

13           And I said, "If this case got to the Supreme Court, we'd lose 9-0, wouldn't we, if we  
14 actually took your position and it got up there?"   And he started out at 7 to 2.

15           And I said, "Who are the two?"

16           And he said, "Well, I think maybe Clarence Thomas."

17           And I said, "Really?   Clarence Thomas?"

18           And so we went through a few Thomas opinions and, finally, he acknowledged,

19           "Yeah, all right, it would be 9-0."   Except that his fallback --