But this 19-year-old kid named Welch, a student at USD in Yankton, in far the SE corner of the state, "continued across my bow." I took a second evasive action by cutting right and accelerating hoping to pass behind him. Unfortunately, we were too close to each other, and his continued sharp left turn brought him into me. My left front bumper and quarter panel hit the left corner of his steel rear bumper doing very minimal, cosmetic damage to his Father's truck. I did a 360 degree spin and wound up at the bottom of a four-foot

deep drainage ditch facing towards the NP gate. Unfortunately for me, it was too far away for the toll taker to have seen the accident.

The folks in the trading post heard it. The two college students came down and helped me out of the ditch. They both apologized profusely saying, "Mister, we are so sorry. It was totally our fault." That was then. Three hours later after having been on their cell phones to their respective parents, the assignment of blame started changing. It took well over an hour for a SD state cop to arrive at the scene. I was freezing; the students who were going hunting in WY were dressed much more warmly. My driver's airbag had exploded, protecting my chest from being impaled on the steering column, but the bag's explosive force had bent my wire frame, John Lennon style hippie glasses and burned my face. Also, my exposed right knee had been gashed by dash. God, how I wished within 15 minutes, and often since, that I had told myself "the hell with it, I can drive back from MT and see it some other time." Because Rapid City was then only 70 miles away, and because the loop past the monument left me only 30 miles SE of Rapid City, I decided to see it any way. I wished that I had not been so curious about Mt. Rushmore.

After we exchanged drivers' licenses and insurance data, they left the Trading Post because his pickup was unscathed. I do not even recall that they waited for the trooper's arrival to give him their statement. Later, I learned that they gave three different statements, each one blaming me more and more over the next six months. On the other hand, my car had bottomed out, engine was pushed back six inches into the driver's compartment, and the radiator was crushed. In other words, it was a **total loss**. It and I were taken into Rapid City by a flatbed truck driver who winched the car up. But, even then, we did not go directly to Rapid City. Instead, he had to drop his young daughter with her mother at a truck stop which was out of the way. So it was raining hard and dark when he dropped the car at GEICO's preferred body shop and me at the worst sort of flea bag motel. I had loaded the contents of my destroyed Honda into the cab of his truck, but the two of us simply dumped it all in the rain on the motel parking lot. He drove off, and it took me multiple trips to get it all inside my motel room. I called out for food, and had the strongest urge to drink since Dixie's death.

Don't believe for a minute that the only place that the home team always wins in situations like this is in the Deep South when you have northern plates. This was a cluster fuck. The driver of the tow truck, after putting my inoperable car onto the flatbed, dropped me and the contents of my sizeable Honda at a terrible motel which stank of stale beer and piss, one block from the junk yard where he dropped my car off. That was one of the worst nights since I had gotten sober. I debated getting a six pack and just getting drunk. I treated myself to a steak and onion rings, washed down with diet Coke and had a brownie for dessert (squelch that sugar craving.)

The next morning, I called Missoula and spoke with Nancy and other secretary. They told me how sorry they were that the accident had occurred, took some information from me, and told me to "do the best you can to find a rental car and finish the trip as quickly as possible." Everyone in SD lives at least one hour's drive from the nearest next important thing. I called GEICO, my insurer, and they contacted their nearest agent, 70 miles away in Spearfish. I had hoped that Rapid City was a big enough city to have an agent. Waiting for him on Thursday, I started calling all the rental car companies. I uniformly struck out because the 13th was only two days after 9/11, most flights had been cancelled, and therefore many stranded travelers had rented cars even for cross country trips home. About noon, after the jerk agent had given me a pre-printed check for \$4,200 (way low considering the repairs, maintenance, new A/C and four new tires that I bought for the trip), my luck changed. National, which turned out to be EI's preferred company, called me back and said that someone had just dropped off a car at the Rapid City airport from MT, and that they wanted it deadheaded back to Missoula ASAP.

So I took a cab to the airport, picked up a very small econo-box, went back to the motel, loaded all my "stuff," checked out, and headed towards Billings. I crossed through the NE tip of WY and noted with trepidation the snow gates at many points along the highway with yellow lights that flashed during blizzards when all roads were closed. It was dark when I got to Billings, and I was dog tired, but at least not dead. I did not try to call our Montville, CT, neighbors, Debbie and Bill in Columbus, about 70 miles west. They could wait for the next day. In fact, I never saw them while in MT. I got a nice steak in the

restaurant adjacent to my motel, and I crashed early still again. Friday morning, I got up, drove one hour, exited for Columbus. The gas station owner directed me through town and I stopped at the hardware store. Both employed people who knew them. They called for me on their landlines and got the Calovis's answering machine. It turns out that they were fishing outside of Helena. What an odd coincidence because when I got to Bozeman, instead of staying on I-90 to Butte, I, too, turned north to Helena in order to check in with the VA hospital and register for its primary care clinic in Missoula. So I must have been close to the Calovis's when I drove west on state highway 22 to pickup I-90 about 20 miles east of Missoula.

By then it was Saturday, and again I was driving fast hoping to make the kickoff of the U. of Montana Grizzlies' first home game. It was cancelled because of 9/11, so I just went straight to the big Holiday Inn where I was to reside for the next 16 days. My buying the third story, 2BR, 2BA condo behind the bowling alley went fast because a) I had seen it during my interview trip, b) the seller was a banker who had moved already to Butte, and c) there was no haggling on price. Bill Zader, then with Century 21, had shown it to me on my interview trip, and it might even have been his listing. For some strange reason, my household goods—minus irreplaceable family jewelry—did not arrive in Missoula until the day that I occupied the condo. Then matters were further screwed up by fact that the trailer was too long to navigate the corner around the bowling alley to my condo. Hence, the driver and helper who rode with him turned matters over to local worker bees of Allied. They offloaded my stuff from the van to a smaller truck which then turned the tight corner, drove several hundred yards to the elevator that went to second and third floors, and the locals assumed responsibility for moving me in so the driver and helper could leave town.

Then I got first exposure to the Montana work ethic. Promptly at 5 P.M. that Friday, the two or three local workers simply put all my boxes that they had not taken to my third floor condo into the garage that I shared with a young Oriental couple and booked out without saying a word. Saturday, I had to use my own wooden mechanic's creeper to move 33 heavy boxes in 100 degree heat into my condo from the garage, using the elevator which was in middle of building;

whereas I was the “end unit, top floor.” This pissed me off no end. And, of course, the first thing I did on Friday was get the manifest to locate those boxes packed from my CT MBR. My heart sank again because the aforementioned “family jewels” had indeed been stolen. Sunday I completed unpacking including setting up beds in both BRs.

Monday I dragged my stiff and sore body to work and used the company’s WATS line and fax machine to report the theft to Groton City Police and Rogovin Van Lines in New London. In retrospect, I imagine that my using company equipment for a “personal matter” pissed Mike off because Nancy and the other gal must have reported that I was a heavy user in my first couple of weeks of work. When I reported to Taylor Street, I filled out some paperwork relating to the start of job (I had been on the payroll since 9/1 so that my one-month waiting period for BC/BS coverage would be shortened) and pertaining to the accident en route. Still a few weeks later, Joe, the QC and Safety guy, had a brainstorm and said that because I was injured while on the payroll and *en route* to Missoula, this was probably a Workers’ Compensation matter. I did not know until he fired me, just how angry Mike was that I was the company’s first “industrial accident victim” within the past 24 months. The unusually cruel manner in which he terminated me at 8:15 A.M. Pearl Harbor Day and then stood in my office watching me carry out my personal effects precluded our ever having a conversation about who was at fault in the SD accident. All he cared about was that I ruined EI’s unblemished Workers’ Compensation record. When State Farm, Welch’s insurer, refused to pay because the son and father, on their third try in the “Let’s screw the out of town Yankee” version of the accident report blamed the whole thing on me and got the local state cop to re-write his official report to reflect their lies, EI ended up having to pay for my weekly chiropractic treatments under Worker’s Comp. Hence, Stevenson’s last words to me were, “Are you still seeing that goddamned chiropractor? Your health insurance continues through the end of December.”

I had been at EI several months, seeing a chiropractor for the back injuries suffered in the wreck (at suggestion of my daughter-in-law, a non-attorney case manager in Florida’s largest personal injury firm which was going to sue the other driver for me *gratis*), when the finger pointing started among the various insurers. Because the wreck

occurred before 10/1, I was not covered by MT BC/BS although the chiropractor's office had initially billed them. Then he billed GEICO, my insurer. **At that time**, they believed that I was the innocent party in the accident; hence **they** refused to pay, and referred the matter to State Farm, the college student's insurer. It was not until after I was in Las Cruces, NM, working for NMSU/PSL, that I learned that GEICO, "to quickly settle a disputed matter," had "confessed liability" on my behalf—without ever consulting me—and paid off the kid's father for \$150 damage to his rear bumper. Hence, my prospective personal injury lawsuit for thousands of dollars using Laurie Jay's law firm was pissed down the drain by my own insurer.

Within my first month of arriving in Missoula, I received papers from the VA, either DC or Helena, stating that I had successfully enrolled in MT VA, and could use its primary care clinic on Orange Avenue (where I attended night time AA meetings.) Hence, I had another source of low cost health care which I could have used for residual injuries from the accident without even using EI's MT BC/BS. Things at work got off on a good foot, too. I was given a Vice President's large enclosed office which allowed me to play my boom box—as did the others. It had many cases with three shelves along two walls for my books and files accumulated over the years.

I enjoyed the beauty of Missoula, surrounded as it was, by four ski peaks and the Clark Fork River which flowed just behind my condo's rear deck. I loved looking at both the "M" on the mountain near Washington/Grizzly Stadium and the mountain ranges to the west that were in Idaho and the Pacific Time Zone. I really regretted being terminated before I could drive I-90 to the north and south forks to Seattle and Portland, respectively, or have just gone over the mountains to see Spokane. The passes were closed early the 01/02 winter. Likewise, I wished that I had seen Glacier and Yellow Stone National Parks. Also, I wished that I could have gone back to Mt. Rushmore, missed by 30 miles due to the accident.

One bright note was my ability to obtain free or less-than-face-value tickets to **all** Griz home games. Having bought my condo from Century 21, I was invited to their barbeque tent on a grassy lot across the street from their stadium before games, at half times, and afterwards if I took the late school bus back to the bowling alley in front of

my condo. I consider myself very fortunate to have been at all those home games during the Grizzlies' run to their most recent I-AA championship. **The game which I enjoyed least was the one I saw from Washington Group's suite.** I had not yet confided in Maria that I was a recovering alcoholic who attended nightly AA meetings. Every time I had another juice or diet soda, Stevenson gave me that look that told me he was guessing he had hired a damned New England alkie. In that regard, it bears noting that EI neither required me to take a pre-employment physical exam (including blood test) or to complete a health questionnaire.

One of the grosser VP's at Taylor Street had a penchant for opening my door when I initially had a VP's office opposite Dan McCarthy, and throwing a cold can of beer at my head every Friday. I waited till he was gone, then I gave it to Dan, a fellow Grateful Dead aficionado. I also told him when he invited to strip clubs on the weekends when his wife was out of town, "I don't drink." To stop him from asking, I told him why. I am certain that he preserved my secret, but am certain that Ms. Houston who wanted me gone ASAP did not.

Midway through my tenure, I was told, with no notice, but with the excuse that big wigs were coming back in from the field for the winter, that they needed my large office with door for another VP, and that, therefore, I had to move immediately to the round table in front of Maria's office. It was moved towards the middle of the room outside her office to serve as my work credenza, and a small rectangular metal desk with two drawers was given me as my new "work station." What this really signified was the end of my being Maria's equal, i.e. my title was "senior contract administrator" with equal pay, and our being co-direct reports to Jim Gilbraith in CO.

From then on, I was Maria's overpaid "copy and file clerk." She glo-ried in giving me the insurance certificates for both of our contracts and other chicken shit paper work to three-hole punch, then file in her ring binders in the cramped space behind and to the side of her desk. I totally lost my privacy and, as winter came, was subjected to constant cold breezes from the outside back door behind me repetitively opening and closing. Maria was a single mom of three school kids. She was constantly absent during the work day, leaving me to



answer her phone, open her mail, and generally do the work of both contract managers.

Mike and the Mormons at El's insurance brokerage took exception to my "aggressive New York management style" (their exact words) in dealing with adversaries such as the clueless Philadelphia lawyer who, I noted in an email to brokers and Mike, "did not know his ass from his elbow." I also had some frustrating moments with women in the California field offices during Maria's most extended absence when I could not pry out of them information regarding which Terms & Conditions we were using in a particular commercial matter. I got on well with my friends in the Wilmington and Chicago offices, and believe that Jack approved strongly of the quality of my work.

Pretexts arose in late November for my firing 12/07. I worked frequently with Chris Paffhausen, the woman Comptroller who was originally from Massachusetts and whom I thought to be *simpatico*. I committed the *horrific mistake* of asking both her and the blonde woman in accounting if they had any single/divorced women friends roughly my age that I might take out for coffee, possibly leading to a date. Judging from critical remarks by my superiors, this constituted a form of "sexual harassment." What BS. Starting work, my "uniform" was New England business casual, e.g. blue button down oxford dress shirt and khakis. I was told to "lighten up," wear flannel shirts and jeans like the other guys. I never went that far. Making matters worse, I foolishly wore my Boston Red Sox and Patriots caps. This invited immediate, crude ridicule. Among the kinder epithets, "So, you are just another one of those goddamned eastern liberals who thinks he knows everything!" I had never spoken about sports or politics with these rednecks, but that did not stop them. Most days, I crossed the railroad tracks and bought a takeout sandwich from the Rattlesnake Lodge and ate it in the break room trying to make a few friends. The biggest laugh that four or five of them had at my expense that fall in the lunchroom was when I asked one of the bearded ones, "What is a gut pile?" When they finished hooting and hollering, someone told the tenderfoot that it was a deer's innards cut out before the carcass was hung in the trees to keep it safe from bears. Gee, I wonder why I was never asked to go hunting with the fellows?



Mike Stevenson's real reason for bringing a lawyer in at pay and perks far higher than specified in Maria's ad, and equal to hers, was that he did not want to be billed by Corporate on International Way for using the services of the other Walt, a lawyer from Tempe, who was fired one month prior to me. Mike heavily utilized my legal talents on the Montana Rail Link matter at the Livingstone switch yard where MRL's "predecessor in interest," Burlington Northern, had created one of the U.S.'s worst Super Fund sites by dropping every toxic carcinogenic substance known to man on the ground, and most had leached into the city's water supply. El had gotten a contract from MT EPA in Helena to clean up the mess, yet had an awful conflict of interest because Denny Washington both owned MRL and had leased 554 miles of BN's track across the entire state. So El was in the position of ordering Denny to pay for El to do the cleanup. Then MRL would recover from BN and its contractors, or so I hoped.

All the time I expended in Mike's front office doing copying and faxing kept me away from Maria's clutches. She was mightily pissed because I had been hired without her having been consulted, and in which case she would have objected. I reported to Jack G., not to her. My title was essentially equal to hers, and I am guessing that my pay was comparable. She continued to sabotage my work, especially Excel workbooks, and bad mouthed me to field personnel. The last straw for Mike was my having advised him in the Fall, exactly as Maria had done in April 2001, that the wisest course was to file a "pre-lien" on all jobs when we started them rather than waiting for problems to arise. Mike was "penny wise, and pound foolish." My extensive legal research confirmed that in 36 out of 50 states, if a contractor had not filed a pre-lien, then it was an "unsecured creditor" in the event that the debtor customer thereafter filed for chapter 7 Bankruptcy. Late in my tenure, Mike had me working with his lawyer buddy in Sacramento and a big Missoula law firm on \$15m and \$4m bankruptcies of Asarco (El's absolute largest customer anywhere) in Tacoma, WA, and East Helena, respectively.

Mike was already pissed at me for having the accident on the way to Missoula, which resulted in both a blemish on his WC record and El's being required to pay my chiropractic bills. He had heard from Chris and the women on second floor in accounting, et al, that I was

also looking for someone to date. He had to have figured out and/or been told by Maria that I was a recovering alcoholic. The weenies in the insurance agency said I was gruff, and then I was in "I told you so" position regarding the bankruptcies where EI stood to receive only pennies on the dollar, and then, only after many years of bankruptcy court proceedings.

What set Stevenson off to fire me at 8:15 A.M. Friday, December 7th, I will probably never know. Inside sources have told me that Maria wanted me gone ASAP. She had also told Mike and Jack that she could get her filing and flunky chores performed by a \$10/hour temp. Also, because I had retained the two outside lawyers to do the actual Proofs of Claim and court appearances in the Asarco matters, I was an unnecessarily high-paid, probationary employee who could be sent packing without cause and on a moment's notice. Proof that I was not "terminated for cause" came from the failure of management to mention my having to pay back my relocation costs for which I had executed a promissory note. Hence, I was not fired "for cause," and certainly did not quit of my own volition—although I had decided to quit and move myself to AZ when my one year had elapsed.

December 2001 was a very bleak month, and Christmas sucked badly. I attended AA turkey dinners on both TG and Christmas at the Baptist Church. I enjoyed the company of other lonely people struggling not to drink over their misfortunes. I attended church at three or four Protestant denominations and met mostly very friendly people. I did check in with MT Dept. of Labor but was told that because I had been an "independent contractor" in the 28 months that I worked for EB on a PO after being forced to take "early retirement," I was not eligible for unemployment compensation. I was offered a job for \$6/hour selling shoes at J.C. Penney in the mall south of town. Without straining, I managed to decline that offer. Mid-month one of my former EB legal dept. colleagues called me to say that I had caught a break *vis a vis* retiree health insurance. Back in 1993 when I turned 50 one day before the cutoff date, I lost my enrollment in the Executive Medical Plan which had been given me at time of hiring because I did not have the required 20 years' service (only 14.) A federal judge ruled in a suit brought by some of my age peers that EMP was only a "promise" in the employee handbook, not a binding element of an employment

contract. So, as of 7/1/93, I was Shit Out of Luck for retiree health insurance—till 12/01. The 12/01 offer was once-in-a-lifetime deal, take-it-or-leave-it opportunity. I am glad that I took it, because even though I had signed up for MT BC/BS under EI COBRA, I could now drop it. The same thing happened five months later at NMSU. I took one month of NM BC/BS under COBRA after leaving, then I relied upon EB insurance which I kept in force until I went on Medicare 6/08.

When I moved back to Groton 7/02, I wanted to strangle the SOB, Hermie, who packed my MBR when I saw him at the Peppertree Apartments, because while Mayflower, not Allied, handled my move back from NM, I saw that bastard, very soon before my right eye “blew out” unloading a United Van across the street from my apartment and almost accosted him. I let it go then because I had successfully sued Allied plus their New London, and Missoula agents in Missoula’s Small Claims Court recovering \$2,400. This just poured gasoline on Stevenson’s fire as an additional reason to fire me because I had embarrassed him by going after the Washington Group’s preferred movers. I did check New London pawn shops later to see if any of my stolen jewelry was still there. I could not envision Hermie’s showing off my UCLS ring to his friends!

Meanwhile, as winter came early to the work sites at higher elevations, several members of management trickled back into our little office situated between the Montana Rail Link and I-90 on the opposite end of town from Washington Group’s corporate headquarters. All of these companies were solely owned by Denny Washington, a Missoula native, who became a billionaire some years earlier in the construction business in Alaska. Among other bits of new knowledge I acquired were that Denny leased 540 miles of railroad track across southern Montana from the Burlington Northern Santa Fe and that in so doing, he became the legal successor in interest to it for Super Fund site cleanup purposes, especially the former engine switching depot in Livingston. This site has been on television many times because the pollution of the drinking water ground table from solvents used to degrease steam locomotives was so massive that the 25,000 inhabitants had to drink bottled water indefinitely. Twenty-five miles east of town, going up into the mountains towards Butte, a mining company had dammed the Clark Fork River with the result that huge

amounts of toxic sediments from the closed mines were not only on the river bottom, but they layered the dam which was set to burst at any moment poisoning the water downstream including Missoula's. Envirocon had contracts to rectify both of these situations. I negotiated with the state DEP for leniency in both situations even though Washington's companies had caused the pollution. That was a pretty blatant conflict of interest. I spent far more time in Stevenson's office and working on purely legal matters than I did helping Maria with my half of the prime- and subcontracts which we had divided amongst ourselves upon my arrival.

She never stopped seething over how Mike and Jack had foisted me off on her. I was given the title Senior Contract Administrator; whereas, she had sought a "rookie" whom she could boss around, Even though I was overworked, leaving each night no sooner than 6 P.M. because of my legal duties and handling of my own half of the contracts, Maria made the humiliation complete by giving me all of her filing and copying to do. We had no secretaries and clerks, but there were plenty of underworked females in accounting on the second floor. Making this a Catch-22 scenario, Stevenson constantly berated me for being at the copying machine in front of his secretary's desk and visible from his glassed in office. Washington Group charged him \$30 per hour whenever he consulted their one and only lawyer, coincidentally, a guy named Walt whose JD was from Arizona State in Tempe. That was why I was doing Envirocon's legal work. It foreshadowed horrible end of CY 2001 financial results.

Using my many years' experience in both drafting and negotiating exceptions to contractual terms and conditions, I had undertaken a complete re-drafting of those sets of "boilerplate" and disseminated same to the many field sales offices spread across the U.S. Had Stevenson not fired me on Pearl Harbor Day, I would have spent the first half of 2002 touring the country working with the contracts managers in all of those offices. Another thankless task was re-doing Maria's research of all 50 states' statutes regarding the necessity, or at least advisability, of filing so-called "pre liens" on ALL jobs that El undertook. I advised Stevenson that 36 states required a contractor to file its lien against the Owner before starting work in order to have secured creditor status in the event that the Project went south, the

Owner filed bankruptcy, and EI had to file its proof of claim. The average cost of doing so was only \$200, but Stevenson, as was his wont, was “penny wise, but pound foolish.”

I handled on my own the dispute between EI and the company on the other side of our shared driveway concerning splitting the costs of repairs to defective water and sewage lines. Maria continued to bitch about my working only on legal matters, but, in reality, I was handling several contractual matters regarding a Delaware Super Fund site with an outside attorney in Philadelphia whom the local office had selected. He knew even less than I about environmental law, and later some of my sarcastic emails about him to Tom, an attorney who managed the contracts for PA and DE, came back to bite me in the ass as additional justification for Stevenson to fire me.

Washington Group had an enclosed suite for U. of Montana football games. Incidentally the one scheduled for 9/16 was made up later, so I was able to see all six of the Grizzlies' home games plus their three home playoff games on their way to winning the 2001 Division I-AA championship in Chattanooga. Several games into the season, EI had use of this suite. As normal, it was stocked with all sorts of alcoholic beverages, but only a few cans of soda and fruit juice for children of attendees. Stevenson immediately got all over me about my drinking orange juice and diet cokes. I refused to explain my choice, and went so far as to watch the second half in outdoor seats in front of the suite. The following Monday, I confided in Maria that I was in recovery. I am sure, in retrospect, that she immediately confirmed to Mike his “suspicions” about me. To say that Montanans drank and drove is a huge understatement. During my interview, the really big story on TV was a scandal involving the female Republican governor's chief of staff's vehicular manslaughter arrest. The GOP shakers and movers were all drunk at an “off site” in cabins in mountains outside Helena. The 28-year-old boy wonder, chief of staff was driving an equally young state representative back to Helena when he lost control of his SUV, left the road, killing his passenger, but because the vehicle was still drivable he went straight to the Governor's mansion where SHE had him strip, put his bloody clothes in the washer and dryer, and covered up for him briefly. He got a suspended sentence. No charges were filed against her, but she lost to a male Democrat when her term ended.

## Montana

That fall one of the local TV stations ran a series with its finding that Montana's per capita rate of vehicular deaths involving the abuse of alcohol was the nation's highest. They later pointed out how much lost advertising revenue they suffered during that series, especially from beer companies.

Feeling free once everyone probably knew, I attended meetings every night at a local Baptist Church. They alternated in style and composition, so I never got bored. They were also life savers at Thanksgiving and Christmas when they served big turkey dinners for the homeless and loners. They were not around the clock alkathons like back in CT, but the meetings were close to my condo and I attended services there Sunday mornings. I made friends within the program quickly, unlike at EI, and knew the day- time meetings to attend after my 12/07 firing until I left Missoula.

My realtor, Bill Zader, told me about Montana football games' being the biggest thing in town on Saturday afternoons and gave me a ticket to the first game. His firm and many other businesses erected tents and barbequed across the road from Washington/Grizzly Stadium. Did you recognize the first listed name? Denny gave millions to expand its capacity, so it was named after him. Every game was a 20,000 seat sell-out. I quickly learned the foolishness of driving, then hunting, an hour for parking. Several school buses made pick up's and drop off's before and after games within Missoula. I rode the bus from the bowling alley in front of my condo. For each and every game, I either was able to purchase a ticket for face value or less, or had one given to me. The Grizzlies went undefeated the fall 2001 (16-0), 12 in regular season, three in the playoffs, and the national championship game versus Furman in Chattanooga. They were great fun. After each first down, and there were many, one side of the stadium chanted, "First Down," to which the other responded, "Montana." The Big Sky was one of the premier I-AA conferences, certainly the best west of the Mississippi River. The schedule was comprised of teams that were mostly a mystery to me. When I saw fans gathering in the Safeway parking lot at 10 A.M. on game morning wearing purple baseball caps with white W's, and **not drinking beer**, it slowly dawned on me that these were Mormons from Ogden, UT, there to cheer Weber State, not U. of Washington Huskies. Other adversaries included the Northern

Arizona Lumberjacks whom Dixie and I had watched five consecutive years in Flagstaff with JoAnn and Kermit Phillips back in the early '70s; Eastern Washington, and other "directional schools" as they are referred to sarcastically on ESPN.

Dan M. was not a football fan, but another engineer, Bill W. (no, not that one!) was, and after he found out that I scrounged tickets to every regular season game, he phoned me rather than risk being seen talking to me, and said that he was making a stadium run to buy playoff tickets. He doubted my luck would continue and asked if he could buy me one next to him. I assented, and I made it up to him at the stadium. In fact, during the season, at Century 21's tent, I had won in a raffle a Carhartt leather work jacket emblazoned with the Miller High Life logo which I cannot wear around Groton lest I shock my fellow Friends of Bill. By the last playoff game, Stevenson had fired me, so we had an awkward moment when we ran into each other on a concourse at half time. I greeted him and told him I was all for the Grizzlies and would treasure my memories of this season regardless of where I wound up.

I had to be reminded periodically that there were lots of Mormons in the area including Mike's priggish secretary, so to watch my language and not tell jokes which she could overhear from the nearby lunch room. I uncovered a few others inadvertently when Maria took me to lunch with the boss from the local insurance agency and his naïve assistant. They wrote EI's surety bonds. I regaled them with a few stories from my "colorful past." No bad language, just coarse situations. Maria lectured me upon return to work that the others had been *shocked*. Must not have been a religious thing because a few weeks later, she and I attended, with Mike and other EI big wigs, a party at the insurance agency where the liquor flowed too freely for my comfort level. I booked out for a meeting on the campus which was listed in our schedule, but that I had not attended yet. God, what a relief it was to be with fellow alkies where I could share my discomfort.

I knew that EI was in dire financial straits because of the future losses from the Tacoma and Helena fiascos. Both outside law firms had confirmed MY advice to Stevenson that because we were only unsecured creditors (because he had failed to pre-lien both jobs), all that EI could expect to receive was pennies on the dollar, and that would



be as long as five years in the future. Envirocon was owed \$14m and \$5m, respectively, so he decided to shoot the messenger. El just had lost another \$1m on a simple road construction project in Colorado, so El fired 20% of its work force. Before Thanksgiving, Washington Group had fired its only in-house counsel, the other Walt from Tempe, AZ, so my workload actually picked up my last month there because I was then doing some work for the parent corporation. Therefore, it was a huge shock when Mike called me into his office at 8:15 A.M. sharp on Pearl Harbor Day (I had already been at work since 7, as was my habit, given my huge workload), and handed me my last check and a letter firing me. No reason was given; it cited that I “had not successfully completed my probationary period.”

He told me that I had fifteen minutes to clear out my desk and be gone. That was one of the mornings that, fortunately, I had backed my Subaru into a parking place immediately next to the metal back door against which my desk was pushed. Hence, I was able to carry several armloads of books and personal effects back and forth very quickly. Stevenson, not content to have fired me in a humiliating fashion, came to Contracts, and shouted at me during my last few runs. The real reasons just tumbled out, one after another. I told Joe, the Health and Safety Director, during my debriefing my first work day regarding the accident, that while the burn and cut would heal without medical intervention (and that I had received none in SD), my back and neck did hurt and I might need to see a chiropractor. Soon after arrival I found a chiropractor in the yellow pages who was located in a strip mall next to the Montana School of Massage. MSM charged very little because students did the work for around \$25/hour, so I paid for those sessions out of my pocket. I saw the chiropractor who agreed to bill it to my Montana BC/BS insurance from El. He highly recommended I avail myself of the inexpensive massages, given by males, as complementary to his treatments.

So Mike was taunting me, “are you still seeing that goddamned chiropractor,” as I carried my last load to the Subaru which I had purchased from my realtor’s buddy at Four Seasons Subaru dealership. (El allowed me to drive an old Chevy Malibu from Washington Group’s motor pool with 175k miles on it for the four days that they gave me to buy a replacement for my totaled Honda.) He asked rhetorically, “Why



do I still need you around here, if all you do is hire outside lawyers and send them papers. A clerk can do that. You've been no help to Maria." All of the foregoing accusations were true, but because he and Denny also cut 20% of the payroll before Christmas (they magnanimously continued my health insurance through December 31st, and I elected to retain it via COBRA until I got to NM), I was not the only "financial hardship layoff" and the termination letter acknowledged as much.

I immediately called a young lawyer named Eric whom I had befriended at meetings because he was just coming back after having relapsed when **his** wife filed for divorce and tossed him out of the house. His plight was very similar to my own 16 years earlier. I told him what had happened. It was not a complete surprise to either of us because of the fall's events, but nonetheless, I was undecided between merely getting drunk or killing myself. As to the latter, counselors and members had told me and others in dire straits repeatedly, "Suicide is a **permanent** solution to what are only **temporary** problems." He reminded me that there was a noon time meeting at the Montana Children's Theatre every day of the week, so I took my brown bag sandwich and went there on 12/07—and for every day until I left Missoula the first week of February. I also continued my night time meetings, mostly at the Baptist church. Essentially I was following the advice given by old timers to newcomers, returning slippee's, and those who have suffered a grave emotional disturbance, i.e. "Go to 90 meetings in 90 days." My new friends kept me sober and emotionally grounded. In fact, I had to regretfully decline a request from a young man at the noon MCT meeting that I become his sponsor because I was leaving for my new job in NM within two days.

I asked the realtor who sold me the condo, Bill Zader, to accept the listing to sell my condo as quickly as possible after PSL/NMSU had flown me to Las Cruces for a weekend and I had accepted Dino Almendral's job offer over steaks before I left town. I was willing to take a loss if necessary because I had the future assurance of a job paying \$50,000 per year. Bill listed it for what I had paid and held open houses on both Saturday and Sunday while I watched football at the very same sports bar where I had been hired. A woman bought it for \$500 less than I had paid, and I ate Bill's 5% commission (he graciously reduced it one percent because he had also sold it to me.) He

took me for a farewell lunch at the best restaurant in town and asked me to rent a cheaper place, to stay, and work for his boss' agency. It was tempting, but I had the job in NM, and he soon had quit or was fired, because when I emailed him from Cruces, I received a curt reply that he was no longer with that agency (he formed his own agency.) They gave me his new email address and we corresponded for a few years.

One other "small touch of home" was the friendship that I struck up over the phone with a DJ at the university's low powered FM station. He called himself Low Bird and stated that he was from Gainesville and really missed FL badly. I commiserated with him, and he played some of my requests. On the dating front, I met some nice women in AA, but because I saw my job going down the tubes, I made no effort to ask them out. The closest I came in that regard was multiple phone conversations with the female president of the local singles club who lived in a much smaller town 20 miles up into the mountains. Even when I told her that I had been fired and most definitely would be leaving Missoula for a new job in either NM or FL, or simply returning to CT, she still wanted to go out, at least for coffee. I bet she was good looking, too, but I said it was pointless after NMSU hired me. Dino also got the Deputy Provost to raise my salary (before I even started) from \$50,000 to \$64,500, \$500 more than I earned at EI, but without the promise of a 10% performance bonus (which no one there received because they had lost lots of money in CY 01.)

I also kept in touch with Bill W. until several months ago when he sent me "one last message from EI because he, too, had been fired and did not have a home email address."

I immediately emailed Dan, who gave me Bill's Missoula phone number, but I have yet to call him. Over the years he told me that Maria had replaced me with a \$10/hour, 20 hour/week female temp who merely filed and made copies (what Stevenson thought I was doing although he personally knew otherwise.) Although I really hated Maria, she had confided in me that the framed photos of the obviously mixed race kids on her shelves were hers with her black ex-husband who had fled to WA state and was not paying child support, so I felt terribly sorry for her when Bill related that she had been diagnosed with breast cancer and had undergone a double mastectomy,

followed by both radiation and chemotherapy. Having watched Dixie endure those simultaneously, I had the real life opportunity to “not have wished that on even my worst enemy.” Several years later Bill confirmed that Maria had returned to work, but then she, too, was fired—apparently after her recovery was assured, and is now working in Denver. He said that EI gave up its lease on the small Taylor Street property and moved into WG’s HQ on the other side of Missoula near the airport. They had hired a woman lawyer with a contracts background to do the work that the three of us had formerly done. (As a postscript, Dan’s email forwarding Bill’s local phone number stated that EI had returned to Taylor Street very recently, but no one had been rehired.)

I never did get to see the part of I-90 between Bozeman and Butte. After getting the bum’s rush out of Envirocon, I left my condo on Business I-90N next to the bowling alley, headed out the main drag, flipped off Envirocon while accelerating up the hill, and drove to Butte in a February 2002 rain. I picked up I-15 south and headed for my mother-in-law’s condo in Salt Lake City. *En route* I passed by the domed stadium at Idaho State U. in Pocatello and marveled at my first glimpse of the Great Salt Lake. I always figured that I would be back to Missoula and Columbus some day, under happier circumstances. Missoula is a great small city and the University adds so much to its appeal in addition to the great outdoors.

## CHAPTER 21

### LAS CRUCES

Around Christmas, Jose Dino Almendral, the lawyer at NMSU's Physical Science Lab in Las Cruces, finally emailed me after being unable to reach me via phone for three months. No shit, Sherlock. I disconnected my CT phone when I went to MT. As things looked worse and worse for me at EI, I did update my online resumes posted at Monster and Career Builder with my MT contact data, but I kept the same ISP. He told me he needed an assistant as well as a Head of Contracts, but could not interview me till mid-January due to semester break. I accepted his trip offer for later. Meanwhile, I was also flown to Ft. Walton Beach by Metric Systems for all-day interviews to be their third lawyer, but primarily a Contracts Administrator. Pay for both jobs was same, about \$50,000, which was acceptable. I got back in time from Ft. Walton Beach to settle my small claims law suit versus Allied with their Chicago lady lawyer via phone one hour before the hearing was set to start. The NMSU lawyer had previously offered me his job, and I said I would call him back after I got back from FL. Don't know if I triggered a bidding war, but Dino in Las Cruces called, asked if I were willing to delay reporting to NM for two weeks while he negotiated with U's deputy provost to get my pay increased. I said "Hell yeah." I got the raise, all expense relocation, and one month in temporary lodgings.

This turned out to be the *job from hell* that Dino warned me it could be. Again, I was probationary for 12 months, and got fired by lab management when I blew the whistle for their cheating the U.S. Government in cost accounting shenanigans. So I sold the house, which I had

bought there—again from Century 21—in four days, took an all cash offer, and went back to CT to lick my wounds and practice law. Unlike Missoula, Las Cruces was a filthy dusty Mexican town too close to El Paso. As my mother, in an Albuquerque nursing home, slipped into Alzheimer's, I found it easy to leave NM. I had commuted to Albuquerque one weekend per month to visit her.

The NMSU lawyer had previously offered me his job over steaks at the Cattle Baron, and I accepted. However, he warned me that this could turn nasty if I did not bend over backwards to humor pushy females, mostly Hispanics. He had warned me via phone before my interviews that many of the lab's Hispanic females were very prone to filing EEO claims versus Anglo male bosses. I inferred as much during my second large panel interview when Joanne Esparza visibly winced when I made reference to the "corrupt Greek EB GM" who nearly caused me to be brought before a grand jury (investigating him.) Well, P. T. Veliotis was born and raised in Greece, and he had been convicted, albeit in **absentia**, for defrauding the USG, so my description was factually accurate. He also took bribes as "grease money" at Davie Shipbuilding in Montreal before GD hired him. When Dino informed me by phone that my interviews had "generally" gone well except for one woman, I guessed both Esparza's identity and the remark to which she took exception. This was just a preview of my dealings with "the Wicked Witch of the North," as Stan Wright and Sherri Fredrickson referred to her.

My drive to Las Cruces from Missoula was tough because it required my crossing the Rocky Mountains SE of Salt Lake City on U.S. 6 in a blizzard after my overnight stop there with my late wife's mother and brother. I ate a great lunch in Moab, and then surprised myself by making it all the way to Albuquerque that night. I crashed in my motel room with takeout food, called the nursing home to speak with mother, and then alerted my estranged brother (evangelical Christian who is rightfully convinced that I will burn in hell for eternity) of my arrival. With PSL's permission, I spent the weekend in Albuquerque at my expense visiting mom on Saturday and Sunday. I arrived at a nice hotel just off I-25 across from the Aggies' football stadium late Sunday evening. From there, all sorts of "logistic things" went downhill quickly. The HR manager had told me via phone in MT that I was to stay in a

furnished suite for my first 30 days during which I had to buy or rent a house or apartment. Instead, she put me into a sparsely furnished dump, the Omni, which required my rushing out Monday night to Wal\*Mart to buy silverware, sheets and comforter, shower curtain, and clock radio, etc. I had no phone or TV because they were extra. Yet, I had shipped four TVs via North American Van lines and could have put two black and white 12" sets with rabbit ears to good use in my room and at least gotten all the El Paso channels. So, I watched the NCAA hoops tournament (March Madness) on a large projection TV in the Student Union with undergrads.

The weekend before I was to have started work, having no TV or radio, I attended the women's softball tournament played on high, dusty fields in 30 mph west winds. FSU, my hometown team played, so I cheered them on versus the Aggies and Texas Tech's Red Raiders. In the process, I became deathly ill with a respiratory infection. When I reported to PSL Monday at 8 A.M., HR sent me directly to the Student Clinic where I was seen by a female M.D., Dr. Lopez, who **gave** me antibiotics—because I had no health insurance from MT and it was up for grabs whether the Lab had me covered via NM BC/BS. If push had come to shove, I could have paid for them at a pharmacy and sent the bills to EB hoping to be reimbursed eventually. She made me go back home for three days, then see her first thing Thursday morning before reporting again to the lab. At least I was able to obtain my faculty/staff parking sticker from the building across from clinic while seeing the doctor.

Almost as soon as I met again with Dino, he informed me that he would be absent for most of the following week taking the NM bar exam in Santa Fe. Later during my brief tenure, he also took two or three weeks off to perform USAF reserve duty at Colorado Springs in order to be promoted to Major. This left me as the Acting General Counsel for nearly one month while I was also Head of Contracts. By March 1st, Peg Rushing, the elderly Purchasing Agent who resisted Dino's shift to paperless contracting, had informed him that she would no longer report directly to him. She preferred reporting to me. Something I never expected, wanted, or asked for. Out of pique, Dino then piled it on by ordering Jim Candelaria's Program Management Business Office Group to also report to him via me. In those

capacities, I was required to meet weekly, often daily, with both of those three- to four- person groups in addition to introducing myself to Mr. Wright—my CA, Ms. Fredrickson—secretary and CA trainee, and Marci Sanchez, the student intern, who constantly ridiculed my poor Spanish for names and places, but yet she never tried to converse with me in English.

Mrs. Esparza was brutal in this same regard despite my having told her that I had taken two conversational Spanish courses during the winters of '99 and '00 in hopes of getting a job in Albuquerque or Phoenix. I was also signed up for an evening course in Spanish across the street at Dona Ana JC, but she humiliated me anyway! She also had a penchant for keeping me waiting for hours in her secretary's area for scheduled meetings, before sending her secretary a message from behind her closed door that I was not needed that day after all.

Because my accommodations in the Omni were so crummy, I quickly hired a Century 21 agent, Sylvia Bejarano, to find me a house for less than \$100,000 immediately. I bought a 2BR 1¾BA house at the north end of town where Solano Road crossed U.S. 50 and changed its name to Spitz, at the corner of Cielo Vista Circle. I quickly found out why the elderly sellers who headed to the assisted living facility on the road east of and paralleling I-25 took my low ball offer, e.g. corner house with MBR facing south down Spitz without a six-foot adobe wall in front yard. This allowed car headlights to penetrate even the thickest curtains, disrupting my sleep. Also, the neighborhood kids walking to the shopping center one block south tossed all manner of trash in my all-rock front yard. Added to their waste was the huge amount of still worse airborne junk that blew across the vacant lot from a trailer park near the Rio Grande. I experienced all kinds of plumbing problems inside the house and with the rooftop swamp box, so it was not such a bargain. At least I could take I-25 to NMSU, returning via Solano for AA meetings at a clubhouse just south of U.S. 50. When I got fed up over not being able to get a job which specified an MBA which I had, with either the city or county because I was **not fluent** in Spanish (three fourth's of our residents' primary language was NOT English), I gave up, called Sylvia the realtor back, and sold my house for a \$4,000 profit (before the \$6,000 commissions, etc.)

Fortunately, my older female buyer from Albuquerque had a son living two blocks farther north on Spitz. Thus, this was a simple case of location, location, location. She made an all-cash offer and agreed upon a quick closing. So I conducted a one-week long, indoor tag sale ridding myself of stuff from my marriage that I had moved around primarily because the costs were paid by others. I unloaded *mucho grande* stuff, donated 33 rpm LPs to the public library. I beat the moving van to CT by only one day. The paint was barely dry on the apartment I rented on my first day back. Good riddance to NM. My brother and I still barely spoke, and our mom developed Alzheimer's and congestive heart failure. She died 12/30/02 after I was back in CT. John had her cremated and brought her ashes in an urn on the airplane to her family's burial plot outside Augusta, GA. Therefore, I did not have to go back to Albuquerque. Re-visiting Las Cruces was totally out of the question. It was a hot, dry, dusty town where English is rarely heard. And I thought that El Paso was an American city south of Cruces in TX.

My personal life, before and after my illegal firing (I filed my state EEO complaint two days late with EEOC in Albuquerque because my right eye ball ruptured in August 2002 and I could not use my computer till December), was surprisingly good. I belonged to three singles' clubs all of which had very different orientations. The one where I was the youngest had the most dine-outs, and made prescription runs weekly to Columbus, NM, and the Pharmacia's just across the border (these poor devils did not have Part D Medicare, yet.) The second was a Christian Singles outfit that had lots of socials. I attended the Lutheran church in my neighborhood, but the Baptists and the Methodists held socials at their churches. That was fine by me; the food was excellent, although I was not much into prayer and sexless dating. The third club, where I was tied as oldest member, had 40- to 60-year-olds, some pretty women, and plenty of folks from NMSU. We made trips to Ruidoso and to events at the University. Hence, I rarely cooked supper. Of course, most restaurants were Mexican. I quickly found out that NM's state question was "red or green chilies?" In my uninformed northeastern gringo opinion, there were only three categories of Mexican restaurant there—good, better, and best.



I also joined the Senior Center which had two locations, neither of which was far from my home. I took Tai Chi classes three days per week, but did not eat there after twice trying to converse with tablemates only to be told “*no habla anglais.*” Unless an Anglo bought a house or condo on one of the several golf courses on the mesas east and west of downtown, his or her social life within city limits was restricted to fellow English speakers. Being ostracized from NMSU, I felt especially cut off except for the three singles’ clubs. Having a hankering for outdoor musical festivals, I subscribed to the *LC Sun-News* and read the entertainment section closely. I attended the Mimbres County Blues Festival in Silver City at 5,000 feet elevation and got the idea that maybe I could live across the AZ line in nearby Pinetop or Alpine and use my law license as well as enjoy the cool mountain climate. That’s still possible because I have kept AZ law license current. The city also put on weekly concerts in a big park that was nice as well. But better judgment kept me from going to the barrio when Freddy Fender appeared on *Cinco de Mayo*.

Cutting to the chase regarding work, I was a short timer. I was again a probationary employee for 12 months, and got fired by lab management when I blew the whistle to the Defense Department, NASA, and Army Inspector General for the lab’s senior management’s long standing practice of cheating the USG using thinly veiled cost accounting shenanigans. The “short version of PSL’s **false** firing rationale” was that I had hacked off a minor contract specialist (not THE ACO) at NASA’s Wallops Island, VA, facility which administered PSL’s sole source high altitude balloon contract that was performed from a site in SE TX (Palestine—nothing holy about it or them.) This single contract comprised 60% of PSL’s annual revenues, so to say that PSL management sucked up to NASA is huge understatement. I sent their stupid contract administrator, Mickey M. (I decided early on that it stood for “Mouse”) Merritt a handwritten fax at 7 P.M. their time at the urgent request of our program management business officer, Jim Candelaria—who later stabbed me in the back, because HE was very unhappy that NASA had not answered my subordinate’s November 2001 letter requesting the Service Contract Act Wage Determination upward revisions for our blue collar workers. These WD’s had not been revised since 1999 despite the Federal Acquisition Regulation

and Dept. of Labor regulations requiring that they be updated every six months. So they and we were in serious violation of U.S. labor laws. Furthermore, the lab's hourly unionized workers had stated that they would file their own separate complaint with the TX, NM, and U.S. Departments of Labor, which could have resulted in PSL's being debarred from contracting with the federal government or from receiving federal grants for up to three years. That would have spelled ruin for a non-profit lab almost wholly dependent upon the USG for its existence from the end of WWII to the present.

Stan Wright, my guy who had let this matter fester into a boil, was a 45ish, incompetent CA 2 ((pay grades ranged from 1 – 4, so he was not the “sharpest knife in the drawer”) whom the youngish (38) GC, a recent ex-AF JAG, would have fired if I had not arrived to train him. It had never occurred to Stan to follow up on the WD issue in the intervening five months when talking with Merritt **regarding other contracts** or other issues on **this** contract. Apparently Mickey had a very thin skin. My fax, in Dino's words, was “terse,” but neither vulgar nor threatening. Candelaria, the PMBO guy read it and approved it before I sent to Virginia. Then the “shit hit the fan,” e.g. next morning the Administrative Contracting Officer called and **he** chewed my ass at length. He said Mickey was “in tears,” so upset that HE could not talk with me. The ACO said it was a terrible thing that I had done impugning Mickey's integrity, etc. I admitted saying in the fax that WE were incredulous that NASA had not answered Wright's letter in the past five months. The ACO said they never received our letter. I refuted that spurious claim by telling him I had not only had reason to doubt this assertion, but that it was exactly the same excuse that Mickey had given during our **one and only prior** conversation in February after I took cognizance of the balloon contract, i.e. that he claimed that my letter (another subject, same contract) had arrived **without** its enclosures. I told Merritt that I was troubled, in disbelief, because **everyone on our internal distribution list at the lab** got this same letter, but **with enclosures**. In the spirit of cooperativeness, I told him that I would take his word that HE never got it. To expedite matters, I faxed the attachments immediately after hanging up and had no further contact with Mickey until I faxed him re the WD's in April. Despite my finding it incredible that a grown man would cry

over my fax, I nevertheless apologized to the ACO for inadvertently upsetting Mickey. While I believed now, as then, that he was mentally imbalanced (suggested by Wright and Candelaria), I wanted to “take one for the team” by apologizing even when and where it was not due. Evoking his immature reaction certainly was not my intention; I simply wanted his attention which I thereafter received regarding the grossly tardy WD’s.

As a result of Messrs. Wright and Merritt’s “letting this matter ‘fall through the cracks;” PSL owed its affected hourly employees substantial amounts of back pay. Because the contract was Cost No Fee, normal for universities and other “non-profits;” after PSL paid back wages, NASA consequently **owed it lots of money with interest**. Going the extra mile to ameliorate matters, I also emailed Mickey an apology (though I thought then, and still do, that none was warranted.) Apparently the ACO did not stop with his harsh phone call to me. Unbeknownst to me, he called the Deputy Director of the lab; a reclusive scientist named Steve Hottman, and chewed HIS butt and **demand****ed that I be fired**. In all the legal maneuvering following my firing, I should have sued the ACO personally for tortiously interfering in my employment contract with PSL. He was far off base to make such demands, especially based upon one fax to his subordinate. Furthermore, I cannot conceive that he or any ACO would have in good faith threatened to award the re-competed five year balloon contract to Litton, PSL’s subcontractor, when it was re-solicited in Fall 2002.

I was very shocked and angered by my termination based upon the pretext that Almendral, supposedly parroting Hottman, gave me. As I explained to Dino, **he** had already stated that he regarded my fax to Merritt as being “terse” at worst. I also apologized on the phone to the ACO and via email to M. Merritt. **Neither of them mentioned it again**. Therefore, I was caught totally unaware when Dino came to my office the Thursday before my firing (the following day) and stated, “Hottman is really angry at **what you just did** to Mickey Merritt.” I told Almendral that I suspected that he was hearing “yesterday’s news;” and that Hottman had held it for two to three weeks, only using it on me as my fraud investigation closed in on him. As Hottman and Kathy Hansen, the female Business Development Manager, became increasingly frightened of where my investigation of their abuse of

the secret 200 and 300 series of accounts, and Kathy's illegal ERAST deal, was taking me, Steven chose this late date as his most advantageous time to beat Dino up about this "ancient history."

Hottman, Hansen, and their subordinates were using the 200 and 300 series of accounts essentially as "revolving funds" to make purchases and sales "off the books"; which was expressly contrary to the lab's Policies and Procedures Manual which required all such transactions to be routed through Contracts on a **green sheet** that had to be signed by all senior management—preferably after a joint meeting to discuss pro's and con's, and then be signed again by either myself or the Director. I had also questioned the legality of the University's allocating approximately 80% of the cost of its two libraries to PSL which, in turn, billed 100% of those amounts to its government customers. I pointed out that this violated the federal Cost Accounting Standards because there was an insufficient "causal-beneficial relationship." I was told by my subordinates, "You do not want to know" when I inquired about these matters. Yet it was my job to do just that!

The evidence which I had that the officials who took the "adverse personnel action" against me in reprisal because I made the protected communications was the "purported unanimous vote to fire me" by the officials who were the subjects of my investigations and/or allegations in the attachments that I supplied to the three IG's. My subordinates warned me that Mr. Hottman and Ms. Hansen were very secretive about their "private accounts" and that **I ran the risk of being fired if I did not back off**. I told them that Mr. Almendral, **the GC and my boss**, had expressly directed me to stop these abuses as soon as possible. The newly hired (November 2001) CFO, Brent Howe, also told me that **these were very sticky wickets, but that the Director wanted the 200 and 300 accounts closed immediately**. Hence, I was following the express direction of my boss, the General Counsel, and the PSL Director. In the five years before Dr. Donald L. Bix became Director, various managers were allowed to keep the "profits" from these "off-the-books" transactions to use as they saw fit rather than replenishing the lab's "Discretionary Account" (similar to "Retained Earnings" in a for-profit organization.) Thus, the top three levels of PSL management were committing fraud on the USG by failing to comply

with FAR, DEAR, DFARS, OMB Circular A-111, CAS, and the lab's own policies and procedures.

PSL was able to violate the numerous statutes and regulations governing universities and other non-profit contractors and/or grantees for the simple reason that the USG declined to look at them. My next door neighbor, Howard Hensley, told me when he saw the For Sale sign in my yard that he, too, had worked at PSL, but he resigned seven years previously because, as an accountant working for the then CFO named Roger, he feared they would all wind up in jail. At that time, PSL's accounting was consolidated with NMSU's, but the University's outside counsel said that because PSL was such a cesspool of fraud, it should be spun off as a separate cost center to protect the university. Once that happened, no internal university auditors checked on PSL, and the cheating started all over again.

Every government contractor has a field contract administration office as an intermediary between it and the Procurement Contracting Officer back at agency HQ who actually awarded the contract and funding. PSL's CAO was the San Diego, CA, branch of the Officer of Naval Research. That was 1,000 miles away, and no one at the lab could tell me the last time that an ONR representative had visited Las Cruces, let alone done any type of oversight. Similarly, the Defense Contract Audit Agency office having cognizance of PSL was in Phoenix, 440 miles west. They, too, had not done any recent auditing of PSL. For that reason, during my short tenure, DCAA Phoenix opened a branch office in Albuquerque, still 225 miles north along I-25, and no one had visited since that office opened. But they were the auditors who investigated after my discharge and largely sustained my allegations of fraud, etc. I asked Stan Wright why the El Paso office of the Defense Contract Management Agency did not administer PSL's contracts. He said simply, "They don't do universities. ONR is more research related."

I had been warned early in life that "no good deed goes unpunished." In that connection, more than two years after my firing and departure from NM, I finally received the NASA IG's report of his office's investigation of my allegations. Perversely, he and the Defense Contract Audit Agency sustained almost all of my charges about PSL's failure to comply with CAS and FAR 31.205 (the USG's cost accounting

principles regarding “allowability”), yet they denied me any compensation because of the technical and factually incorrect reason that I was not fired BECAUSE of these allegations, but, rather because I had angered Mickey Merritt. Hence my allegations, which were true, were all allegedly made AFTER I had supposedly been properly terminated during my probationary period—which required no finding of “just cause.”

I naively thanked Almendral for his allegedly “having attempted to smooth matters over with Steve on my behalf.” However, Dino’s email to me after my meeting with him explicitly stated that he was “uncertain that (he) had accomplished that goal.” That was the exact reason that I copied Hottman on the “vetting” response. I sought, thereby, to apprise him of the exact facts of what I wrote, what the ACO said when he called, my reaction to it, which was not relayed to anyone at NASA, and my incredulity that this incident, which in my mind had blown over, could have any impact on the outcome of the high altitude balloon re-competition. While PSL’s CNF contract was sole source and had not previously been opened up to competitive bids, its major subcontractor, Litton, had already informed both NASA and PSL that it would bid for the next five-year contract. Significantly, during my entire three-month tenure at PSL, despite my having hand carried numerous documents to the offices of Hottman and Hansen in order to secure their signatures on “routing sheets,” neither of them ever took even a few minutes to speak with me notwithstanding their secretary’s apprising me that both were in and did not have anyone in their offices behind closed, solid doors. The obvious inference was that they vehemently resented my investigations of them and my having forced them to resume participating in the required “green sheet” process whereby bids and contracts were approved collegially.

When Almendral suggested, in relating the substance of Hottman’s complaint to him as my boss, that Merritt’s being upset jeopardized the lab’s chances of winning the re-competition of the five-year renewal contract, I told him bluntly that that idea was **absurd**. Almendral and I knew full well that NASA had to, and did in fact, run the re-competition strictly by the book, and PSL won the five-year renewal that fall. The only conceivable reason that PSL could have lost (with fatal results to the lab’s continued viability) would have been because

PSL lost “fair and square” after being evaluated in accordance with the terms and conditions of the Request for Proposals.

Even probationary employees had rights as Whistle Blowers under various federal statutes. I firmly believed then and now that I was fired in retaliation for trying to upset Hottman’s and Hansen’s apple carts regarding the secret 200 and 300 series accounts that they had been abusing for the previous several years, without oversight from Contracts or the Director, until my arrival. It must be remembered that **Almendral himself was only halfway through his own 12-month probationary period** when I started work in 2/02. Therefore, HE was not about to challenge the number two and three lab managers despite his having been alerted to their illegal acts. All of this “inmates running the prison” behavior went on because Dr. Birx had just closed the lab’s Antenna business which provided 40% of its revenues historically. He was “on the road again” desperately trying to replace those lost future revenues by expanding the balloon and telemetry businesses where PSL had no peers.

Similarly, Mrs. Esparza quickly regretted **her** request that I take over **her** contracts from Stan Wright. Despite this paper change, due to my newness to the lab and its contracts, I initially had no alternative but to rely heavily and frequently upon Stan for his advice concerning the minute details of those contracts which **he** had formerly administered. I came to believe, following my independent review, that he had usually been correct. Therefore, she found that while she had changed the cognizant CA, she was getting almost the exact same advice. Joanne also intensely disliked the delays engendered by Stan’s, then my, insistence that the lab’s policies and procedures regarding green sheets and Program Directives be followed to the letter. She also was angered by my holding up the processing of PD’s for her Army Research Lab contracts’ Task Orders because there was **insufficient funding**. While she smiled and made nice to me in meetings, she did not hesitate to plunge the dagger in my back when the matter of my retention or firing was voted upon.

After discussing my treatment by the lab with several DC government contracts and whistle bower (*qui tam*) expert lawyers, one of them asked me if I knew the Spanish translation of “*qui tam*.” I told them that I was convinced that PSL had been, and was continuing



to, violate the False Claim Act. I was terminated in retaliation for taking several investigative actions that my boss, the GC, J. D. Almendral expressly directed me to pursue during his and my meeting with Jim Candelaria and Brent Howe. In fact, while not deflecting blame to Candelaria, it is ironic that both my letter to M. Merritt which allegedly arrived at NASA without the PMBO's attachments and the handwritten fax forwarding Stan's unanswered 11/01 letter to M. Merritt were written and sent out "immediately" at the behest and with the approval of **Jim who said Stan had let him down badly on both those matters**. That now smells to me like Candelaria set me up for a humping, and that Candelaria then applied for my job after I was fired.

The implausible scenario I was given by Almendral as **his** explanation was that the termination letter simply stated that "you did not satisfactorily complete your one year probationary period." Lying through his teeth, Dino said that he fought hard for me, but was outvoted by 1) Hottman, 2) Hansen (woman business development director whom I was **investigating for off the books contracting**, 3) the Hispanic woman Program Manager, Esparza, for contracts with the Army at White Sands who consistently worked in advance of receipt of funding on IDIQ contracts, and 4) the Director's Assistant, Shelly Meyers, an alcoholic floozy who cast Director Birx's proxy. He was traveling constantly seeking new business in anticipation of closing by June 30th the money losing Antenna Division. This was a huge betrayal because Esparza specifically requested when I was hired that all her contracts be transferred from Stan to me because "she had lost confidence in him." She quickly learned that she could not bully me either, and then turned her fire on me. Almost upon my arrival, Director Birx completely abdicated day-to-day control of lab to the Operations Team, and I lost a 4-1 vote, was fired without being given any notice/warning and certainly not a second chance. Needless to say, I was very angry because Dino, the still new (hired August 2001) GC had specifically instructed me, as the basis for my annual evaluation to determine whether I became a permanent employee, to investigate the overhead accounts where Hottman and Hansen were conducting business without approval of Legal, Contracts, and the Director. Esparza was a chronic problem because of not obeying rules forbidding entering into "informal commitments." By April, I was



getting regularly recurring ocular migraines and not sleeping, so I had become worried that my health would fail soon if I was not going to receive the backing of Birx and Almendral, which was never forthcoming, despite high praise after my termination for the exemplary job I had done. In other words, the inmates, Hansen, Hottman, and Esparza, were running the prison.

The officials who took the personnel action terminating my employment were aware of my protected communications before they took the action against me because I had told them all in person, via telephone and/or email, that I had **grave misgivings about the illegal contracting actions** proposed by the lab's PM and ARL's Contracting Officer's (Technical) Representative who possessed no authority to modify contracts and the woman ACO at WSMR. Mr. Almendral replied that I should not be so worried about PSLs **working in advance of funding and contract modifications**. He conceded the rectitude of my citations of the FAR and the Defense Federal Acquisition Regulation Supplement which explicitly forbade these actions and said that they were grounds for the USG to refuse payment—even for services and/or hardware which it had already received and used. My subordinate, Wright, who had experienced similar pressure to improperly release Fund Numbers from Ms. Esparza when he was cognizant CA, refused to sign off on the Program Directives that I drafted as a last resort, trying to accommodate the PM in a less risky fashion. Under Contracts' Policies & Procedures, the PD could not move forward unless the CA who originated it (I, in these cases) secured the initials of another CA. Because Sherri was still a CA trainee that left Stan Wright. By refusing to initial any of the PD's I drafted at Dino's urging, Wright, in effect, shut down the entire process, yet the blame fell on me as the-then cognizant CA.

Therefore, I believe that the Operations Team's vote to fire me without either discussing their view of the matter with me or giving me an opportunity to "mend my ways" demonstrated conclusively that I was the victim of retaliation. Even probationary employees have rights to contest such terminations. I intended to do so unless PSL redressed the matter before I retained legal counsel and took this to the appropriate state/federal administrative and/or legal bodies. I sought other employment after returning to CT, but it was delayed many months

because of the operation to my right eye. I did not even try to find legal or contracts work in adjacent AZ because friends in the Tucson and Phoenix NCMA chapters had circulated my resume and given me strong personal recommendations at Motorola, Raytheon, etc., to no avail. My goal had been to work my last job in, and retire to, the SW. I thought that I had accomplished that when PSL hired me. Regrettably, some higher ups at PSL who had been acting outside the law and PSL's internal Policies and Procedure erroneously believed that they were above the law.

Besides the NASA IG's sending me his report three years after I left PSL, these points bearing noting. The first employee hired after I left was not another CA. It was an expert in government cost accounting whose job was to immediately bring the lab into compliance with all the aforementioned regulations and statutes. Dino Almendral, heeding my warning to "get out of Black Rock on the last stage coach" because I was telling everything to the Feds, soon went to work for Boeing in Huntsville, AL. Boeing fired him for incompetence, and he has held and lost several jobs since then according to his LinkedIn page. Don Birx made a special trip from PA (where he was attending a conference) to Mystic for a dinner with me while I was working for Yardney in Pawcatuck. He drove his rental car from this conference to Boston where he caught a plane home. He apologized profusely for the injustice done to me. Proving that I could not be bought off years later, I paid for my own dinner. He later left PSL in disgust and is now VP-Research at the University of Houston and has told me to use him as a reference as I wish. Hence I feel vindicated once more, but that will never make up for being forced to leave NM against my will. I debated seriously about moving myself to AZ, perhaps Sierra Vista, outside Ft. Huachuca, which had many small contractors for whom I might have worked. Phoenix is way too large, Tucson is the better bet if/when I go back to use my AZ law license.



## CHAPTER 22

# CONNECTICUT, THE SECOND TIME AROUND

When I returned from New Mexico, I intended to spend all my time the first few months pursuing my EEO and *qui tam* lawsuits versus NMSU/PSL. I had sent numerous emails and documents to NM's EEOC as well as the IG's at the Defense Department, Army, and NASA. As they say in the Navy those undertakings quickly became (OBE) *overtaken by events* the weekend that my older son Will, a sex crimes prosecutor in Orlando, visited with me after taking a child victim's deposition on Cape Cod. His being far larger than I, he got the queen bed and I took the sofa. I loaned him my car so that he spent most of his time Saturday visiting with his old friends. Sunday morning, we had breakfast at the Mystic Friendly's on our way back to the Providence airport. While we were eating, a black veil crept over my right eyeball. I told him, "I am losing my sight, why don't you drive us to the airport. I will get home somehow." I dropped him for his flight and had no difficulty driving home in broad daylight essentially one eyed. Why I did not go to a hospital ER, I do not know. The most likely explanation, besides the nonsensical "It will get better on its own," was "I don't have proper, in-state EB health insurance."

While in MT and NM, the EB retirees' medical coverage that I had was "point of service indemnity" meaning in English that you pay up front and hope to be reimbursed 80% some time in the far off future. CT and RI retirees were enrolled in an HMO with small co-pays, no deductibles, and generally more favorable treatment in every aspect. Monday morning my black veil was still there, so I drove to EB Benefits parking illegally in the back and rushed into to ask my buddy, John

Hardink, who had hired me 23 years before (he says, "his biggest mistake"), what was up? After hearing me describe my symptoms, he told me to get the hell over to my eye doctor's office and let EB Benefits worry about which plan paid. I had told them on my second full day back that I wanted to be moved to the HMO and they assented, it just had not happened yet. Dr. Klimek saw me immediately and said that I was in serious danger of losing vision in that eye permanently. Fortunately, a Yale retinologist associated with their practice, Dr. Lim, was at their Old Saybrook office that day. Klimek said, "You've already demonstrated that you can drive on I-95 with only one eye, so get to our Old Saybrook office immediately, we are calling ahead for you."

Dr. Lim was very young, so I wondered about his competence. He strapped me in the examination chair and practically tilted me upside down. He said the fluid had leaked out of the macula (inside of my eyeball) and the retina was almost completely detached. He sent me to Backus Hospital without letting me go back home for a toothbrush, etc. I checked in, was given a bed, an IV was started, and first thing Tuesday he re-appeared and performed two types of surgery; he manually placed a silicone buckle across the hole in the back of my eyeball and then re-inflated my eye with an inert gas. Secondly, he used a laser to re-attach my retina. Because this was truly unplanned emergency surgery, I could not have stopped taking certain medicines which promote bleeding. Therefore, when I was returned to my room, I was bleeding like a stuck pig. So, instead of releasing me to Mike for the ride home, they kept me a second night and gave me coagulants. I had a hard plastic cup put over my eye and it was taped every which way to hold it in place for several weeks.

I also got the bad news that the convalescent period was three months AND that I could not raise my head, i.e. I slept with my head in a Styrofoam box that they supplied between two walls of pillows, and during the day I had to stare at the floor. I could watch TV, upside down, using a rectangular mirror held between my knees. It made no difference for news programs, but baseball and football upside down look extremely weird. I was overwhelmed by the fantastic support that I received from Mike, who drove me for three months to weekly appointments in Norwich, and to my fellow AAs, Groton Democrats,

members of St. Andrew Presbyterian church who shopped and ran errands for me.

Eventually I was allowed to walk outside, head still staring at the ground, to pick up mail and later to ride to meetings. I even walked through Peppertree's paths with a flashlight to night time AA meetings at city hall. Finally the three months were up. When the daytime patch was removed after several weeks, I had a large translucent black bubble blocking most of my vision. It gradually dissipated, leaving me a wider field of vision, but I could not use my PC the entire three months. Dr. Lim pronounced me cured, and Mike drove me home. I was cautioned to take it very slow and easy getting re-accustomed to driving. I could see again for Thanksgiving and Christmas, and had very much for which to be thankful, the gift of sight.

In late 2002, once I could see, I corresponded with the NM EEOC which informed me that my complaint had arrived two days past the 180-day deadline for appealing my wrongful firing and that they would not extend that period for the time I could not raise my head. Thus, I headed into 2003 without a job and without a remedy unless my *qui tam* suit succeeded. I used my PC to apply for a zillion jobs on line, but more importantly, when I went to CT Works in Shaw's Cove to meet with the Veterans' Representative, I learned that "I was still in the system" at the Primary Care Clinic on the Coast Guard Academy's grounds and that because of my having held two decent paying salaried jobs in 01/02, I was entitled to \$474/week in unemployment benefits. When the first 26 weeks ran out, I was given another 26 weeks of "extended benefits for the hard core unemployed." As I learned in 2008, I could have applied for a low paying legal job with many state agencies and might have gotten on somewhere paying \$40/hour on a "contract basis." That's water under the bridge.

In the first week of January, I spotted a job with Yardney Technical Products in Pawcatuck for a contract administrator. They had just been awarded a four-year, \$19m contract by an Italian consortium. It was the largest in their history, doubling their projected annual revenues. The Customer required YTP to hire a dedicated CA, another mechanical engineer, and a Program Manager. I faxed my resume to their office that Sunday. Monday they called me for an interview set for Thursday when the owner who lived in LA would be at the plant.

I put on a suit and went through the usual all-day ordeal, culminating with a two-hour meeting with Dick Scibelli that ended at 7 P.M. with my taking home several ring binders containing the Italian contract. Friday, Jim Congdon, HR Manager called and said that he had just been told that I was hired and to report Monday at which time my salary and benefits started. On January 12th, some RI residents on the opposite shore of the Pawcatuck River which divided RI and CT had spotted an oil slick on the river that appeared to be coming from Yardney's plant. Alex Karpinski, the then-GM to whom I reported, asked me what I knew about environmental law. I answered, "Nothing." He said, "Bone up on it. CT DEP and RI DEM are on their ways here." I spent the next several months playing sleuth, proving, among other things, YTP had used natural gas instead of oil for the past 15 years. The weight of oil found did not match what YTP had burned in the old days. The oil only appeared to come from YTP because it shared a catch basin with Harris Graphics next door. Our underground oil tanks were rusted but empty. As between YTP as *lessee* and Meggitt Defense Systems of LA, the *lessor*, the lease made the *lessor* liable for hazardous waste spills. So, YTP was completely exonerated. Meanwhile, OSHA inspectors from Boston found that the level of mercury vapors in the plant's workspaces was thirty times the permissible limits. The unions rightfully raised hell, and I oversaw the remedying of the source of the leak and negotiated a much smaller fine than originally sought by OSHA.

Meantime, the Italian contract, which the Customer had never bothered to execute in duplicate, was not progressing well. YTP was required by the State Department to obtain a Technical Assistance Agreement, not just a simple export license, in order to ship technology as well as the finished energy sections to Genoa. My colleague, the incumbent CA, did not have a clue how to proceed while I was tied up playing lawyer. Maria, oh, that awful name again, had copied a 15-year-old form which the State Department returned RWA (returned without action—go back to square one, do not collect \$200, and get it right next time or else.) Time was very much of the essence because we were rapidly burning through the several million dollars of seed money WASS had given us. We needed to "definitize" (get those bastards to sign the contract) and have them start sending us Progress Payments. I prepared the TAA with a little help from my (EB Legal)

friends, got the TAA approved, and moved on to negotiating a CRADA (cooperative research and development agreement) with the Naval Underwater Warfare Center, Newport Division, for their furnishing via subcontract expertise which YTP did not possess. It is somewhat unusual for a government lab to perform work as a subcontractor to a private prime contractor. This required several trips to RI and the usual hassle of waiting for higher level approvals after the deal had been struck.

Around July 2004, the Italians came to CT to make Mr. Scibelli an offer they thought he could not refuse; i.e. to sell a controlling interest in his company to them. Their ulterior motive was to establish a U.S. beach head and subsidiary to circumvent the International Traffic in Arms Regulations because one of their competitors had just done so in NC. Dick said "Not just no, but hell no" to the Italians, so they refused to sign the contract and terminated our interim agreement. This meant my job was kaput. I immediately requested that Mr. Karpinski lay me off. He refused because they still needed my services as a licensed attorney to 1) continue the trial of a case versus the Navy in the Armed Services Board of Contract Appeals that Crowell & Moring had started (at a cost of \$425/hour) and 2) to finish drafting claims against prime contractors Boeing and Lockheed Martin, then collecting on same. By the end of September, we were in settlement negotiations on all the foregoing, and YTP's fiscal year ended that September 30th. This time Karpinski granted my request to be let go. I enjoyed the fall and collected some more unemployment.

In December, Anna Savic, Hartford Director of the Kelly Law Registry, a legal temp agency, called and asked me to interview at UTC's Pratt & Whitney Division in East Hartford for a six-month gig as a Contract Administrator. I initially declined, but she said that she would look much more favorably on my applications for lawyer jobs if I humored her this one time. I interviewed figuring that there was no way another huge defense (military and commercial jet engines) manufacturer would hire me at 61 after what EB had done to me. Lo and behold, Leigh Fournier, my future boss liked me a lot, as did his boss, Harold "Corky" Mendenhall, an FSU graduate. Anna told me to report on January 3rd, get my badge, and work any eight hours per day of my choosing, so long as I began between 7 and 9 A.M. As soon as I



started, vision problems cropped up in my left eye. Fortunately, I only lost a few hours of work one morning when Dr. Klimek used his laser to burn off a membrane which had grown over the left plastic lens that he had inserted fall 1996 when he removed cataracts from both eyes. PW had accommodated me in the meantime by finding a very old clunky 21" PC monitor that I could read with only one eye.

Unfortunately, this job paying only \$35/hour soon gave every appearance of also going to hell in a handbag. Fournier developed what was suspected to be colon cancer and was absent most of my tenure into mid-March. No one was left to teach me SAP and other UTC unique software programs as well as their version of Six Sigma. I was told to take as many online-training courses as possible in the meanwhile because I had to complete them within my first year in any case. I took the desk and phone number of a young snippy female lawyer from FL (FSU LS, actually) who was promoted within Contract Management Office—Military Engines from CA to attorney (UTC, the corporation, had its own more highly paid lawyers in downtown Hartford in the Gold Building.) Much of my work involved negotiating customers' exceptions to PW's Sales Terms & Conditions. I had forgotten more in this area than Mel F. was ever going to know. Yet, because I was only a CA, I had to prepare my recommendations for her, and then wait two to three weeks while our customers were stewing for her reply, which invariably adopted my position without any changes. Leigh, Corky, and Lou Antonucci, the VP whom I knew from the Navy Claims Team during the late '70's, received two anonymous complaints about me from unidentified females. Mel undoubtedly bitched about my attitude (Leigh granted me permission to deal directly with Customers undercutting her role), and the woman in the cubicle across the hall retaliated because I had complained about her loud, very personal conversations on the company phone with, among others, her gynecologist, her baby sitter, and her husband. She was disturbing my work considerably. So, she complained that I talked too loudly in my cubicles with colleagues helping me in Fournier's absence.

I told both Anna at KLR and Leigh upon his return to work in March that I did not intend to complete my six-month assignment due to the above reasons as well as the 108-mile commute in the worst winter of my 26 years in CT. I had had my windshield broken on Route 2

by a large stone thrown up by DOT's snowplow, and I had no glass coverage. Early in my last week with PW, CT had an ice storm with whiteout conditions. It took me two and one-half hours to drive back to Groton, usually a trip taking slightly more than one hour. When I got to my condo complex, I purposely approached the mail box gazebo from the east, a more gradual slope. When I applied brakes and tried to turn right, my Subaru just kept on sliding at 2 mph into both a fire hydrant and a street sign doing extensive, mostly cosmetic damage to the car than I purchased in MT after the SD wreck. I had a guy in AA hammer out the dents for twenty bucks cash, and I repainted with aftermarket spray cans from Benny's. On Friday, Leigh told me that Lou wanted to see me. I knew what it would be about and was as happy to be fired as some of them were to see me go. What with the auto expenses, I barely broke even earning \$1,200/wk.

I immensely enjoyed having the summer and fall off from work. I probably got more unemployment. I was starting to become a real beach bum. I volunteered for the first time at music festivals in NYS' Berkshire Mountains and coastal RI that I had attended on DJs' gift tickets during prior years. I bought an Army surplus pup tent and sleeping bag and slept on the ground for the first time since I was a 17-year-old Explorer in the K of C's Post 118. The next summer I bought a much nicer two person umbrella tent from my boss on the Traffic and Safety Crew. In exchange for working one four-hour shift each of four days, we were admitted free to the festival, got three very good meals per day, and met the bluegrass, folk, blues, and alt-rock entertainers. I did this again in '06 and '07.

Towards the end of '05, I received a telephone call from Anita Arnold, owner of Arnold Associates, another legal temp agency, but headquartered in Houston. She asked if I were willing to spend one week at the Redding, PA offices of Worley Parsons, a construction firm, to learn my assignment, then ten weeks working at home for \$50/hour reviewing contracts, culminating in one week back in Redding for a debriefing. I assented; however, she called back the following day, a Friday, asking if instead I could be in Newcastle, UK, by Monday morning. This entailed flying out of Newark Saturday evening via Amsterdam. Again, I said OK, but the next 48 hours were among the most hectic of my life. Guy F. had beaten Mike up at their Salem

tattoo shop that summer when Mike reminded Guy of his two-year-old promise to raise Mike's share of each "piece" from 60/40 to 70/30. Mike had visible injuries, but we did not involve the police. After being idle several weeks, he began work for his MHS buddy, Adam Hillyer, at the latter's Eagle's Nest shop in Norwich, but the split regressed to 50/50, so I knew this could not last long.

By fall, I had started looking with commercial realtors for shop space so that Mike could have his own business splitting with no one. Most places with vacancies turned us down stating that they would rather forego rent than have that kind of business in their property. Finally, we found a Hindu woman in NYS willing to rent to us. We have not met until this date. Dave King ran A-1 Maps and Surveys in the unit Mike eventually occupied. He was an old Montville friend from the days when our sons played baseball together in Montville American League. He tipped Mike off to the fact that he needed more space, so he was vacating unit 6 and taking units 7 and 8, knocking down the wall between them.

I was negotiating the terms of Mike's lease with Ms. Malhotra by phone, fax, and email on the nights before I left for the UK. The final night, I went to bed at 2 A.M. with a signed lease. I gave Mike a check for \$20,000 and told him to acquire whatever equipment and furnishings he needed while I was gone. His official opening date, for tax purposes, was 1/1/06 but he was working from mid-December (the lease started 12/15) onwards. I kept in touch via phone and email from the UK. He called his shop, *Slave of the Machine*, because he spent so many hours per day hunched over, bent at the waist, putting on tattoos. He has great artistic ability, so he could design one-of-a-kind unique drawings in addition to using the hundreds of "flash cards" found in every such shop.

On Saturday morning, Mike drove me to Union Station in New London where I boarded a non-Acela, milk stop, local Amtrak train to Newark airport. I took the monorail from Amtrak to the Continental terminal and got on an overnight KLM flight to Amsterdam in first class. I hated to turn down all the whiskey, wine, and cordials, but the meals were excellent and I actually slept some, which I never did in coach. We arrived at 6 A.M. one hour earlier than it was in the UK. I boarded a twin turboprop KLM express plane non stop to Newcastle,

## Connecticut, the Second Time Around

took a cab to the Holiday Inn Express which was my home for the next 30 days, and crashed again. Bo Stasse, the PM for the joint venture called The Iraqi Power Authority, called my room so we could have dinner together. HIE had a nice breakfast bar and we took cabs Monday through Friday to Parsons Brinckerhof's office three miles away. I was given a laptop computer and told that as the Legal and Contracts Advisor my job was to write RFP's for the rehabilitation "in country" by subcontractors to whom we awarded contracts of certain natural gas fueled electrical generating stations that the locals had ruined by running HFO (heavy fuel oil) through them. That was a fool's errand from the start, and the State Department's Agency for International Development canceled IPA's prime contract by 1/1/06. Hence my job was curtailed. Originally, it was expected that I would fly back to the States for one week at Christmas, returning until the job finished, whenever that occurred.

Newcastle is a small city in the NE of England. It touched the North Sea and the Scottish border. The denizens' accent was unintelligible to me. My co-workers were educated and from the South, so I had no communications problems at work. I attended AA meetings both on the weekend and some weeknights. I think they understood me, but not vice versa. It was the spirit pervading the rooms and coffee afterwards which welcomed me. HIE did not serve lunch or supper, so I went out each night and weekends. I hated eating in pubs because of both the smoke and loud happy hour drunks, but it was more congenial and cheaper (notwithstanding my having a full per diem) than eating alone in a restaurant. A fish and chips place run by Indians at the end of our alley sold me takeout at least twice per week. I learned to prefer vinegar to ketchup on my chips. I also liked shepherd's pie and other local delicacies.

Towards the end of my one-month gig, I was told that I was going to Amman, Jordan, to meet with the Contracting Officer who would take a military flight there from Baghdad. He could not get sufficient funds to fly to Newcastle which had been my preference. I was promised by Anita Arnold that I would not have to go into a "war zone." The week before we arrived in Amman, terrorists had detonated bombs in five local hotels killing scores including a wedding party. So it was with great trepidation (at least on my part, Bo was a many times

divorced “soldier of fortune” who had no fixed address) that we boarded a British Airways turboprop bound for Heathrow, and thence a large jet to Jordan. We arrived in the middle of the night and paid all sorts of questionable taxes and fees before taking a cab to our five-star hotel. It was allegedly the safest in town because an Iraqi owned it. Each morning an armored SUV with smoked windows took us to PB’s Middle East office several miles away. At every major intersection we saw Jordanian troops in black berets holding AK-47s, and we had a checkpoint on our building’s ground floor with machine guns inside. Nevertheless, we walked out for lunch every day with our fair-skinned Arabic host.

At night I was perfectly content to watch Arabic CNN in my room, then dine in one of its excellent ethnic cuisine restaurants. Bo and the resident American managers who were also alcoholic chain smokers left the hotel each night for their meals and assignments with local women of the night. Maybe it was my age, but the sheer hassle of emptying our pockets onto tables in the parking lot and then walking through metal detectors some one hundred yards away from the hotel’s main entrance chilled any interest I might have had in seeing the sights. During December, the sun had also long gone down, so what was there to see besides bars’ neon lights? Not for this recovering alcoholic. We arrived and left mid-week, hence we had one free weekend. Bo hired one of the office’s SUV drivers to take us to the ruins at the ancient city of Petra. We were stopped multiple times by Jordanian troops especially during the return trip along the Dead Sea where we stopped for supper. I was relieved when we reached the hotel safe and sound and was even more relieved once we were on the plane back to the UK. I saw the Alps from my window seat, but clouds obscured Europe after we left the Mediterranean Sea behind.

After a few days back in Newcastle, I got up at 4 A.M. one morning for a cab to the airport, and I returned as I had come, via Amsterdam. It was another overnight first class flight landing at Newark about 10 A.M. It took me three hours to catch a train into Newark proper where I transferred to another Amtrak local that did not get me to New London until 7 P.M. Mike was working, so I took a cab home. On the bright side, I earned around \$14,000 in one month. These earnings qualified me for another round of unemployment compensation that I recently

## Connecticut, the Second Time Around

started drawing once more after working for the last six months of '08 on a contract in Family Magistrates' courts defending deadbeat parents facing incarceration for civil contempt. In April I received one week's training at CT DoL in Wethersfield to become a QC Enumerator for the U.S. Census Bureau, and I now work up to 40 hours/week in the field. The job is enjoyable because I am essentially my own boss, have flexible hours Sunday to Saturday, and get to see the beautiful shoreline each day.

There is never a dull moment as long as Mike is around and drinking and driving. After a placid January 2006, he spun me up once more by getting into a one-car accident after work taking a very curvy back road home to avoid cops on Routes 82 and 85. His story is that he worked late, went to Steve's bar at the other end of his strip mall, had only a couple of beers, one Gran Marnier, and watched his now-former girlfriend, Heather, mother of my only grandson, get drunk with a lesbian friend. Accounts vary of course, but he says that he spun his Mitsubishi Mirage 180 degrees in the center of an unbanked, unlit S turn on the Salem-Montville border. Whether he actually struck the wire guard rail and/or wooden posts or just did a 180 degree spin winding up facing the opposite direction, is still being litigated. What is certain is that he flattened his right rear tire (if it did not blow out beforehand and cause the spin) and that his front bumper, literally attached to the frame with fishing line, detached during the spin. His front license plate was attached thereto. The three occupants got out, shouted at each other, threw the bumper into the weeds, and left the scene. They did not toss it far enough because a motorist in a truck who had observed the spinout from 300 yards back up the road retrieved it after they left and called in his license plate number to the State Police Barracks K in Colchester.

From there on, everything went downhill and very quickly for Mike. He lost one of his sneakers outside the car, so Heather drove the car back to their condo one and one-half miles away. She did not return until after 4 A.M. in response to Trooper Olsen's call from Mike's cell phone. She foolishly gave him a statement tending to incriminate both Mike and her, although none could have been compelled. Mike says that he got out of the car, examined it and the "stump." He saw that his license plate was detached from the vehicle. He deduced that

he could do nothing about the situation until daylight the following day (Friday Feb 3rd.) Therefore, she drove them back to his condo in Salem with the flat tire because it was only a short distance. Michael went to bed, but Heather and her woman friend, Toni, a co-worker at the Olive Garden, went out again to continue drinking. They did not change the tire on Mike's car; instead they took Heather's car.

Mike stated that he was asleep in the bedroom in the back of the condo when he was awakened by noises in his kitchen. The intruder identified himself only as a state trooper from Barracks K in Colchester who was investigating an "evasion of responsibility" incident. Apparently he alluded to the bumper and license tag having been found on the shoulder of Forsyth Road by a passing motorist who called the State Police. The State Police apparently ran a "license check" and identified Michael S. Jay as the owner of the vehicle who lived in Salem, which is in Troop K's zone of responsibility. Mike was certain that Heather had locked the door to the condo when she left with Toni. In any case, the state policeman unlawfully gained entry to Mike's condo because a) he was asleep, b) evading was charged later as only a "misdemeanor," and c) the trooper had no search warrant.

Mike stated that the trooper handcuffed him in a very painful manner with his hands behind his back, cutting his wrist. Mike asked repeatedly "why are you here? How did you get in?" but received no answer. Thereafter, the state trooper sprayed Mike in the face with mace or pepper spray, which blinded Mike for the remainder of the incident, at least until after he was taken to Backus Hospital in Norwich. Mike complained of choking while lying face down on his kitchen floor. He related that he informed the state trooper that because of his previously sustained broken hip and pelvis (January 2000 Jeep rollover from which he was thrown from his vehicle into wire guard rail), he was physically unable to roll over onto his back as directed. The cop laughed and accused him of lying. At some point, a second state trooper, Olsen, came to the condo and joined in ridiculing Mike. After some indeterminate time, they apparently changed their minds about the seriousness of Mike's coughing and former injuries, so they called an ambulance.

Mike recalls a female neighbor using towels with rubbing alcohol wiping his face clean of the phlegm that he had spit up as a



consequence of choking after being pepper sprayed. This left him smelling strongly of alcohol, his face very reddened, and hindered his vision even further. Mike advised the ER staff at Backus Hospital of the facts concerning his prior accident and serious orthopedic injuries upon his arrival by ambulance in the early hours of Friday February 3rd. The state policemen who accompanied him, presumably because he was "under arrest," continued to ridicule him saying he wasn't hurt at all. Compounding matters, Backus' ER staff could not immediately locate Mike's medical records from 2000. He showed them his scars, and they eventually located his records. X-rays were taken on 2/3 that confirmed the severity of Mike's former injuries and his continuing disabled status of which the cops had been informed from the time they cuffed Mike, pepper sprayed him, and kicked his feet out from under him, forcing him face down to his kitchen floor.

At some point, Mike was released on his own recognizance, presumably dropped back at his condo by the state police who left him with the summons for the misdemeanors of "evading responsibility," disorderly conduct, and interfering with a policeman in the performance of his duties. However, he was NOT charged **at that time** with assaulting a state trooper.

When Mike called me mid-day February 3rd and related the events above and below, I called some attorney friends in New London and asked whether, in their opinion, my acquaintance from our days on SCADD's Board of Directors, Ralph Bergman, a Norwich attorney older than I, was capable of both defending Mike against the charges and thereafter suing the state troopers in federal court for police brutality. They said "yes," so I phoned Ralph setting up a meeting at his office on 2/7 with Mike and me. After discussing the facts, and his getting to know Mike somewhat, I signed a Retainer Agreement and paid Bergman \$7,500 up front with a check drawn on one of my Fidelity Investment accounts. He agreed to appear for Mike's arraignment. Strangely enough, Mike had not been required to post a bond either on the day of his arrest, or even after his first court appearance. To all appearances, he was released on his own recognizance (ROR), and I certainly was never asked to post a property bond secured by one or both condos. Mike was subsequently arrested at least twice while driving upon bench warrants for his failure to appear at later hearings



of which he had not been apprised by Bergman. On neither occasion did he have to post bond. Bergman sprang him simply by admitting over the phone that he had failed to notify his client of the next hearing date. This should have tipped me off that Bergman was going to be a disaster at trial. In the summer of 2007 I built a bonfire under his ass to file some pre-trial motions and to do discovery. He filed papers, but when they were all dismissed, he took no further action. In fact, he never notified Mike that the ASA had offered him a plea bargain that required no jail time. Bergman violated all the ethical canons by failing to tell Mike and me of the offer. He never offered an excuse for not doing discovery by talking in advance with the troopers and EMT's as well as the pickup driver who testified. He only met Toni, the third person in the car, a few minutes before he called her to testify. She jumbled the facts terribly hurting Mike's defense.

Bergman also failed to file his Motion to Dismiss and Motion to Suppress Evidence until after a jury had been selected. By rule, that barred his presenting them to the court on the first day of trial. Judge Strackbein, whose only prior judicial experience was hearing small civil cases at GA 10 in New London, threw the book at Bergman. She refused to hear one, and denied the other. She also allowed the DUI charge which had been filed one year and one day past the statute of limitations to go to the jury, and Mike was wrongfully convicted, and lost his license for two and one-half months despite his having the absolute right to retain it until he was sentenced. The Judge arrogantly made that a condition of his remaining free on the all cash \$80,000 bond that I had posted.

When Strackbein, on her own initiative, prior to hearing Mike's new attorney's Motion for a New Trial, dismissed the DUI conviction, she offered no apology and simply stated that based on **her** research, **after the trial**, she saw her error. Bergman had **raised that motion** in a timely fashion, hence she should have done, or had a clerk do, the necessary research. I found it within 15 minutes before trial and gave it to the judge, but she ignored it as an *ex parte* communication from a party's relative.

Mike appeared in Superior Court, Norwich, on 2/14/06 and entered pleas of not guilty to disorderly conduct, assault, and interfering with a police officer. All three were needlessly cumulative because they

all stemmed from the same incident, and are false. Mike stated that the disorderly conduct charge apparently stemmed from his repeatedly shouting at the first cop on the scene (Burns), "Why are you here? Who let you in?" The assault charge apparently resulted from Mike's allegedly spitting on the second cop on the scene. Mike says that he coughed up phlegm after being pepper sprayed, and that some of it may have landed on the cop's pant's cuff while he was lying on his belly handcuffed. The last charge, interfering with a policeman, is an amalgam of the first two. Apparently Mike continued to protest his unlawful arrest and the warrantless search all the way to the hospital.

The evading responsibility charge was supposedly predicated upon his leaving the scene of "property damage only," one-car accident on Forsyth Road caused by his right rear tire's blowing out catastrophically. Mike denied that he made contact with the wire rails or any wooden posts. He maintained that his right rear tire blew out, he spun, and that the bumper fell off due solely to centrifugal force. He was able to re-attach the bumper (again, with fishing line) and replace the flat at minimal expense. Thus no property damage in excess of \$500 occurred which is the major element of the evading responsibility charge. Mike may not even be guilty of evading because his bumper's falling off was the only damage. A reasonable person would have had at least 48 hours in which to have reported a collision involving property damage in excess of \$500 to CT DMV. The state police conducted a warrantless search and brutal arrest of the driver within hours of the incident.

Mike informed attorney Bergman that the state police conducted a warrantless search of his condo without any probable cause for believing that any non-vehicular offense had occurred. Friday, upon his return to the condo from Backus Hospital, Mike discovered that his personal effects had been "tossed" and that his papers and cash were missing. He believes that the cops must have been looking for insurance cards/policies.

Following his conviction at 5 P.M. on Good Friday 2008, Mike was thrown into Corrigan prison in Montville. Because of the three-day holiday and the jury's coming back after all banks had closed, I was not able to immediately post Mike's pre-sentencing bond. I called Fidelity and they wired the funds, but they did not get to Liberty Bank

in Groton until noon. Hence, Mike spent Easter weekend in jail needlessly because I raised the \$80,000 cash by Saturday noon. Hence, I quickly posted bond Monday morning and had him home by noon. As mentioned, Judge Strackbein's error in not dismissing the DUI charge, which was only filed on the eve of trial in retaliation for Bergman's having sued the cops civilly on 2/1/06, resulted in my having to pick up Mike and grandson Allen every weekday for two and one-half months until he was sentenced at the end of May (4 years concurrent for evading responsibility and assaulting a trooper, suspended after 18 months.)

Again, the wheels of justice intentionally spun against Mike. His sentencing hearing in New London, solely for the judge's convenience, was delayed from 10:30 A.M. to 2:30 P.M., but did not start until after 3 P.M. even though Mike's new attorney from Hartford arrived around 2 P.M.. Judge Strackbein dismissed the DUI charge, then took her sweet time reading the transcript and the report from the woman Adult Probation Officer who recommended in writing the above harsh sentence after telling both me and Mike at our conferences with her that she saw no point in jail time, that she would recommend probation with intensive outpatient counseling. Why she lied, misleading us, I do not know. It was so late in the day when Strackbein pronounced sentence that the judicial marshals transported Mike to Corrigan instead of the Norwich court house so that he had to spend another weekend wrongfully incarcerated, even though I had shown up at the Norwich Clerk's office with a cashier's check for \$100,000 and was supposed to pick up Mike from the court's holding cell. The clerk blamed her New London counterpart for messing up the papers that the marshals received. Same old incompetent BS! Mike's new attorney told me that the appeal, for which he just charged me \$40,000 on top of the \$12,500 for the fruitless Motion for a New Trial, would take upwards of two years. Therefore, he recommended that I purchase a surety bond for a premium of about \$7,200, having my \$100,000 returned to me to invest because no interest would be paid me on the cash bond. At least I put it back into a money market fund rather than one of Fidelity's equity funds where I would have lost half of it in the past year.

Jon Schoenhorn has received many awards as a, if not the, top defense lawyer in CT. He has also served several terms as President of

## Connecticut, the Second Time Around

the CT Criminal Defense Lawyers' Association. My local friend, Frank Liberty, recommended that in view of Mike's sentence, it was time for me to pull out all stops and hire the best guy available. He apologized for having recommended Bergman two years earlier. He confirmed that Ralph has already been sued for malpractice by other criminal clients who are already serving their time because of his unconstitutionally defective "assistance of counsel." Mike and I met Jon S. once in his office where I handed over the checks. I paid \$586 dollars for the trial transcript which I expressed mailed to him after making us a copy.



## CHAPTER 23

### VERY SAD EPILOGUE

Making matters even worse, if that is still possible, Mike's girlfriend, Heather, left him in August 2008 taking their son to a dumpy second floor apartment in Jewett City which lacks a handrail to the upstairs, and having him babysat by her equally crazy girlfriend who is a member of a cult-like church in Gales Ferry. Both women have told Mike via a mutual woman friend that their houses are possessed by demons and that they have seen poltergeists and black orbs in the inside spaces. Heather messed around about seeking court assistance for child support and getting custody and visitation rights sorted out. She filed in September, but Mike was not served until mid-December with papers requesting an *ex parte* Restraining Order. He did not turn it over to me until early January 2009 after the 12/30 hearing which we did not attend resulted in Judge Fuger's making the RO effective through the end of June.

The first hearing on family matters was held 1/12. I had filed my appearance and Mike's financial affidavit back in October 2008. Judge Boland lit into us from the get go. He debated disqualifying me because in his words, "only a terrible lawyer would represent the father against his grandson in such a matter." My rejoinder was that my objection to Ms. Fernald's getting custody was that she is a crazy, drinking, vicodin abusing woman who refuses to work. Heather, in turn, asked that I be disqualified because I had tried to evict her from the condo, with Frank's help in Housing Court, because she had not contributed anything towards the mortgage and condo fee for her entire three years living there. The judge rejected her request. We started a

hearing during which she accused Mike of raping her two days before she got the *ex parte* Restraining Order, and he countered saying that it was totally consensual. J. Boland said he could not believe either party, called a 30-minute recess, and summoned two women social workers from the Department of Children and Families to confer with the woman already there from Dept. of Social Services. Neither party would budge about giving the other custody. I recommended a foster home. The Judge played Solomon by letting Heather have Allen at night because Mike and Christie (Hendrickson, mother of my granddaughter, Aubree) Cantwell were providing daycare in their East Lyme home at no cost.

I kept filing financial affidavits and applications for waiver of fees (for marshal's fees, service and entry fees, and, most importantly, for attorneys' fees. J. Boland initially ridiculed me for that latter request saying that I should know (from my five plus months of similar work under contract to the CT Child Protection Agency during the second half of '08) that indigents weren't entitled to court-appointed counsel unless they faced incarceration for civil contempt (unexcused failure to pay CS for a very long time.) I told him that I was seeking that the State pay the hourly fees of the Guardian *ad Litem* (Allen's own representative) going forward. Boland had already denied Mike's request that he waive fees for the court-ordered Parenting Class. Before our 2/9 hearing, I received notice from the court that another judge, a woman named Jungbloed, had granted all of my waiver requests, in effect overruling Boland, and alleviating Mike's (really, my) burden to pay these expenses. At the hearing on visitation only, J. Jungbloed granted Mike supervised visitation with the federally funded Access Agency. I reminded her of my request that she waive the fees for the Parenting Course. She did so from the bench, and that Saturday an envelope addressed to Mike at my address arrived containing her signed order overruling Boland, making the State pay for his Parenting classes.

Lastly, I have been carrying Mike (and by indirection, Heather and Allen) for years financially. I paid the shop rent when Mike couldn't, bought his liability insurance, paid for an M.D. to certify that his shop was hygienic, ignored their inability to pay the mortgage and condo association fee. All those bills were paid automatically online by MY

bank from checking. Judge Boland accused Mike of running a hobby, not a business and looking straight at me said, "Family gifts count towards the parent's income for purpose of the CS guidelines." Again, no good deed goes unpunished. Boland would have me support Allen until he turns 18.

Mike called during the middle of February and told me plenty of good news for a change. I had loaned him my duplicate Master Card last year in order that he could have an appointment with the family's former eye doctor, Neal Pastel in Norwich. Mike confessed that he had not been checked in six years. Dr. Pastel had him wear his old eye glasses with his contacts in. That was the only way Mike could see well enough to do tattoos.

### ***Hip Replacement, No, It's Cancer***

Early in '09, I re-loaned Mike this card and told him to quit bitching about how badly his hip hurt, and to do something about it. At least he made his own appointment with a new doctor at the Norwich Orthopedic Group (his surgeon from 2000, Dr. Malcolm, had moved on.) Of course, he got the time wrong and had to come back another day. This new Asian doctor felt deeply saddened by Mike's plight, physically and financially. He pledged to get Mike into SAGA (Title 19 Medicare) for an immediate hip replacement at state expense. He was, and is, a man of his word. He gave Mike the 18-page application, and I filled it out at the shop and hand delivered to DSS on the campus of the old Uncas on Thames **Cancer** hospital. Mike followed up with repeated phone calls. Within one week they approved him for food stamps, cash assistance, a free checkup per year with an eye doctor and a dentist (Mike has not been seen by a DDS in eight years!) The state will also pay for his prescriptions, hip operation, and follow-up doctors' appointments. I don't know who was happier—Mike or me. The financial burden that I have carried for so many years finally might be lifting.

Mike's appellate attorney told us that he is so certain of obtaining a reversal of all convictions that he is willing to sue Bergman for malpractice which could produce more funds for Mike. In addition, with Frank's help, we drafted a police brutality lawsuit versus Troopers Burns and Olsen, I filed it on the last possible day at the USDC in



Hartford, the State AAG who opposed my state suit had agreed to a stay of proceedings until Mike's appeal is decided. If the Appellate Court decides that the cops did not have "exigent circumstances justifying a warrantless search" of Mike's condo, Mike wins hands down, no question of the state's liability, just a matter of how large the damages are. It will have taken an inordinately long time, but perhaps Mike and I will finally be free and solvent by April 2010.

Because Heather had signed an affidavit accusing Mike of breaking into her apartment and raping her 12/15 in order to obtain the Restraining Order, and since she repeated this lie under oath at the 1/12/09 custody hearing, soon thereafter a state trooper from Barracks E in Montville called Mike on his cell phone twice asking Mike to come in and give "his version of the events." Jon S. and Will both told me to tell Mike, "not without my lawyer being present." Trooper Bettencourt stopped at Mike's shop 3/9 after it was closed and threatened to come back with an arrest warrant for sexual assault in the first degree AND burglary unless Mike stepped outside and gave him a statement. He had two buddies there, so he refused.

I called Jon S. who advised that the cop probably was not bluffing and that Mike most likely would be arrested within a week or two. Jon faxed the trooper a letter stating that he represented Mike who would not speak to them or the SA without Jon's being present. He also agreed that Mike would surrender without having to be arrested within several weeks. We desperately want the hip replacement to be done before then! Mike got his MRI 3/12/09 and his doctor will apprise him on Friday the 13th (while he and I are meeting Jon in Hartford) of the date for the surgery (set for May 11<sup>th</sup>.) Heather's two brothers will testify against her, have given Jon statements, and Emily, Heather's former best friend is also providing an affidavit. Hence, we hope that the SA will decline to issue the warrant, and we will avoid a trial that would cost me \$20,000 and could result in a 20-year sentence.

Not being one to "let sleeping dogs lie," Mike got arrested for Breach of the Peace on April 21, 2009, again by the State Police from Troop K in Colchester, for banging on his next door neighbor's walls and doors. They are Ukrainians, possibly illegals, and the husband continually beats his wife until Mike calls the cops. Sometimes he tries to break it up himself. Unfortunately, this particular night he was high

## Very Sad Epilogue

on vicodin, prescribed for his hip, and “two glasses of wine”. That’s what albies always say when busted. His across the hall neighbors called me while Mike was being roughly dragged down a staircase by three state cops to two patrol cars. He refused to be fingerprinted, and otherwise was uncooperative. The dispatcher told me he was willing to release Mike to me on a “promise to appear,” i.e. no bond, if he simply simmered down and quit screaming. His friend John Wilson called and told me not to bother. So I met Mike at GA 21 in Norwich the following morning at 10 A.M., posted \$1,000 cash bond, and filed an appearance. We pled not guilty and I drove him home.

If only that had been the end of the past month’s trials and tribulations. Preparatory to his hip replacement, Mike has undergone multiple pokings and proddings, e.g. MRI’s, cat scans, and ultra sounds. His orthopedist ordered an MRI of his lower spine to ascertain how the hip replacement would affect his scoliosis, but saw a mass on Mike’s left kidney but not clearly. Hence, an ultrasound was performed soon afterwards, and it showed a 3 cm tumor on the kidney. Mike has seen an oncologist who refused to do the usual biopsy because he fears the incision would hasten the spread of his tumor which he had no doubt is malignant. So, the hip replacement has been postponed indefinitely to focus on the cancer. Before the kidney has even been removed, his doctors have ordered cat scans of his brain and lungs to check whether it has already metastasized. He saw my nephrology group earlier the week of 5/4-8. Afterwards, he called and simply said, “I am totally fucked.” By which I infer that it has spread and they may have even told him that he is in a late stage. He was supposed to have had cat scans done May 7<sup>th</sup> and 8<sup>th</sup> at the Pequot Medical Center near my condo in Groton. He agreed after these 1:30 P.M. sessions were over, he would let me take him to lunch. He did not call or stop by either day. Thus I fear that by the time this memoir has been published, Mike will either be in a hospice or dead. The poor kid is no angel, but he deserved better breaks than what the HP has handed him.

So, my answer to the question whether things have been better in CT a second time is a resounding, “No.” Thank God and my HP for the support I received from my meetings and daily emails with distant AA friends. I have lost 50% of my retirement funds in the past year, so I am broke and spending money on lawyers like the drunken sailor I

once was. As long as I have my health and sobriety, I will survive and prevail.

I buried a beloved wife 20 years ago this August. She suffered bravely for two years, and her illness was a burden to me and sons because she was in hospice at home until nearly the end. I shudder to think how Mike's treatments will go. I have only to work a minimum of 20 hours per week for the Census to stay on the rolls. I should be able to drive Mike to treatments when, where, and as needed. But I am afraid that I will not be strong for him this time because I have lost almost all my faith and subscribe now to the bumper sticker, "Life Sucks, and Then You Die!" I would gladly trade places with him, but the HP won't allow it. Maybe this book will give others who have similarly tough times personally and professionally the inspiration to "Live One Day at a Time." AA admonishes us to "Pray for a Miracle." So, that's what I will do for each of the succeeding tomorrows that God is gracious enough to give me and Mike. May Peace be with you all, now and for ever. Amen.