5/29/75

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

Dear Bud,

Your letter of the 27th is merely the newest in a long series of representations of your unrecognized sickness. Youm can't live with your past and record; you can't bring yourself to examine either; so you perpetuate and magnify all the same errors in a futile effort to persuade others than the silliness that you have manufactured is other than it really is, childish in its more innocent manifestations.

In pursuit of this futility you write me an untruthful letter "for the record."

Truly, I sorrow for you, whether or not you can conceive this and despite all your unconscionable acts because on the subject that brought us together you have always been out of control. I regret almost as much that I was too long recognizing this.

You say that I "loaned to the CTIA" you and Jim "certain research files." This is even for you pretty farout. From the very first and for reasons you also can't live with I refused to have anything to do with the CTIA. I was opposed to your basic concept and told you it was impossible and I would have no association with those you had selected for your board who I knew to be at best irresponsible." I never under any conditions loaned the CTIA anything. Quite separate from this is the trust I was willing to impart in you and did.

Jim did return some files to me. I have them segregated because I've not had time to integrate them. They can't include anything I ever let the CTIA have because I never let it have anything. They do include files you had from me only in your role as my lawyer. I regard this as unethical and because of my very clearly expressed opinion of your CTIA and its assorted nut unconscionable. I think a case could be made that it is also unprofessional. (I have no such inention.)

Because you now contrive this phoney "record" I'll have no choice but to preserve them as I got them, in your file folders, that is, the CTIA's, not your law firm's.

All of this avoids still another questionm, my work that you obtained other than from me. I know I raised this with you in writing at the time you announced you were depositing your CTIA files at Georgetown. I know I raised it but don't recall whether on not in writing when I learned that nuts like Sprague, in whom you continued to have faith and trust when reasonable and rational prople could not, were pawing through your files. You then denied that he or anyone you did not authorized did or would have this access. I now see the newest of Sprague's published insanities openly quoting CTIA files. Plural.

You are not the only one who breaks confidence. You have some of my work from two at least of those I trusted in the past. As soon as I became aware of this I raised the question with you and asked that you or your people remove all of this. It did not happen.

You can't even be truthful about how what was returned to me. You asked Jim to remove what he did. He did not do it on his own. Both of you then told me.

I have neither the desire nor the time nor the expense involved in my going through your files. This offer, which you knew I could not accept, in no way removes or diminishes your responsibility in any of this. You are the one who did what you should not have and the responsibility is yours, not mine.

You never could resist the wretched when your own self-concept and your own inability to achieve your ambitions are involved. Thus you make this crack, "certain records of lawsuits filed gratis for you."

If there was even any personal benefit to me in either of those suits I am unaware of it. They were, supposedly, a common interest. But the fact is that you did represent me. I believe this entitles you to keep those files that do relate to the litigation only. I also believe you owe me the obligation of complete confidentiality. I expect you to respect this and you expect me not to tolerate it if in any way you do not.

Unless there is something in these legal files that you did not give me, I have no need to put you to the trouble of making copies.

While I also see no need for humbling you by refering to how you handled one of those suits, a method of which at no stage you have any reason for pride, I do refer to this in connection with my your allegations about my "vituperative and litigious nature." Neither to you nor to anyone ever in public have I made any complaint about what you did in that case. I think you should ask yourself if it would have been possible for me to be ~~xxxxxxxxxxxxx~~ too "vituperative" about what you did and did not do.

It is the only suit I have ever lost. Have you this good a record? Once it got out of your hands it had an entirely different history and then you made yourself part of pretending something else entirely about it. I have the press release and I taped the press conference you staged so there is no point in,lying to yourself or anyone else about this.

The one suit "you" won I did the draft of what made it possible and then, when you were out of town, saw the means of getting a summary judgement and got it. It may be in your name and I have no objection to that, but I'm addressing your characteristic slur, the only thing that can make you feel better with a record as barren as yours.

If winning every lawsuit you did not handle, including those I handled myself, makes me "litigious," what cannot you make of anyone?

And what were these suits? Five under FOIA. That makes me "litigious?" Two for the collection of money owed me. I filed one and got an out-of-court 66% settlement while awaiting the judge. I got a 100% collection of one you declined to handle, plus costs and interest, without having to go to court. I won two damage suits, the first establishing a new principle of property rights and noise ecology law. In the second I obtained an out-of-court settlement considerably more than 10 times what one of Washington most prestigeous firms told me was the top offer and urged me to accept. And this after they let the statute run on most of what I could claim for, something they never confided in me.

I'm "litigious" when I decline to let you file more suits for me after your performance - and then obtain that material without suit only to have you again be part of misrepresenting how that was shaken loose? In fact, pretending that one of your fellow self-promoters did it?

I could go on about this alleged litigious character I have but I'll content myself with a few comments instead. One is to play back some of your radio ego-tripping as it involved me and suits in which you represented me. I don't have all but I do have what people sent me. It was entirely unethical. And false. You are welcome to face yourself. If you dare.

Is there a single aspect of you and me in the Ray case you would like me to remind you of? Is there a single time you did not take my layman's advice when you were proven wrong? Great tribute to your legal abilities that is! Did I not, in fact, do work it was your responsibility to do without pay when you were vacationing instead of serving your client's interest? Did I not in fact prepare almost all your questioning in the evidentiary hearing, beginning with the investigation and extending to virtually everything except the words you spoke in court? Even the legal philosophy? And when even then you failed in your obligation to prepare the publishing end, did I not then rescue you as much as you could be rescued by preparing you for cross-examining a surprise witness?

If this is not enough I can go into the Playboy/Penthouse stuff and Cliff and much more relating to ethics and litigiousness and vituperativeness. Your last offer through Jim amounted to pleading Ray guilty, as you may have forgotten. In your inability to control yourself and your insane running off at the mouth, alas, you did this in public.

You are sick enough to talk yourself into all the rubbish in your head. You can actually believe these slanders. I guess you can't survive without that.

What your letter does not say is the reason I wrote you. It was because you announced amalgamating your organization with Lane's. I do not want him to have any kind of access, even verbally, to any of my work. Heirx is a professional plagiarizer who, as I recently reminded him when he wrote a letter like yours, was not even able to do all "his" own original work; hasn't mastered the basic unquestioned fact yet; and with you is engaged in what can be a self-destruct operation, one with a high probability of also hurting those foolish enough to trust either of you. My explicit purpose was to see that he has no access of any kind to any of my work no matter how you obtained it. I mean this quite seriously. Please do not deceive yourself on this. There is a limit. If I did not pity you I would have passed it long ago. (Or would you also prefer to forget the time I saved you from your own foolishness?)

I have two reasons for taking this time. I could have contented myself with merely noting your lies and unresponsiveness and refering to earlier letters. This would have made an adequate honest record.

One is to caution you that some of the lies in this letter can be quite hurtful to me and if you repeat them I will hold you to account. Believe me, I mean it. The other is undoubtedly a futility as it has always been with those who have your special sickness as with you over so many painful years: I hate to see you risking your own ruin and that of those who trust you.

Never in the past have you been willing to face the realities. Perhaps there is a remote chance that you will yet. Unless you can show factual error in the foregoing, can a rational man ignore this partial record?

I do sorrow for you and for the opportunity you have done more than throw away. If you had been willing to restrict yourself to what you can do well and had not had this sick longing for a heroic of which you are incapable, you could have had real accomplishment of which you could honestly have been proud. It is as tragic as it is sick.

With sincere regret,

Harold Weisberg