Certified - Return receipt

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

1/4/75

Dear Bud,

A while back Paul Valentine phoned me to tell me that as a result of the attention attracted to the Ray case by the FBI's disclosures about Hoover and King he had been asked to update a story he had written for Potomac a year or more ago. As I remember it this had to do with the new Hoovee stuff, nothing else. By then Paul was on deadline and we went into nothing else.

By the most remarkable of coincidences the original form of this story seems to have coincided with your going out of your way to prevent a perfectly innocent Playboy story, to have been limited first to his in-jail conditions and then to a repetetion of only some of what he had testified to in the evidentiary hearing. After you went out of your way, for spurious reason having to do with the impropriety of Jim and me being paid for this, and there was no such quid pro quo, once this Potomac story did not appear you then arranged a proposition with Penthouse for which Jim and I both would have been paid. You did this without consulting me, at least, and Jim and I both rejected your offer. We may be without means but we are neither without ethics, despite some of the company we have had no choice but to keep.

I have read the Potomac story. It is so indecent there is no point in making any comment on it other than to repeat the advice I once gave you, hie thee to a shrink.

However, we did have an agreement. First it was verbal. When to my first knowledge you violated it, to Jimmy's detriment, I made an issue of it , in writing, repeating without your denial if, as I recall, any response at all. There is no doubt about this agreement and its conditions. There came a time when my fears for you caused me to raise this with Bill, who I think will remember it, in Jim's presence. This was before you moved your office from 15th Street.

You will also remember what I suppose is your initial if not your major hangup with me, over my refusal to be part of your then proposed CTIA . I wrote you in some detail and if you can't produce the original I can and will produce the dated carbon. The reasons I set forth are widely known and I have no doubt, without checking my files, which is awkward for me in my present condition, that I distributed dated carbons. Those to whom they were addressed will be able to produce copies. Among my reasons for refusing to join is that I regarded any formal association with some of your characters as defamatory. Your account to Paul lumps me with the CTIA and is otherwise at least an innacurate account.

So is the part where you talk about the firm bearing the costs of the defense. You personally refused investigations I regarded as necessary, minimally necessary in Jimmy's defense and interest. One one of these alone I went to some cost and time for one in my circumstances, informed Jim as cocounsel because of my responsibility to Jimmy, and told you that you would not be able to use any of this work product of mine of which you as counsel should have thought instead of opposing, without repaying me. When you faced a crisis in the evidentiary hearing, for which your sole preparation was absenting yourself on a Russian vacation, and I let you use one, and then asked you to repay the actual costs and no more, you wrote me to "drown in my bile." This is but one of the many indecencies and outright lies in what you told Paul and today reached not fewer than a half million people, including many of my friends and neighbors. I use it as one of the many available illustrations. One the others will not now take any time. This miserable, false, even fraudulent self-promotion, obscenely at Jim's cost and partially at mine, impels me to remind you that we had an agreement totally inaccurately represented by you to Paul. Your violation of this agreement and your dishonesties in your representations to Paul in whose professional competence I am without doubt, are despicable.

Before I get to the major point of all of this I want to make clear that separate from it is the respect and admiration I have developed for Jim. He has earned it. We did not begin as friends. Rather the opposite. He was your partisan and disagreed with me. What you did to him in this interview is as vile a thing as I can remember any man ever doing to another. And I have fairly clear recollections of most of my 61 years. Clear as is my recollection of Martin Dies and his gang and all that went on in thatbera, I believe you succeeded in sinking below them in what you did to Jim alone. I don't think you are capable of comprehending how despicable what you did really is.

There is also the separate question of our agreement, your violation of it, your persistence in violating it documented by you in Paul 's story and in other ways, including in your own voice but not limited to this. We had no agreement on compensation for me.

This story alone in my view entitles me to make a modest claim against you for $100,000 for unpaid services rendered. This letter is that claim.

Should you contest it, I will add defamation allegations ranging from your lumping me with your public indecency also known as the CTIA to the gross, deliberate and defamatory lies you told Tom Shales, printed in the current issue of Quil about which I have written you without response.

On the latter the uncontestable record is that I never recriminated, never chided you when you broke your word to me, your client, in what you agreed to do at my repeated written request in my suit, and left the courtroom rather than risk vomiting over your performance, it was that wretched for any lawyer, even an inexperienced one. You were not inexperienced. You did not drop me as a client. You asked me to give you more cases. I discussed this with Jim after deciding that I would be better off pro se. The record shows I was.

The defamation based on deliberate lying is all the more hurtful because I have a current book. Quil reaches and influences many people.

The figure of $100,000 represents a compromise. If I were to calculate the time and costs as they actually were as I will do if I am compelled to it will be considerably higher. If I decide to take steps against the mass circulation Quil, which I have not yet thought out, I do not think it will be this limited.

If you agree, the first thing I will do in commit this to Jimmy's defense the needs of which you have never met despite your promises and obligations. If any there-after remains I will use it not for personal needs, despite my right to this, but for the pursuit of that which you have frustrated from the first time you used your influence on the the Hill, the JFK case.

In warning you, as I repeatedly did, I do not consider that I was abdicating any of my rights. Rather did I regard this, as I still do, as an obligation to Jimmy.

You never have except in dire extremity listened to me. I do not expect you to now. What I will say does not, in my belief, diminish your obligation to me or to Jimmy. But when after all the painful, despicable past you are still capable of this, I strongly encourage you to seek psychiatric assistance.

In utter dismay,

Harold Weisberg