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*Ad Hoc* Committee on Attorney Admissions, Peer Review, and Attorney Grievance  
U.S. District Court, Southern District of Florida  
Miami, Florida Via the above-e-mails and other means

Re: Possible Lawyer Discipline for Bringing Evidence of a Crime to a U.S. District  
Court Judge

Dear Vice Chair Meeks, Honorable Judges, and Other Distinguished Members of the  
*Ad Hoc* Committee:

Allow me to begin by apologizing for troubling any of you who are no longer members  
of this Committee, as I am working from the most current list that I have. If there are

other present members of the Committee who are not listed above, I would respectfully request that they be sent this missive.

I am currently a plaintiff on my own behalf in a federal civil rights action against The Florida Bar, pending in the Southern District of Florida, Case No. 07-21256. After practicing law for thirty-one years in continuous good standing with The Bar, I have, more than reluctantly, had to sue The Bar for the unconstitutional use of its “speech codes” to try to punish me for my efforts against the shock radio and video game industries which have criminally distributed sexual material to children. As to the former industry, the *Howard Stern Show* repeatedly violated 18 USC 1464 in airing indecent material to children. When Stern aired the below comment I was successful in a) forcing his show off all Clear Channel Stations, and b) securing as the FCC complainant a fine of \$495,000 against Clear Channel:

**“Ever bang any famous nigger chicks? What do they smell like? Watermelons?”**

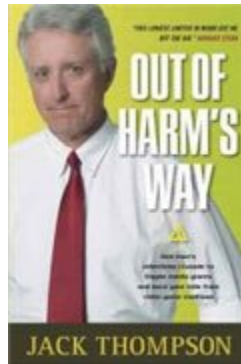
The real Bar-orchestrated assault upon my First Amendment rights began, however, the minute I appeared on CBS’ *60 Minutes* upon the personal request of a great man, Ed Bradley, with whom I had appeared on that same show six years earlier regarding, in both instances, the copycat violence of kids trained into them by violent video games such as the racist, misogynist cop-killing *Grand Theft Auto* games.

Porn industry lawyers came after me, through our Florida Bar, the instant I appeared on *60 Minutes*, just as Big Tobacco went after Jeffrey Weigand after he went after it on the same news program. These people aren’t dummies. They know how it works, but, alas for them, so do I.

There is a lot going on between me and the entertainment industry, and I shan’t burden you with it all. You can read all about it in Case No. 07-21256 here in the Southern District’s electronic files through the *paid-for* PACER system. I emphasize as I do for a reason, as you shall see, *infra*.

I will note, however, that what you will not see in that paid-for file, which I think is germane to the reasons why I have troubled you, is that when I recently addressed a class of students at Miami-Dade Community College, at the request of one of its professors, she introduced me as the man who persuaded broadcasters to remove the *Howard Stern Show* from South Florida airwaves. I got a standing ovation from the African American women in the class. We lawyers, especially wealth whit lawyers, sometimes forget that there are real people “out there” who feel that the legal system has let them down. That is no more true than the extent to which the last several Presidential Administrations, of both parties, have promised Americans that they would do something about the entertainment industry’s assault upon our children. My wife Patricia at Carlton Fields and I have a fifteen-year-old son. We understand the full-court press to mentally molest minors for money.

I want you to understand (or at least hear from me, for the purposes of this hopefully briefer than it could be letter) that our legal system, such as it is, is so upside-down that The Bar now seeks to punish me for my *pro bono* efforts against the porn-to-kids industry. If you doubt that, read the above-noted court file, or read my book *Out of Harm's Way*, published by Tyndale House and available at bookstores or on-line everywhere.



One of my assertions in the aforementioned federal lawsuit is that The Florida Bar, far from being consistent in how it enforces its “speech codes” against lawyers, does so selectively and thus in violation of the equal protection clause of the U.S. Constitution.

Further, The Bar seeks to punish me not only selectively but also for speech that is clearly protected by the First Amendment to the United States Constitution. The recent holding by Judge Arthur Tarnow in the Eastern District of Michigan in *Fieger v. Michigan Supreme Court* makes it *very* clear that state bars’ speech or courtesy codes are clearly unconstitutional as violative of the First Amendment. It’s not even a close question. Supreme Court Justice Hugo Black told people like our Florida Bar Governors to knock this speech code stuff off in 1941 for the Supreme Court. See <http://www.judicialaccountability.org/articles/lawyerrantnotprotected.htm>.

Even though I have alleged selective prosecution by The Bar in its efforts to shred my First Amendment rights, which former Bar President Miles McGrane’s own poll of Florida Bar members proved is going on, the referee in my Bar case, Miami-Dade Circuit Court Judge Dava Tunis (appointed by Governor Bush), will allow me absolutely *no* meaningful discovery in the state disciplinary proceedings. So there you have the basic problem with what The Bar is trying to do: The Bar is infringing upon my First Amendment rights, doing so by selective prosecution, and denying me any modicum of due process. I seek a hearing on my constitutional defenses; she won’t allow it.

I have even gone, or tried to go, to the Florida Bar’s Board of Governors seeking an interlocutory hearing on my constitutional defenses, as guaranteed by *Mason v. The Florida Bar*, and Frank Angones won’t allow it. I could go on, but you get the idea. You would think a fine lawyer who escaped Castro would understand better due process of law and the propensity of power to corrupt.

On August 23, we all had a hearing before the Honorable Judge presiding over this federal civil rights action, which also seeks certain declaratory relief. This judge told me that he did not want to endorse my social agenda. I neither asked him to nor would I want him to. In fact, I don't really want anyone to endorse my social agenda. All I have done in twenty years of doing what I do is set forth a law that I think is being violated, and I ask government officials who are supposed to enforce the laws to take a look at the law and at the alleged illegal activity and make a decision, up or down. Anyone who tells you I do anything else has their own agenda, and it has nothing to do with the First Amendment.

I was reassured by this federal judge that he was not going to take sides in this matter, and that he would "play it down the middle." That is all any lawyer could ask. I had the thrill of being mentored by the late Samuel J. Powers, Jr., at Blackwell Walker back when that firm existed. Some of you may have known Sam. He was Nixon's first impeachment counsel who fired Nixon as his client. "The guy was guilty and I wanted none of it," Sam was fond of saying. Sam taught me how to be a lawyer, how to practice law, and also how to serve my community as God gave me the light to see what that service might be. Sam would be appalled at what a federal judge is now trying to do to me because I have, as best I could, tried to balance my roles, as Florida Bar Rules themselves acknowledge is a difficult and sometimes troubling balancing act, between being a good citizen and being a "good" lawyer.

At the aforementioned August 23 hearing, the subject of The Bar's selective prosecution came up, of course. We were there on the defendants' motions to dismiss. The Bar asserted that there has been no selective prosecution. The court indicated that it wanted the court file my disciplinary history. It wanted evidence, for its consideration, to see what was going on and had gone on.

The Bar, sadly, misrepresented that history, "forgetting" to tell the court that for more than three years now The Bar has kept alive a SLAPP (acronym for strategic litigation against public participation) Bar complaint from a lawyer who represented the local station airing *Stern*. I had to correct The Bar's memory loss to the court by the two lawyers at Greenberg Traurig, one of whom is the much-esteemed Barry Richard. I was in the courtroom in Tallahassee to see Barry in action in *Bush v. Gore*. One Hell of a lawyer, but a lawyer who has apparently forgotten that pleadings in federal cases ought to be truthful. If The Bar wants to discipline me for *that*, then it can first deal with deceptive pleadings from Jack Abramoff's firm.

The Bar has harassed me for three years at the behest of the aforementioned SLAPP-happy lawyer, whose name is irrelevant. At the same time, The Bar has looked the other way at this same lawyer's own admissions, in state court filings, that he smokes marijuana illegally. He has called all public officials who enforce our drug laws "criminals." More recently he has linked on the [home page](#) of his Bar-regulated law firm web site to an Internet porn portal that features [www.justusboys.com](http://www.justusboys.com). More on that shortly.

My point to The Bar and to this federal judge was and is, *since the judge asked*, that The Florida Bar, in harassing me for efforts against the criminal distribution of obscenity to children while at the same time refusing to do *anything, even by way of a cautionary letter*, to the aforementioned SLAPP lawyer reveals both sides of the selective prosecution/equal protection denial of The Florida Bar. *Get Jack and protect those who want us to get Jack.*

When you have Bar Governor Steve Chaykin telling not just his fellow Governors but the public that The Bar must support gay adoption and that anyone who opposes it is “outside the core values of our Bar” and that anyone who disagrees with this is “an enemy of The Bar,” then you start to get just a taste of how ideologically driven some on our Board of Governors are. And when you find out that Bar Governor Ben Kuehne, who is the darling of the People for the American Way and the ACLU, having receive awards from both, and who is *my designated reviewer* in all of this Bar SLAPP Bar pursuit of me on issues that are anathema to Kuehne, and who would not recuse himself for three years despite the ideological bias he clearly has against people like me, then you get a sense of how far out on a limb The Bar is willing to go to punish me for being a conservative Christian who won’t go quietly. The topper, though, is that Kuehne guaranteed the “fairness” of all of this *after* receiving a target letter from Main Justice in Washington for allegedly laundering Medellin cocaine cartel monies. Oh, that is not an imagining. I have met with the federal prosecutors. The Bar Governors knew all about it. I got no McLain hearing or its equivalent to alert me that Kuehne, while presiding over a SLAPP Bar attack by two multibillion-dollar entertainment companies, was accused by the federal government of being on the take. Ask Roy Black about it. He knows. It was the Ochoa case in which Kuehne was allegedly laundering the money intended for Roy.

To make the point, as best I could to the court, *since the court asked*, that The Bar has been protecting the porn industry lawyer and SLAPP complainant while hectoring me with baseless Bar complaints at his behest which Barry Richard “forgot” to provide to the court when it asked The Bar for my disciplinary history, I sent a letter on September 19 to several law enforcement officials proving that this lawyer was criminally distributing obscenity through his official law firm web site. This lawyer’s Bar-protected obscenity trafficking depicting young males engaged in sex acts, through his law firm web site, struck me as somewhat at odds with our State Supreme Court’s requirement that such sites must not diminish “the dignity” of our profession.

In that letter to law enforcement officials, which included U.S. Attorney Alex Acosta who promised that he would in fact prosecuted “obscenity” in the Southern District of Florida, I inserted a huge warning on the second page of the letter that what followed were three sexually graphic images that this lawyer was disseminating to people of all ages by means of his law firm web site, which linked on its home page to his porn portal site. Anyone who turned the page had been warned with one-inch-high letters what was on the next page. I have received no complaints from any of these government law enforcement officials, state and federal, because they seem to understand what Justice Potter Stewart famously (and correctly said): “I can’t define it, but I know it when I see it.” Folks, you have to see it to assess it.

Many people think that “gay adult porn” is naked men holding hands or kissing. It is not. The best evidence of that is, uh, the evidence.

I sent a copy of the aforementioned law enforcement letter to the court file for Case No. 07-21256. Why? Because The Bar’s protection of this material and of the lawyer disseminating it free of charge to anyone of any age, with no age filters, no age verifiers is the best evidence of what The Bar is protecting, whom The Bar is protecting, and how unfair it is for The Bar to protect this while trying to destroy me. The Bar won’t touch this guy. He is officially an “untouchable” because the enemy of The Bar’s enemy is its friend. This is not even debatable. I have the proof.

The judge, despite the fact that I had the inch-high warning in place in the letter before the material could be seen, has now issued a Show Cause Order *threatening me* with possible discipline *by you all* for providing to the court the best evidence I know of the incredible selective prosecution by The Bar of me and the selective non-prosecution of my SLAPP Bar complainant who is committing criminal acts and which The Bar knows is committing criminal acts. The judge asked for it. He got it.

This judge has actually stated in his Show Cause Order that I have put “children” at risk by placing this evidence of criminal activity in the federal court file. The judge correctly finds that this material is “obscene.” As a federal judge he knows that material which is “obscene” under *Miller v. California* is contraband. I know as much about what is “obscene” as anyone. I was *amicus* in the 2 Live Crew case, tried to Judge Jose A. Gonzalez, which rendered the first verdict in history that a sound recording was obscene. The verdict was reversed by the Eleventh Circuit not on the basis that it was not obscene, but on the basis that Sheriff “Nick at Night” Navarro didn’t know more about self-promotion and about how to prove the three prongs of the *Miller* test. I warned Judge Gonzalez as *amicus* that Navarro had not proven any of the three prongs because Navarro did not try. Judge Gonzalez thought otherwise. The Eleventh Circuit correctly told him he was wrong, but his heart was in the right place.

However, now *this* federal judge threatens me that unless I respond satisfactorily by October 5 to his show cause order, then I shall be before all of you for punishment for bringing him the evidence he said he wanted. If I do come before you, then you, like Potter Stewart, will have no difficulty determining this is “obscene.” The lawyer who was trafficking in it through his law firm web site should be in jail. Has this judge asked our US Attorney to see that that might happen? Apparently not. I am the one to be punished.

This judge has actually asserted that I am the one who has put “children” at risk by placement of this material, with a huge warning label in place, in the PACER system, which is a *paid-access site*. The chances that *children* are paying for and logging onto the PACER system in order to surf federal court files, with no search engine to do so, looking for gay adult sex obscenity are between slim and none and Slim just left town. With all respect, it is *absurd* to suggest that I am the one who has put children at risk, and

that this lawyer who was disseminating this crap to anyone of any age was not. It is equally absurd to suggest that this is not the best evidence of the duplicity of The Bar. Further, it is unfair to suggest that I don't have a right to choose to put the evidence that this court said it wanted about these disciplinary matters into the court file, rather than a sterile "link" to evidence that the court could readily ignore and in fact did readily ignore until I gave it the evidence. The court now says it wanted only a link. Links no more reveal what is at them than do the brown wrappers that are on *Hustler*.

What has happened since I did what I did to prove The Bar's duplicity and its outrageous protection of this assault upon the public square by a porn lawyer? *The porn lawyer has frantically removed from his site this obscene material.* Is that an admission of something? You bet it is.

Further, I accomplished what The Bar would not do. The Bar ignored my entreaties in this regard for months, as did US Attorney Acosta who is supposedly concerned about "obscenity" that is being made available to children. It would be better if we had Larry Flynt as our US Attorney, at least on this issue, because then the public would not be hoodwinked into thinking that our US Attorney wants to do something about his promise to do something.

But what has also happened, with the issuance of this judge's threat to haul me before you all if I don't satisfy his concerns about my putting "children" at risk, is generate worldwide news coverage by the video game industry enthusiasts and by the aforementioned lawyer who was distributing the obscenity that "Jack Thompson has been charged by a federal judge with obscenity trafficking." I am not making this up, folks.

The obscenity trafficking lawyer's lawyer has now written me and told me that I should be "ashamed" of myself for "trafficking in obscenity." I am receiving death threats at my home because this judge decided to handle this this way. I received a packet at my home, through the mail yesterday, from a gay sex advocacy organization on how to "come out of the closet." Maybe it was sent by a minion for the aforementioned lawyer himself, as he has threatened me with being "outed" as I am most assuredly really gay. Wouldn't my wife like to know, he suggests. I have complained to The Bar about this threat. Not interested, says The Bar, because this man is "an untouchable."

If this judge had a problem with *how* I brought the evidence he said he wanted of The Bar's selective prosecution, then what he should have done was get the parties before him and tell me that I should not do it *that way*. That would have been the fair and *judicious* way to do it. But by publicly threatening me with discipline by you all, he has unleashed what he surely knew would be unleashed.

For a federal judge to publicly accuse me of putting "children" at risk for having brought to his attention, with a warning label in place, in a *paid-access* court filing system, is akin to arresting Paul Revere in 1775 for disturbing the peace. I brought the evidence of this criminal activity, which the lawyer himself has admitted was "obscenity trafficking" by his panicked removal of it from his site, for a proper and lawful purpose. I did not do it

to embarrass the judge. I did it to inform the judge as to what he said he wanted to know. I screwed up, like Flounder in *Animal House*. I trusted him when he said he wanted to know the facts.

And while this judge wags his finger at me and threatens me with your Committee, I have in fact accomplished what nobody else, it seems, had the fortitude to do—not even our US Attorney and our Bar, in its “Year of the Child” no less. *I got this obscenity off a Florida lawyer’s web site where it was really accessible, free of charge, to children.*

It is very easy for those who do *nothing* to fault others who do something. And for those who have done nothing to exult in the *faux* “obscenity trafficking” of the undersigned, I share the most famous excerpt of Teddy Roosevelt’s most famous speech in Paris known as “The Man in the Arena.” An excerpt:

"It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions and spends himself in a worthy cause; who at the best, knows in the end the triumph of high achievement, and who, at worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory or defeat."

When I went to law school, I dreamed of one day maybe even being a public official. They say if you want to make God laugh, tell Him what you plan to do. That was not my path chosen by Him. I have, with all of my flaws and all of my sins, about which my wife and my God know better than do self-righteous porn lawyers and finger-wagging judges, tried to follow the path that God gave me. I make mistakes. This was not one of them.

Ladies and gentlemen, I am no hero, but I am no scoundrel or disrespecter of courts and the law. It is *because* I hold the legal system in such high regard as the means by which a transcendent God can order the affairs of us all, that I do what I do.

Our Founders gave us limitations on government and in doing so acknowledged that the *virtue* of our citizenry is what ultimately preserves the freedoms of us all. I have, with a resolve that others apparently do not have, decided, as much as anyone can himself decide what a sovereign God has given him to do, as a flawed creature, to protect children from predatory commercial practices even though to do so has put me at risk of ridicule and worse. I have a right to be a fool, but I am a fool for Christ, and He has used me because I know that my life is nothing but dirty rags. I am no better than the pornographer, but the difference is that I know it.



What is good enough for Justice Potter Stewart should be good enough for this federal judge. “I can’t define obscenity, but I know it when I see it.” This judge was dragged, apparently kicking and screaming to the point at which he acknowledged this material is, in his word, “obscene.” Fine, it’s about freaking time that somebody other than I said so.

This judge is a grown man who agreed to look at evidence, when he became a judge, and to make decisions based upon the best evidence, not upon what somebody might say the evidence is or could be. If it was this judge, rather than the nonexistent “children” who routinely peruse federal court files on paid-for sites all day, who was “offended,” then the offense he has taken is the price he agreed to pay to be a public servant.

Nobody pays me to be offended, but I am willing to be offended so that children might be safer. I don’t need somebody phonying up an argument about how I have put “children” at risk as a pretext for hauling me before some federal disciplinary tribunal. The entire Bush Justice Department has done an *ole’* on American values. It is beyond ironic that I, a life-long Republican, was asked by Senator Hillary Clinton to prepare her for a news conference about the very video game company that has filed these SLAPP Bar complaints against me, regarding the oral and anal sex they put in their *Grand Theft Auto* game sold to children. It is then beyond irony all the way to *Alice in Wonderland* stuff that a Dade County judge and a federal judge, appointed by my fellow Republicans Jeb and George Bush who seek to harm me for my efforts on behalf of “family values.”

This Bush-appointed federal judge had and has the authority to discipline me *himself* for the alleged unethical act of bringing evidence to him of a crime which he himself admits has resulted in the “trafficking of obscenity,” and obviously the trafficking in it criminally. This judge apparently does not feel comfortable doing for himself what he now may be asking you to do, if October 5 comes and goes and he finds my explanation, which he has failed to afford me the opportunity to do in his presence, is insufficient.

I want you all to understand, then, that we all go down this “let’s discipline Jack Thompson for his *pro bono* efforts against criminal activity, now in the federal system as just this Kafka-esque enterprise is occurring in the state system, with eyes wide open.

If after October 5 this winds up in your lap, because this judge wants it there, then we are going to do so with the full understanding that the undersigned is not going to miss the opportunity to prove that conservative Christians who happen to be lawyers have rights at least on a par with criminal obscenity traffickers protected by The Bar. You are going to see what I have seen, and you are going to learn what I know about this Bar, about Ben Kuehne, about porn trafficking to children in this state, and about children who are being procured for sex through Internet sites.

Earth to us all: Did anyone catch the news about Assistant U.S. Attorney Atchison and how he attempted to procure sex from a five-year-old? Is this where we are in this country that the very month that that happens a U.S. District Court Judge seeks to punish me for sharing the contents of the [www.justusboys.com](http://www.justusboys.com) site that its own users

acknowledge is a buffet for pedophiles. This is what this judge wants you to wade into. Bring your boots.

God did not put Christians on his Earth to be doormats for every criminal scoundrel who would rather tear down people of faith than deal with their own sin. I gave my life to Jesus Christ in 1976 after failing half of The Bar exam. It is a miracle that I am now a lawyer and that I have survived, by God's grace, twenty years of effluent that The Bar and now apparently a federal court system intends to throw my way because, warts and all, I have "fought the good fight." These people are not messing with me; they are messing with Him and what He has decided what is right and wrong.

Understand, as most of you on the Committee surely do, that Americans are a religious people, and they profess to believe there is such a thing as morality. I will take my chances with a jury of average Americans on this, because if the state and now the federal judicial system continue to seek to stigmatize and pathologize my activism, then that is where and to whom we are all going. I've got my opening statement ready. The Bar has forced me to prepare it for twenty years.

I have a *right*, given me not only by God but by the federal constitution into which I believe He breathed life, to petition my government for a redress of grievances. That means the FCC, that means the compromised former Governor of this state, that means our local self-styled but missing in action porn-busting US attorney, and yes, it means even a federal judge who may be "offended" by "obscenity" that he took an oath to endure.

If this Committee should, after October 5, actually be given what amounts to a new ethics complaint against me to prove that "no good deed goes unpunished," then we shall all have an interesting time enjoying one another's company.

If this federal court system, through this Committee, at this *local* level wants to prove, irrefutably, that the legal elitists who think they can run this profession by thumbing their noses at the values and at the safety of our children, can get away with it, then they don't know Jack.

I was born for this. I was saved for this. I was trained for this.

Finally, to Mr. Knox in particular. I know you and you know me. I have the highest regard for everything about you. As a teenaged "Student Mayor for a Day" in my 3,000 student high school in my all-white Ohio town I stood up at the adult City Council meeting that night and called for passage of an ordinance prohibiting segregated housing practices in my lily-white city.

That was the first time my life was threatened. I endured it because Martin Luther King, Jr.'s *Chaos or Community: Where Do We Go from Here?* changed my life and made me braver than I otherwise would have been as to the issues of the day. There is a direct line from what Dr. King did in Selma to what I did to Howard Stern in Miami. The line is in

my heart, and that line was crossed. I would betray the memory of that great man, that hero to us all if I had remained silent upon hearing:

**“Ever bang any famous nigger chicks? What do they smell like? Watermelons?”**

If I had not responded to that I would have no Bar problems. I would have no lawsuit. I would be free of a Bar who is so self-righteous in pontificating about race relations that it feels comfortable punishing me for actually doing something!

I would suggest to Mr. Knox and to the rest of you, if I might do so respectfully, that the white lawyer who took on Howard Stern for his above-noted racist, misogynist comment on the air, that eclipses what even the dirtbag Imus said, deserves to have his motives examined and compared to those of porn lawyers.

Being a “culture warrior” is messy business. Somebody has to do it. When I get to Heaven, and I am going there, I am going to ask God why it had to be me.

But I am blessed to do it all the same. What Joseph told his brothers is true for me today: “What you intended for harm, God has used for good.”

I hope we don’t meet, but if we do, you now know what is coming, October 5.

Personal regards, Jack Thompson

Copy: The Honorable Chief Judge Moreno  
U.S. District Court File, Case No. 07-21256