

Dear Sol,

10/18/87

I think this may interest you and I want to make an archival record.

The attached letter is from a very nice guy. Born wealthy, cheap about the wrong things and extravagant and wasteful in many ways.

Note that in saying he'll buy an annuity for 'til he does not give a sum.

He is an able lawyer, taught it at Yale, was in the State general counsel's office, worked on the Hill in several capacities and when I met him was counsel for the Senate's FOIA subcommittee, of Judiciary.

When he heard I was making a trip to California in October 1968 he asked me to do some things in New Orleans for him on the way back. He said he'd pay my expenses. When he did it was a \$100 travellers check! I was in New Orleans more than a week on that and made a side trip to Dallas! (Because of something else I blundered into that was a good thing, however, but it had no connection with what he asked of me.)

A few years later when I was in his offices to see someone else, he asked me to stay and meet with someone who was coming. I told him I could not because I had to see a friend who was lending me enough to meet my overdue mortgage payment. He asked me how much, I told him \$500, and he said he'd lend it to me instead so I could stay. I told him I had checks coming in about a month and would pay him when I got those checks. The first came in two weeks and I deposited it and sent him a check for that amount. He sent me an angry letter telling me he had no intention of joining the alleged and non-existent list of my creditors. I told him off by mail *and* ~~and~~ when the other check came paid him the balance. I don't know where he got the idea that I owed everybody because I didn't, only my mortgage and, infrequently, the friend for whom I borrowed the payment due or overdue. (The ~~was~~ *was* great.) But, we cooled off.

There came a time, when I was working on my book on the *King* assassination, that I saw that James Earl Ray needed counsel and I believe that although I then had not been in touch with Ray could arrange for Ray to go for counsel I'd recommend. I asked Bud if he'd like that, he said he would, and my terms were simple: he never saw Ray unless I was present; I alone was the investigator; and the literary rights, if any, be mine. *He* agreed. And didn't keep his word, especially in talking to Ray, who he turned off. I spent days on end with Ray inside the jails. *all taped, openly*

Although until then with the other counsel there had been only failure, my habeas corpus investigation in the end got an evidentiary hearing. When we were preparing for that he went off on a European vacation leaving the work up to Jim Lesar, who had a Wisconsin license but had not yet taken his District of Columbia bar exams. Jim and I exercised discovery on enemy turf, in Memphis, and it was rough. We worked well and rather successfully, almost around the clock. With Bud away Jim did the legal work and it fell to me to prepare the evidence and the witnesses. I prepared a list of them, the list we used, located and prepared them and outlined their testimony. The latter extended into the time of the hearings itself and often Lesar did the questioning from questions I prepared while he slept or worked on other things. He had to do it cold very often.

Bud got back from Europe the weekend before we had to go to Memphis for the hearing. By then I'd doped out how the defense should be handled. Imagine how it was to show that Ray had ineffective assistance of counsel when Percy Foreman was counsel! But we did it as I'd outlined it and gathered evidence and witnesses and aside from a dishonest judge it was solid.

What struck me immediately after we rushed through limited discovery is that with what I'd gotten on my own ~~and that~~ we had a solid case of irremedial violation of constitutional rights. Bud was reluctant, Jim wasn't and Bud's then partner not only agreed but prepared the legal work on it, Bud agreed to take that course.

Only he chickened out and didn't. It then happened that the day after the hearing ended I got still more proof of this from Ray, his own kind of paranoid. He told his lawyers, he told me, only what he thought would interest them. What he then dropped he had not said, and I'd seen him at least twice a day from before the hearing began until the day in question. Then he told me for the first time that the sheriff had taken over his objections, all the records he had brought to use in his own defense. ~~XXXXXXXXXXXX~~ (To cover this - and Ray'd been silent - as the State saw immediately - it demanded discovery on his records!)

The other proof in itself is quite a story. But we had is so solid you can't imagine, all in documents. This included gross and deliberate violation of the to-be trial judge's orders. I've this part on an incomplete book I laid aside when I began to get FBI records on the case.

There were other things we did together, and what I did or recommended, it just happens, always worked. He said several times that I should have been a lawyer and would have been a good one. He got the credit for our successes and I got nothing. That doesn't trouble me. What we could have done and didn't does *(we could have walked Ray.)*

Just to give you an example of what he feared using: we got from the sheriff under discovery a complete looseleaf notebook on how Ray would be handled as a prisoner. It was prepared by DJ. It included 24-hour electronic surveillance, by microphone and closed-circuit TV, how everything to and from him, including correspondence with counsel, would be copied and to whom copies would be given. *(Pudt!)* and from the former DA, we got a smattering of what he had only but that included Ray's notes on what he finally came to believe actually happened. I'm certain he was correct because from my own investigation I'd reached the same conclusion, much fortified with FBI documents I got later. Or, the prosecution intercepted all of Ray's defense correspondence and notes, even what he wrote the judge. We got copies before and after mailing to the judge. Can you image the sensation we would have had. Especially when Ray saw Foreman throw away what was retrieved, his own doping out of what had actually happened. He couldn't even brush his teeth without being on closed-circuit TV. There is much more, some but not all in the unfinished book draft.

Another time he sent me to Florida for something, saying he'd pay my expenses. A month later I got a charge card bill of an additional expense, sent it to him, and he refused to pay it. Only \$12-\$45, but I was then about broke. Before Social Security and the means by which we got liquid.

So, some of my experiences with wealthy people have not been pleasant or in any way encouraging.

How I got Ray, with whom I'd had no contact, to ask him to rep "ay is another story, but can you imagine what that did for a law practise, all the print and radio and TV attention?

Remember, this is a multimillionaire. He stopped off a few days ago as he was returning to Washington from a place he has in western Maryland. He stopped off at a liquor store to get me a bottle of Scotch. So, he got a cheaper one, bottled in the US.

Yet he is a very nice guy, liberal in belief, and also hung up on political assassinations, with a wild collection of theoretical solutions. But I guess that, in common with other wealthy people, he thinks that everyone else is out to take advantage of him. The cost of a better Scotch would have been negligible. The branded Scotches have a cheap whisky they ship to the US in bulk to be sold cheaper and it is, compared to what is bottled in Scotland, not as good. Except as an indication, it means nothing to me because I feel I can afford only the cheaper stuff, bottled here, and that is what I buy.

I was interrupted and am reading what I wrote. There were good reasons for the unusual condition that I be with Bud when he saw Ray, mostly what I knew of both of them.

It may be confusing, but the preparation of witnesses was in Memphis, when we were there for the evidentiary hearing. Bud got back on a Friday, I was with him and his partner Saturday and we left for Memphis that Monday. Bud's partner had the legal work for the constitutional denial argument completed and Bud had it with him.

Page 2, the sheriff kept Ray's records overnight, then returned them to him. I'm sure after making copies.

I refer to what I blundered into in New Orleans. Until then, just before the Shaw trial, I'd just assumed that Garrison had what he represented he had. When I was in New Orleans I tried to learn more about Oswald and I had no special interest in Shaw. After all, there was to be a trial for that.

I learned that Garrison was about to charge a man dead for a year before JFK was killed with complicity in the killing, him and several innocent winos, better known in the assassination mythology as "the tramps." Of the so-called tramps I was able to get two independent investigations made for me, one by a former FBI special agent and the other by the Dallas district attorney, with whom I had a friendly relationship. (The Wade of Wade v. Roe.) It happens that although from what the police told him he believed Oswald guilty, he was certain that the shooting was impossible for one person and thus that there had been a conspiracy. (True!)

Garrison's staff had not been able to talk him out of that insanity but I was able to destroy the so-called case he'd built, point by point, in writing, and did. This includes destroying the credibility of the man who'd put it together, which is to say, made it up. *He got fired.*

~~Max~~ I had only a few days and worked around the clock on it, staying in the home of a friend close to Garrison. I used his broken East German typewriter, for which parts were not available in the U.S., which made it tougher! Bud, who was very much behind Garrison, got wind of that and also went to New Orleans. He also was worried and one night he got to my friend's home with a good bottle of Scotch to keep me going. I finished up as I recall on a Saturday, gave what I'd done to the young lawyer closest to Garrison, Andrew (Roo) Sciambra, and he told me to meet him at their office Sunday noon. He was ecstatic because Garrison agreed to drop that newest insanity. He took me and another person, as I now recall a Philadelphia lawyer named Vincent Salandria, to his home for dinner and on the way out he just raved about how I'd saved Garrison from being disbarred. He said by the Supreme Court. I didn't know that happened.

Anyway, ~~the~~ money out of our pocket when I made that side trip to N.O. for Bud with only \$100 for all costs, was well worth it. Not because Garrison wasn't disbarred but because I'd aborted the terrible thing he was up to.

I'm pretty sure Bud was there that Sunday night but if it was not that night it was after I'd done something somewhat similar and prevented another disaster. We wandered about in the French Quarter looking for a restaurant he had in mind. I was somewhat in a daze and didn't even notice its name. It was excellent and I'm sure costly.

I wish I'd had time to make notes on more of those activities. I do have some correspondence about another, when he filed for assassination evidence in D.C. Superior Court and with the work I did prevailed, only to very publicly back out with insane accusations. That time I'd worked from a little after midnight on a secret filing he'd just gotten by the government, consisting of a to then secret examination of the autopsy records the DJ had had made. He had a well-known forensic pathologist as his expert witness and that doctor didn't understand what he read. I had to prepare him to testify! Actually! The testimony was the same day the early part of which I

first saw that report, the morning of the hearing. It was before Charlie Halleck. Garrison had one of his staff lawyers there and he and I only were at the counsel table. What he said during lunch hour, after calling New Orleans, was frightful. New Orleans would not take any calls from me. So, when we went back after lunch, I was not at the counsel table but after Halleck was seated I walked through the gate and asked him to recognize me as friend of the court because neither side knew what it was talking about or being fully truthful with him. I knew I had only a minute and when Halleck, surprised, said no, I saw the marshal out of the corner of my eye and merely turned and left before he got to me. Later Garrison's people lied to me to get me to go there. I'd already cancelled my ticket. I was to have been his "ealey Plaza expert. All of this was on a Friday, I was already packed to leave the next day or Sunday, and on their assurances I went down. I spent Sunday with the two who were to be the main trial lawyers, one later a judge (on the basketball/Tulane cheating case). When I learned for the first time the theory of their case, I told them they'd lose, that they deserved to lose, and that if they had not made radical changes I would be going home on the midday plane that Thursday. The empanelling of the Shaw jury began that Monday, and although the New York Times said I was at the counsel table, in fact I was never in the courtroom and I never laid eyes on Shaw. Instead I started working on what is Part II of my book Post Mortem. And I did leave on that Thursday plane. Bud was there and tried to talk me out of it.

I've digressed for something that might interest you, without really giving the flavor of it. I had many interesting experiences in New Orleans, some like from a novel. One that comes to mind over the whiskey: I had as an informer, a young woman who was a narcotics informer for the police for sure and the federals in all likelihood. When she learned I was going down again she got her boyfriend to go with her, while she was on crutches, and she actually stole a half-gallon of J & B Scotch whiskey and gave it to me. She is quite a story. I have a separate file on her, "Pixie." She'd make an entertaining novel. She kept in touch with Bill by phone when I was away and with both when I was home. I'm sure she had a way of gypping the phone company. Many strange stories, all actual.

Stories. Before I knock off, a Memphis story. Somehow Bud managed to get the most extreme rightwing criminal lawyer there he could as cocounsel, Bob Livingstone, also a virulent racist and deep into the rightwing protestantism. We used to have our conferences during the hearing in my room, which adjoined Cesar's. Once I came on Bud and Bob planning how to abandon a major part of the case. I told them that when I saw Ray the next morning I'd tell him and they'd see what would happen. Now Bob was a big man, with a violent temper. And he carried a Magnum revolver, one with interchangeable things already loaded. He didn't use it. Instead, next time he came he had a bottle of Univas "egal.

That same week, when I was under threat from the State DA, I got the lawyer for the Dixie mafia to agree to represent me. If I didn't tell you that story, remind me, you'll both enjoy it. His wife was like an actress in a movie part and it worked. No more threats.

Mr. Bernard Fensterwald, Jr.  
918 F St., NW  
Washington, D.C. 20004

10/18/87

Dear Bud,

We appreciate your offer.

I gave "ll your letter and we agreed that we should think about it and then talk about it. (She still has your letter, is taking her Sunday morning soak, which turns into a nap, but it helps her arthritis, so I'm using Jim's address, which I believe is the same as or next to yours.)

Your presumption is the one I make: she'll likely outlive me. With only one Social Security check it will be more difficult making out than now.

I will not influence her judgement but if she doesn't say anything before long I'll raise the question.

I've not thought it through, either. However, I have given Hood my word and it is preparing to build a new library, with accomodation for my stuff in the plans.

So, I'll have my own thinking to do.

Sorry your visit was so brief. There is so much we ought to talk about and never have time for.

If Jim hasn't told you, John H. Davis is doing a book on the mafia. I got a "ood student to do the research he wants done in my files. She is working for him Saturdays and Sundays and is here now.

I've asked her to keep clear notes on what she does, in addition to what I've written him and she will.

So far it is looking names up and copying records.

I'm not keeping separate copies of what we copy for him.

Her notes will probably be largely the names searched and the records located or not located.

Want a copy when she's finished?

Today I asked her to use a separate page on each name. Last week she didn't.

As Jim can tell you because Davis sent him a copy of his letter to me, thus far he is pleased with her work.

I've not read the records she copied because I don't see any mafia-assassination connection and preferred Bob Woodward's Veil, which I think is excellent.

I was given Tip O'Neill's Man of the House. Reads like him and the stories are, I'm sure, genuine, typical and to me interesting.

Best to you all,

  
Harold Weisberg

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October 15, 1987

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, MD 21701

Dear Harold:

On my way home last night, I got to thinking that it is a shame that you cannot benefit financially both during your lifetime and after your death from your enormous collection of materials. I respect your decision to will it to Hood, though I believe that it will be greatly underused there.

Is there any inducement which could make you change your mind. What I had in mind was a gift to AARC, with a promise that Hood should have the right to xerox any part of it which they desired. In return, I would arrange purchase of an annuity for Lil; she will not be rich, and it would supplement such things as Social Security.

Give it some thought.

Warm regards.

As ever,



Bernard Fensterwald, Jr.

BF:crr