Gary, Bayl, Dick, Howard from mf 2/7/70

There have been several developments on a single subject, Ray.

Yesterday I reached final verbal agreement with the small publisher who is to do the edited-down version and whose editing is well along. The size of the advance, typicaly with publishers, none of whom is ever honest, is but 60% of the figure we agreed upon when he was here. He had begun with 35%. They are supposed to be rushing it.

Yesterday also, as an afterthought, when I asked him if anything was new, ~~xxxxxxxxxxxxxxx~~ Bud told me of the response to a series of letters I had asked him to write, to all of those it seemed Ray might have written from jail, in the various elements of the various Government agencies he could have written. On some occasions Bud has followed my suggestions, as in sending the unnecessary letters to Kleindienst and State after I got the first rejection from Kleindienst on the Ray England material. I drafted these letters and he abbreviated them. You know the result, which was very good.

Most of all, I suggested Bud write Justice, State and the State and county governments in Tennessee. Well, he had a reply from Justice.

It was signed, of all things, by Jerris Leonard, who is chief of civil rights! And it was a refusal! The reason given, they still have prosecutive interest!

My analysis, with which Bud agrees, is that this cannot relate to further prosecutive interest in Ray, for the double-jeopardy provisions precludes that. Also, there is the question of federal jurisdiction, and in this case, under the laws enforced by Leonard's division, there can be but a single basis for prosecutive interest in a murder case:

Conspiracy.

Which means I may have succeeded even more with my suit.

Meanwhile, Eardley has maintained the pretense they do not have the file cover I insist upon, the one I putin his hands with the request for a copy, and we may be in court on that next week. Great!

Bud has also filed the spectro suit. It attracted no press attention. He didn't inform me, so I inspired none. However, I did tell one reporter it would be done soon and he has seen Bud. I have backgrounded him. That I have developed for the clothing/pictures suits should result in capitulation, but who can tell? On copies, somehow I'll get them to you. I have been after Bud for two weeks or so to copy the draft of the Ferrie documents suit for Paul, and finaly, yesterday, he said he'd see. He complaints about the cost of copying, which runs him about $200 a month, he said. With his machine, this runs to about 5,000 copies, of what I do not know. But if he doesn't supply copies, I'll get one to Paul, who can do it cheapest for those who may want them. The copy I now have is incomplete, for he omitted something I spotted. I presume he added it before filing.

6/25/70

Mary, Paul, Gary, Dick,

You lucky people, I've about 20 minutes before I waken Lil and Howard (who returns home today) so, with something I intended making a note about anyway, I write you.

Got a call yesterday afternoon from a NYTimes reporter, first to say thanks and ask a few questions then anything else, and I am under the impression that if they do a story he is not. He is, personally, happy that I filed under the Freedom of Information Act against Justice, which had lied to him and denied I had filed. He had a set of the Ray documents, given him by Justice and had read them.

I had known this was happening because a reporter on the Washington Post had phoned the day before to tell me, and he had known earlier that they were doing it because those very, very honorable men for whom he works had asked for them, their way of keeping the bargain I had made with them on this, instead of doing the agreed story, which might have done some good.

I confess being torn on this. I am glad we can force the bastards to stop at least some suppressions, but I cannot claim to be jumping with joy when they put me to all this trouble and expense and then give my hard-earned away and under circumstances that could hurt me. The book is now agreed to, verbally, with a small publishers. I do not particularly like being denied the first use of my work. And, of course, this is frustrating because it even denies me the opportunity to recoup any of the costs, small ones being very great to me right now.

I haven't seen the Post yet, and this guy promised to send me a clip if the Times carries anything. From his description, the govt did copy the entire file for those who asked for it. I'll be checking either his or the Post copy for this purpose, but I see no reason for them not to make it all available. Nor do I see any special story in the content for the press, the proceeding having been well reported and the contents of the file containing no real news for the standard press.

My proposal to this publisher, who was here about 6-7 weeks ago, was that they select out and edit down the King material from COUP (which will now require a new title) and give me, as an advance against royalties, enough to print the whole work or so that for us themselves, if they can do it at less cost. They are in accord, but the more I think of it and the more I look at the effects of our way of living on Lil, the more certain I become I just cannot afford this. First the hunk that will have to go for taxes will have to be salted down, then I think the rest will have to go on our indebtedness, which looms larger to me daily. I think that means that the other parts of this work will go without being printed, but perhaps with one of the processes Paul can draw upon, for the few who might want it enough to pay a large cost, copies can be available.

I am sorry Howard is leaving today, for he is a very bright, very helpful young man, mature for his 16 years, and a fine fellow in every way. Because he was here to help and had learned how my files are arranged and in those areas that interested him, he was able to find things for me while I wrote, and in the past two days I have drafted the coming two complaints for other suppressed (JFK) stuff. Again I focus on Justice and, as now drafted, them alone, not even with the Archives as co-defendant. (I think they should bem but I'm taking Bud's advice. I'll argue this with him before revision). So, a guest like Howard doesn't cut down output, paying back the time he takes while he takes it!

Howard has done more than go over my files, borrowing what he wants, copying pictures of which he wants copies, and reading what interests him. He has prepared an index of my correspondence, to date, with the government, by subject. This will be helpful from time to time, in various ways, but I think especially in court. I have made up a duplicate file for this purpose, so I'll have everything with me on any suit. And I do expect that day to come soon when they do not cave in so easily. In fact, the next two complaints are not designed to make it easier for them to capitulate, though I'd not be unhappy if they do, for I haven't yet prepared the big one (for which I wish Howard could have been here, that being the area he did know, these being relatively strange to him).

So, as of June 25, 1970, with no trouble, I can tell any of you what I asked for, whether or not I got it (if accompanied by a covering letter), etc. I'll try and send him copies from now on, so he can update it at home.

Paul and Gary especially, this reminds me of something I think would be helpful, esp. in court. I think it would be good if I could have a file of your correspondence with the government, with what should not be disclosed under any circumstances so marked, and for this court purpose. I have some of it, but it is scattered by subject. In Paul's case, it should include Jim's. How do you feel about this, and about Howard reading and indexing all of it, at his home? He is on vacation now. He goes to Penn this fall, on a full scholarship, no mean accomplishment since he is a year of two early and has done all this work while earning a fantastic scholastic record.

You see, I hope he can be my research assistant in court, when I have hearings on these case, so his knowing the material can be invaluable. He has a good memory, a sharp mind, and it is much fresher than mine. Besides, I'll have to be the lawyer, so my mind, in court, will be on other things. I'll take this up with him. I think he'll do it. I've just awakened him.

There should be obvious benefits to having a single source of knowledge of the major requests for materiel. It will be impossible to type this for the immediate future and, I think, it is premature right now anyway. And other things are more important.

We do have index cards on all my completed books, and if I can ever get a bright kid to come here for a while, I hope to consolidate them after the unprinted indexes are typed up. It would be good if we could run a few others in, like Sylvia's, especially.

The two drafted complaints are on the Ferrie documents and the spectro. Neither is a simple complaint. Each is designed to inform the judge, the government attorneys and the press. Neither tells all I know, but they are detailed. While these are designed to try and pry loose what I have long tried to get and still want very much and very seriously, they are also calculated to solidify the law by establishing precedents in several areas, which I do not take time to explain here and now. Each of these has such collateral purposes and in each case I have them in rather large lies I'll expose in court. In the Ferrie docs suit I have what they are withholding in several cases, neither meeting the description of their reasons for withholding and neither meeting any standard permitting it. There remains work to be cleaned up on these, including editing, getting together with Bud, who has promised to cast a legal eye on them, etc., then the filing, where even the fees will be a problem. Then I hope to get to the panel one.

I've awakened the others, so.... best,

2/16/70

Dear Bud,

Draft of the complain, postmarked 12, arrived today.

2. Frederick County. Mail address is as you have it.

6. I do not question "acting", but I wonder if it is the word you want to use (as compared with pursuant to) because, in court, in Britain, the Missouir thing was dropped. I'm merely trying to think of the kinds of technicalities they may dream up. Do you want to add to this the description of the press, variously about 200 pages and an inch thick?

7. There was more than one hearing, if it makes any difference.

9; There are two possible dates, onw that of the order and the second that of the execution of it. The order was issued 7/2. He got to Memphis before dawn the 19th.

10. Unless you know for sure they are all "originals", may I suggests something like "these copies of the supporting documents"? I am certain many were not originals, in one sense.

11. Why not add "after hos written requests had been ignored for months"

14. For various reasons, including its possible effect on the court, do you want to make reference to his "United Kingdon", corrected in this letter but still ignored by him?

After 17, do you want to add the requirement of automatic referral, Clark memo, in my recent letters? This is required of them under the law and both Departments failed to do it.

19. Want to add "and after a year of diligent effort", for I made repeated, early requests of DJ, once the new administration was in. You have them, addressed to themman who responded to my letters to Mitchell. I think, if you are in accord, it is desirable for thecomplaint to show that despite the intent of Congress, they first toyed with me, than evaded, then avoided, all to the end that what is required to be available not be available.

Under "Wherefore", do you want to include, after "and", "copy or", making it read, "and copy or make available for copying". If they do the copying on their own machines, they cannot raise the crap they did in Halleck's court and in response to John's complaint.

I don't know the law aspects, but this seems like a nice, quiet, moderate and considerably understated complaint. Real gentlemanly. Proper as all get-outs Fine. Once you know when it will be filed, let us not make the mistake of the past and be ready with a press conference, as we earlier agreed.

Sincerely,

6/22/70

Report from the eyeball dept.

They blinked again.

I told you of the decision Bud and I reached last Thursday, to go after Justice rather vigorously on their withholding of the file cover and the letter of assurance. When he was here today and reported, I forgot to ask him the immediate inspiration-whether he filed the action we discussed Friday or whether my earlier letter to Rolapp did it, but he did say that he got three calls today from Anderson before Anderson got him, to practically beg that we not go to court tomorrow and to promise delivery of what I asked.

When you consider that Anderson didn't bother to return Bud's call after Mitchell's letter saying they'd let me see the stuff, this represents some change.

Bud said the call left him with the impression that if I demanded Anderson stand on his head, he'd do it without waiting. I quote Bud accurately.

So, we have agreed on another immediate suit, and when I prepare the compaaint Bud will go over it. I'll send you copies. He agrees with what I had in notes for just this prupose. I think it will not be too long before they stand and fight. But we pick t the issue. I'd prefer a few other approaches first, but I do as he prefers. I hope I can get it roughed out in a few days.

Right before Bud came I was telling Howard the old saw about the farmer who was clubbing a donkey on the head with a 2x4 and was chided by a stranger. "I'm just trying to get his attention", the farmer explained. I explained to Howard that I am trying to get Kleindienst's attention. Maybe I have, temporarily. I think it would be self-deception to anticipate a long attention span with such people.

So far, three out of three. Good beginning,

Best

HW

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June 12, 1970

Mr. Harold Weisberg
Route 8
Frederick, Maryland

Dear Harold:

Just a note to say that there will be a postponement on the Motion to Dismiss until July 10th.

I shall get off a formal letter to the Justice Department requesting a copy of the jacket to the file and a statement that we had access to the material. I will send you a copy of this, of course.

Sincerely,

Bernard Fensterwald, Jr.

BF:crr