

Probing JFK Assassination Is Ex-Senate Aide's Pastime

By SHELBY COFFEY III

WASHINGTON — There have been periods when Bernard Fensterwald Jr. has stood near the hot center of power in Washington, when he was quoted and sought by an admiring press corps.

Back in 1965, when Fensterwald was general counsel of a Senate subcommittee investigating the abuses of government invasions of privacy, he and Bobby Kennedy lashed out at each other in public and in private.

Now Bud Fensterwald's pale eyes narrow slightly when he says "I know what I'm doing is unpopular." What he is doing, aside from private law practice, is pursuing a pastime that has sometimes come to be associated with a legion of fools and opportunists: he is investigating the assassinations of Robert and John Kennedy and of Martin Luther King.

Bud Fensterwald is no ordinary conspiracy-seeker, looking to turn a fast review of flaws in the Warren Report into an instant paperback and cheap publicity.

These days, he tries to arrive at his offices at about "7 o'clock in the morning when things are quiet" to pore over documents addressed to his own CIA — the Committee to Investigate Assassinations. CIA is a loose confederation of people who have written or worked on the various conspiracy theories.

At his own expense Fensterwald took an "8,000 mile junket" last May, traveling to Los Angeles, Dallas, New Orleans, Atlanta and Memphis among other locations. He talked with James Earl Ray's lawyers, examined slides of John Kennedy's assassination. Visited with the controversial Jim Garrison, and dozens of others, either fascinated or peripherally (or not so peripherally) connected with the three major political murders of the Sixties.

In a recent brief, breezily-styled "progress report" to his fellow CIA members ("there is no implication at all in the title," says Fensterwald with a bit of a wry grin), the executive director declared that funds were "generally non-existent" and that the venture needed angels but none had materialized.

As the report mentions the assortment of famous and obscure persons Fensterwald had talked with, an optimism emerges — there were a number of "fascinating leads" to be chased after and explored and not enough time to do it all in. But there is always a chance "next trip."

To friends and acquaintances who find Fensterwald's recent activities strange, he replies with the certainty of a man who is utterly convinced of not only the correctness but

the need for his work.

He feels there may be more political assassinations if the earlier ones are not solved. He resents the statement of former Chief Justice Earl Warren that there will be things that we will not know about the death of John Kennedy until 2039.

"My people don't go in with any preconceived notions," says Fensterwald. "We just look for the inaccuracies." To document them, he traveled to London early in November to look into the stay of James Earl Ray in that city. Fensterwald's wife (his second, he was divorced in 1964 from the mother of his four children) always travels with him on these junkets, not so much because she is interested in the assassination, but because "as soon as you say do you want to go ... my wife is already packing."

He does not feel that there is any immediate physical danger in his consuming avocation; but he has set aside a sum of money for the investigation into his death should he vanish someday. He has also placed copies of his most important evidence in "places that would be very difficult to get to."

This kind of talk upsets some people, particularly those who know of Fensterwald's background — an impeccable blend of a proper Southern Jewish family, trips to Europe as a child, Harvard, Harvard Law, a good World War II record as a naval lieutenant and the makings of a creditable career at the State Department.

"I guess part of it is that I'm a rebel," says Fensterwald, who has had several political horses shot out from under during his career of

public service.

Beginning in 1961, Fensterwald was staff director of the subcommittee on antitrust and monopoly and as such assisted the late Sen. Estes Kefauver (D-Tenn.) in the hearings which sent several top electrical company executives to jail for price-fixing.

He also helped conduct Kefauver's inquiries into excessive profits of drug companies, coordinated the "first last and only" liberal filibuster against the government letting AT&T take over Comsat. He gained a considerable audience among civil libertarians when, as chief counsel for a Senate judiciary subcommittee, he led a series of investigations into government invasions of privacy.

Post Office mail surveillance, Internal Revenue Service eavesdropping and illegal wiretapping were probed, partially denied by officials, partially admitted by officials. It was during this period that he clashed with the late Sen. Kennedy over whether or not the latter had authorized certain wiretaps as attorney general.

The hearings aroused furious controversy at times and finally were "the ones that did us all in," as Fensterwald puts it these days, only a trace of edge ramrodding through his professionally modulated, slightly Southern-accented voice.

After the Warren Report came out, Fensterwald began keeping a file on the matter, but he feels that it was the assassinations of Robert Kennedy and Martin Luther King which mobilized him to the extent he is today.

He can't exactly put his finger on the wispy "why" of what he is doing except that

he feels he is a serious investigator and "someone has to."

So Bud Fensterwald spends his time and personal fortune tracking down both the gossamer and what he is convinced is the reality of undisclosed conspiracies in the three assassinations.

He ponders, broods, spills over with examples of inconsistencies, tries to keep the phone bills down. He sends reply forms with carbon papers attached to various correspondents so that he will have file copies immediately upon return of the reply. He says a large anonymous network of informants — "many of them great admirers of the Kennedys" — report to him each day.

One friend and admirer of Fensterwald's abilities puts it this way: "Yes, he is obsessed with the investigation, but in the best sort of way. I always feel like he had scattered his talents ... perhaps because he was wealthy ... but I think if anybody can crack this thing, it's Bud ... I've never seen a more brilliant man when he sets his mind to something."