

Mr. Bernard Fensterwald
910 16 St., NW 6th floor
Washington, D.C. 20006

3/16/76

Dear Bud,

After we last met I wrote Jerry a pretty stiff letter.

His reply is enclosed with my response to it.

It is not at all consistent with what Jimmy wrote.

Of with anything else except Ray deviousness.

We'll have to wait and see if it is as he says -twice.

My suspicion is that he had to wait to hear before he wrote.

Jim has probably told you what this says. I phoned him when I got home and found it here.

I was in New York. It is impossible to replace my pictures used during the evidentiary hearing now except from other and inaccessible sources and the copies that were used. I now need them. I discussed this with Jim today.

Sincerely,

Mr. Jerry Ray
Box 145
Lake Zurich, Ill. 60047

Dear Jerry,

Apparently you did not mail your letter of the 8th until the 10th. It did not get here until the 15th. I have just returned for a three-day trip.

Your decision not to send my letter to be copied by Jimmy's enemies was right. I had written him separately, long before I wrote you. He has not responded.

I don't have time for a long explanation so I'll come to the point: you are bullshitting me or he is doing it to you. It makes no difference to me which is the case. He has been up to something and it is other than you represent. He sent me a copy of a letter he wrote Bud. It makes no sense but it also does not say what you do. I also know of other letters.

The one of which he sent me a copy can be given any meaning anybody wants to give it. It was at best foolish for this reason alone. There are other foolishnesses in it and in that kind of approach. In fact, as I tried to warn him the approach in itself was bad for him. There is nothing withing the reason that he may want to do that can't be done, but there are right ways and wrong ways.

Taking the simplest view of the whole mess, if Jimmy wants Tennessee criminal counsel the way he gets it is through his own counsel, not by going off on his own. He also has a very clear record of growing new throats to slice when he goes off on his own. I have never seen a man who could grow as many new throats just to slice them up. He did not realize this question, however. Neither in person or in writing. Instead he went off on his own. He could not have been more insulting than in doing this. While I don't give a damn for myself I do for Jim and as it relates to Bud it was as much as an expression of ingratitude as a man is capable of.

Because I don't know which of you is lying I'll lay a little out for you. I had a speaking engagement in Nashville 11/19/75. I saw Bud before I went. I took a message to him on this from Bud and I squared it with Jim before I left. I also told Jimmy that it was okay with Bud to explore Tennessee counsel and I discussed with Jimmy/one in particular who was experienced in criminal work and had handled a recent murder case remarkably well but whose main line was civil. So far as Bud was concerned if Jimmy wanted to go ahead with civil cases with this man it was okay and I told Jimmy that. All Jimmy gave me authority to do is explore it. So, I told Jim, he spoke to that man, and the man was to be in further touch. We have been too busy and too uncertain of what Jimmy wants to do anything further with this man and I'm sure that knowing no more from us he is in pretty much the same boat. More than this, on my own I've done some exploring. Regardless of what Jimmy says about civil suits it just is not the way he says. Even during the evidentiary hearing and afterward I spoke to people I'd checked out first in Memphis. I even introduced Jim to one. He is experienced and he was then willing. But there never was an okay from Jimmy.

In this alone we have two choices: Jimmy is lying or the campaign to get to him and influenced his judgement has worked. Whichever it is I can't do anything about it.

Now can I think of any way Jimmy can make any arrangements except through you. I have been worried about some new foolishness, particularly because as I've told you so often none of you ever learn from your own mistakes. So, each time I saw Jimmy the last two times I checked the register to see who had been to see him. You were there quite frequently.

This kind of nasty business is why I have stayed out of touch with you. I can't waste my time with people who do self-destructive things and who are bullheaded and try and convert bullheadedness into common sense.

Nor will I run the risks I did the last two times I saw Jimmy. The first time I was in such bad shape that when I left him I had to be put on the airplane all by myself. The last I put in a 22-hour day and flew more than 2,000 miles extra. I was hospitalized last October with phlebitis. It has left me with some handicaps and impaired circulation. I have no business going without sleep now except for what is important or what has some chance of meaning something. I do it when I must. I put in about 21 hours two days ago and between 19 and 20 yesterday. But not for any more of this kind of double-dealing. Or any other asserted things that should get be.

If Jimmy wants to mess himself up all over again that is his business and he pays no attention to anyone and does ~~not~~ even trouble to ask anyone so nobody can know in advance what crazy thing he is up to.

He has held up remarkably. Frankly I'm surprised at how he has. But if you don't recognize that it is miraculous that he didn't go crazy and that his judgement has been impaired, that is your business. It is not because I haven't been warning you about it because I have, often. You do these things he wants you to do and you live with what happens as you should have recognized with Foreman. I'm not going to spend any more time trying to talk either one of you out of any more insanity.

There is too much I want to do and do not have time for to put up with any more of these kinds of goings on and just plain lying. I've done the work that will walk Jimmy if he just has enough sense to sit back, do what Jim tells him to do and doesn't do what Jim tells him not to do and consults with Jim always. He has some faith in Jim. If he doesn't calling him an ingrate is calling him much too little.

Speaking for myself, if he does anything I can't agree with or do not like my help is ended. And if you are part of it and it is not helpful to him the responsibility is yours, personally. There has never been a time either one of you could not have consulted with either one of us. And you haven't. And he has gone off and done what can't be excused.

Don't you ever learn? Either one of you?

You got Richard, who is a nice person and who was honest and told you that he really could not handle the case. You got Foreman, who put Jimmy away. He got Hanes. He also recommended the man who managed not to file an appeal for John and you, personally, were standing next to me when he lied and said he had. Look what ~~Hanes~~ Stoner did to John. And Hanes. Do I have to mention Hanes more? Must I remind you of Schoolfield? And what good did Hill do? So, there is finally some real accomplishment and there is at long last a chance and then this? If it is no more than lying?

How much of it does either of you think others will put up with?

Or with your personally holding back what Jimmy told me you have when you know everybody else in the world has it?

So don't bullshit me, Jerry.

And if Jimmy wants Bud to get a Tennessee lawyer with whom Jimmy can work then Jimmy writes Bud a letter saying exactly that and not the kind of letters of which I know. If he does he should begin with an apology that at least sounds sincere because he was miserable and needlessly insulting and totally ungrateful. There is a limit to what can be excused because of the incredible conditions he has managed to survive. These do not extend to you. You did not have those conditions.

If what you say is not the truth and if it would embarrass Jimmy too much to do it directly through Bud he can do it through Jim or me. I recommend Jim. If you say what he means.

Sincerely,