4/11/70

Mr. Bernard Fensterwald
927 15th St., nw
Washington, D.C.

Dear Bud,

When you phoned me yesterday to tell me James Earl Ray found things in Part II of COUP D'ETAT he thinks may be of help to him and asked if he might have my permission to use them, I agreed with a few conditions because, as you know and he should know through Jerry, this has been my intention from the first, to help him so that we may better establish the truth of what happened, and effect justice. This has also been my intention in those things that have come to pass.

As I told you to tell him, Mr. Ray knows I lack confidence in the lawyers he has had, for the book makes this clear. And I told him, through you, that one condition would be your being part of this proceeding so that youxcould look out for my interest in this book, it being my property.

These are still my conditions. However, in thinking it over, because I have so large an investment in this book, so enormous an amount of time, I want to add to this what I think will present no problem to Mr. Ray, what I think he will readily agree to. He is aware of one of the problems of writers through his unpleasant relations with Hule. Once my material is used in court, that which is used can be used by other writers. Further, its use can lead them to other of my materials. I am not a Hule, having neither his wealth nor connections willing to print dishonest writings, so it is no simple matter for me to get a book such as this printed. That is still my hope and intention. It will be a reality when I can raise the funds.

Thus I will want to know in advance what he may desire to use and to be satisfied it is what will at the time of use be of real value to him. And, if there is any chance that at the hearing he may want to use material other than agreed to in advance, I will want to be there to agree to it or not to. Aside from protecting my right to my own property, my reason for this is to satisfy myself that the use will help Mr. Ray at that point in his legal problems, for premature use may have the opposite effect. I am sure you have told Mr. Ray of the legal action I have taken and my opinion (I know you share it at least in part) of how this can benefit him. I think I have already established a basis for reversal and I also want nothing to jeopardize that. So, I want nothing done that can undo what U have already accomplished and nothing done that can interfere with what I expect to succeed in.

Mr. Ray should have known from the beginning, from the time I first approached Jerry, that I have wanted the work I was doing to be available to him. If Jerry did not tell him, as I suppose he did, I invited Jerry to come here as soon as I finished the writing so that he could convey the contents to Mr. Ray. He also knows that I have made no cheap or self-serving use of my material so that it could be used when it could be used to best effect.

When you returned from giving this book to Mr. Ray, he told me he had agreed to write comments on it for me. I look forward to receiving them. There is an assurance I think Mr. Ray is entitled to I did not then think of but have since, and I now give it to him. If he desires that I make no use of anything he send me by way of such comment, all he need do is specify it. I agree to it in advance. Unless he specifies reservations, I will presume I can use these COMMENTs to advance our knowledge and understanding and to develop more information that might be useful.

From our first contact, Jerry has indicated his belief his brother would want to see me. If this is his desire, it is also mine. By now he knows what part, in fact most of my work says, what I believe. As you know, this is not all of it. And there are some things I have not shown you, not in the book. Mr. Ray now knows how my mind works, how I put things together, how, I think, I see and analyze as others do not. He will have his own opinion of it.

He knows my opinion of his legal problems and how I understand them. He also, I hope, understands that I understand he also has a very serious survival problem. I would do nothing to jeopardize that and I think it is possible I may be able to do what may improve this. Jerry may have told him that I have always emphasized this mad to be the first consideration.

I have returned to other writing and other needs, as you know, But if Mr. Ray would like to talk to me, if there is anything he might like me to try and do anything about or carry further, I will abandon this other work, go see him, and undertake that. This will have to be his decision, and I will not try and influence it in any way. However, as you know, there are certain areas in which I have established my own independent connections and my own reputation where it is just possible these also might be useful.

It is my expectation that you will give this letter to Mr. Ray. When you do, please give him my best wishes and, as I have expressed it to you in the past, my belief that his position is not at all hopeless as I see it and as I believe things can be done.

Sincerely,

Harold Weisberg

4/11/70

Mary, Paul, Gary only and in strictest confidence,

Attached is a letter I have written Bud for hand delivery to James Earl Ray. A brief account of how this has come to pass follows. If it seems impossible that I have arranged for Bud to be of Ray's counsel, then among the reasons for my insistence on strict silence about this is the fact I plan other impossibilities and think they also can become possible.

When I considered the time was propitious and having already figured out how best to do it, I was able to arrange for Jerry Ray to get in touch with me. This I did through media people I had reason to believe he trusted (there is a paranoia of sorts in both of them) and who I knew respected me because they always auditioned my appearances in Chicago but always feared having me on their own TV shows. I then had a friend in Chicago who acted as my emissary.

Gary has known some of this and when Hal was here I told him to tell Paul.

There ensued an extensive correspondence between Jerry and me and there were lengthy and expensive (reversed) phone calls from him.

First I was able to arrange for Bud to represent Jerry, in the event he faced emergency legal needs. Thenm, through Jerry when he was again able to see James, I arranged for Bud to join Jame Earl's defense staff. The conditions with Bud, that I would always accompany him, have not been met. Perhaps unfairly, I have the notion he is not anxious for this to happen.

However, I also have Bud's assent for the other things I hope to accomplish.

Through Jerry I was able to learn how best Bud should conduct himself with James Earl, and it was consistent with my own estimate. Bud did this and it led to the existing relationship. Bud says he agrees with my estimate, that this must be taken slowly and carefully and will require much time, which we have to hope we have.

Bud has gotten a letter from Jaesm Earl saying he thinks there is much in COUP II that can help him in the coming habeas corpus hearing. My letter is in amplification of what I told Bud to tell him, to which Bud yesterday agreed. This begins with Bud's being a participant in this hearing, for I am completely without confidence in Ray's lawyers despite Bud's earlier assurance he thinks Ryen is a competent criminal lawyer. Besides, the competent practise of law is not restricted to Blackstone or Wigmore. I have my own ideas and concepts and I submit to this point I have been right. I think I have already established the basis for reversal of the denial and, in fact, for the reversal of every decision to date. It could, if carried forward with by extreme competence and extreme good luck, be like nothing in legal history. But, I do believe that we should be able to get to the point where there is a real trial and at that point, at the very least, I do expect we can establish there was a conspiracy in which Ray was not the shooter. We kight do more and I do have candidates. Another reason for strictest secrecy.

This is necessarily brief, but it gives you the basic understanding of what I have been able to do, how I have done it, and I deliberately avoid saying what I still plan, for reasons that are obvious and because there is not the most complete internal coooperation yet. Perhaps you will agree that if this is not what a year and a half ago you would have considered impossible, it is as improbable and as improbable an alliance as there can be. So, we hope and we plug away. Best,