

Dear Jim,

12/21/74

Bud sent you another of his transparent running-for-dogcatcher-with-a-college-education bullshit letters. However, he was careful to put an out in for himself. You should also understand that he understands your kind of deadline generally and specifically. He is palsy with Penthouse and Guicioni.

He has a sick ego, he knows he has been the fuckup and the liability in this case and others, and the more I do for him the more he resents me. However, I've been through much of this with him and I believe the only possible way he'll agree is by me keeping after him. His stubbornness is blind, however.

If I were you I'd be thinking about the story. If I can help I will but I still won't hurt Bud. He is sick in the head. And hurting him would hurt Jimmy.

I'm not mailing this letter to him. I couldn't until Monday. I'll be seeing Jim between here and Washington then and I'll give it to him. One of the reasons is because Bud kids himself by pretending all I say is unreal and he is the only one who knows what real is. It will be less easy if Jim has read it first. However, I don't think Jim will or should argue with him. I'm going to suggest the opposite, that he leave Bud entirely alone on it. I'm also going to ask Jim not to tell him that I won't go to Nashville. Frankly, every minute of it would be bitter. I hate this kind of thing and hate the time it takes and hate the situation that permits no alternative.

One of the cheap tricks in his letter I did not address directly. He has contrived a false record in his files whereby it will appear that Jimmy nixed it. There are other and unworthy ones but they are less important.

By now you should have a better understanding of what I had in mind when I said the case needs support, preferably from a foundation. And, of course, a rational, experienced criminal lawyer.

The real wonder is that we've been able to get where we are cowardly and egocentric as he is. And lazy. While letters of the kind I've been sending him anger him, he also has a fear of what he thinks I might do, so they can have the effect of discouraging some of the playboy attitude. Meanwhile, he knows he can continue to coast on this while basking in all the fame he has done nothing to earn. The real trouble comes when there is a criminal trial with a Memphis (Shelby County) judge. If there is an appeal that is not close.

While looking through an old Whitewash file for a name I noticed that I have two of these stories from a small rural paper with a picture of still another kind of goose, an Emden. He was a pet. Didn't think he was a goose, either. I don't remember the story but I do remember Oskar Hamm Pumpernickle. I really loused up what could have been a great animal book when I wrote his story, the real one, as a catharsis while so desperately trying to do something with Whitewash. No, that one is Konrad. Oskar was before his time. I even had pictures of him including his fetishes. I did not succeed in trying to use myself as his god, either, I fear.

We had a life-insurance policy on Oskar. Everything except mysterious disappearance. He was goosenapped, police investigation confirmed it and the insurer paid my wife the \$100. She wouldn't have sold him for \$10,000, even though that was the bitter time of the liquidation of the farm.

If you decide to plan your story ~~now~~ now and I can help, let me know. I fear that if you do not plan it you may be rushed. If you do and don't need it, you'll have a benefit, a better understanding to take to an interview.

Best,

Dear Jim,

12/20/74

Your letter of the 15th and a phone call from Jim both came at the same time. Jim says that Bud has answered your letter and sent a copy to me.

Until it gets here there is not much point in writing further about that.

However, I did go over your outline, see no serious problems and have typed up some suggestions.

Bud will have eased off some but probably will still have some contrived objection. Something to replace the last one. But we'll wait and see.

Geese are the most misunderstood people!

Even you misunderstood them.

So, on behalf of Juno, to whom they were sacred; and on behalf of the ~~Latin~~ folks on Cataline Hill, to whom they were the difference between life and death, you are excused for calling those noble Romans Chinese.

And so many eons before Marco Polo!

(He stole pasta from the Chinese, in case you didn't know it, bringing about the first real Italian revolution.)

Now those Chinese geese - they went to St. Lucia, West Indies. Place where the hypnotist whose name was in Dorothy Huxt's pocketbook went out in a boat and didn't come back. Ever.

They put St. Lucia on the U.S. maps. Nobody outside the Peace Corps had ever heard of it before. Me, too. I hadn't.

That was quite a story. One of the best of the legitimate p.r. stunts ever. Sometime when I'm mellow make one like you're winding me up. (For effect. It is never necessary.)

That story really does have everything. Even a literal fuckup in it. If geese don't, no gosling, huh? Well, that is not the only way you don't get goslings but it is the best and most effective. That's what they did in St. Lucia. Which is to say, to keep this simple, that's what they didn't.

Naturally as it comes to them. Especially the Chinese.

Yes, there really are Chinese geese and they're a great breed in many ways. Also known as swan geese because they have knobs and longer necks than other geese.

I did find the Roman geese in Canada and by that time The Forum of the Twelve Caesars had changed their minds, so three years of search were wasted. There is nothing special about a Roman goose except history and it's a natural for The Forum of the Twelve Caesars. I wasn't selling history as a farmer.

I also had Canada geese, Great species. Mine got so tame they came when I called them. Then they brought their young for me to feed. In those days there was this commercial, Snap, Cackle and Pop. So when one clutch hatched out three, that gave me an idea for a commercial. Get those geese to eat Rice Krispies. Only they hated it, so I had to fake. They liked cracked corn, so I put cracked corn in the bottom of the bowl, Rice Krispies on top, got the goslings used to eating corn from the bowl and they started putting Rice Krispies on top. The geese dipped in deeply, ate their corn, and it looked like they were eating Rice Krispies. Kellogg missed a good deal, I think. They didn't, as I remember.

That was years before they started putting tigers in tanks or on signs. Somebody in New York lost all the film anyway.

Halle's Memorandum is about as deliberately dishonest a court paper as I've ever seen. His main points where lies. I think the best thing is to get Jim to lend you a set of the papers of both sides.

No reference to Livingston in it, though.

Hope the geography/ ancient history lesson helped straighten things out. But I'll bet you never expected a Watergate angle!

More,

Dear Bud,

12/21/74

Were I of a mind to I could embarrass you very much in dealing with the operative paragraph of your letter of the 19th to Jim McKinley. Not the blarney-what has meaning. Your insensitivity certainly invites it.

After the kind of work I did beginning in September of this year alone and lasting well into November I'm the last guy who wants to hear that "under the present circumstances, appearances are just as important as realities."

What we need is <sup>for</sup> a little reality to be as important as some of the appearances.

You talk yourself into believing this kind of utter nonsense and because it serves whatever emotional need you think you are serving it becomes instant reality.

There is no payment of any kind involved. It is your fiction.

What one means by "payments of any kind" in terms of May's interest, however, ought not ignore the utterly unconscionable self-promotion and CIA promotions you ran on the Ray case for years.

Or your foray into Detroit while refusing to pay necessary investigative expenses. There was no evidence in Detroit but there was in your mind the potential of what for you is "payment." So you jeopardized much for it. This was what you describe perhaps as "I must exercise my best judgment as to what is in my client's best interest?" Or was this noble unselfishness expressed by having you intended flack at the hearing so <sup>he</sup> could play back to him some sicksickadok tapes?

Come off it. You kid only yourself. Putting this kind of self-serving pap on paper demeans you and insults the intelligence of everyone else.

Even the bait of the underscored "at this time" is as puerile as it is irrelevant because May is not this time.

Come off it in your own interest because pretending to yourself is at some point going to hurt you. I'm not going to. You are your own danger.

Kidding Jim along at this point is to kid yourself. He may not know the specifics of which I could give you much more but you are not coming him with talk of payments when there are no <sup>or</sup> "at this time" when he has to do or not do now.

Personally I don't care what he does or does not do. It can't help me if he has an interview with Jimmy and it can't hurt me if he doesn't. The one thing that can help me in all this is the way you are carrying on. It is against my personal interest to go to Nashville and would be if I had nothing else to do except try to sell a book. I haven't been able to really do that. Or put my storm windows in. Or cut firewood. Or any of many things that have day-to-day meaning to me.

It was bad enough when you ask <sup>me</sup> to write Jim and get a proposal from him in writing so you can consider it and then before there is time you write the letter you did. There was no need for such haste, but you wanted to kill something in which for the first time you would ~~be~~ not be the resplendent hero, as you see it. The hell with it if it really could help Jimmy. No promo for you so it is suddenly bad and not in your client's interest but a Tomorrow interview and the Post one were somehow different. That was to abuse him and to abuse me. Now you insult the intelligence of both of us and because you put shit on paper suddenly it is the given word.

The closest thing to honesty in this is the pretense of fear. In that the record supports you, if it is fear of doing what should have been done rather than fear of the ghost or Henry Halls over whom you should have sprinkled some holy legal water but lacked the balls.

Unless Jimmy lied to me - and I didn't even raise the question with him - your representation of his belief is not true. Unless there is a subtlety in "as of that date."

I'll have nothing to say to Jimmy on this. If he raises the question with me I'll tell him what I think, no more. He has enough troubles without having to try to understand sick concepts of self. And he's had a heavy enough dose of that anyway.

I also don't give a damn about what Playboy does or does not do. As you have with every aspect of this, you have made the whole business utterly disagreeable and in the most childish and needless kind of way. You kid yourself and the whole world has to kid itself otherwise there is something wrong with the world, not you. We should have been able to take some satisfaction from what we've done but that meagre pay you also won't permit. Any kind of payment except to you is as his money was with Huls, Obscene.

Unless magazines have changed since I worked for them, that we'll be back in touch jazz won't mean a thing. Except to antagonize them even more.

It would be good for everybody but especially for you if you could come in contact with reality on this whole business. For your sake if not God's I hope it is possible before it is too late. You've made so many mistakes you are well into borrowed time.

Sincerely,

bcc: JL- Should he change his mind now I won't be in on it. This having to go to his emotional illness is to high a price for me with all the real realities I can't get to. And writing an inane ward-heeler's letter is only another insult to Jim McKinley and to me. Where the hell does he get off showing such a low opinion of anyone's common sense.

I'm not going to do anything about this. But there is going to come a time if he doesn't straighten himself out and stop all this sick stuff and personal abuse when I won't even want to keep myself under control. After chiselling petty sums from me, this is just a bit much.

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December 19, 1974

Mr. James McKinley  
Department of English  
Univ. of Missouri-Kansas City  
5315 Holmes  
Kansas City, Missouri 64110

Dear Jim:

Thanks for your letter of December 15th. By way of compliment, no one can ever fault you for lack of persistence, which is most admirable in a writer especially.

While in Nashville for the Thanksgiving holidays, I visited Jimmy in prison, and we discussed again the prospect of a Playboy article. Once more, I advised him against it at this time, and as of that date he agreed. Neither of us wishes to prejudice any future plans.

With regard to this whole matter, you are aware of a difference of opinion between Harold Weisberg and me. You probably also know that, were it not for Harold Weisberg, there is no reason to think that I would be in the case at all. Further, you also know that Jim Lesar has done the lion's share of the work, particularly of recent date, and done it with great skill and at great personal sacrifice.

However, I am one of the counsel of record, and, as long as I remain so, I must exercise my best judgment as to what is in my client's best interest. In this instance, it is my strong view that we would greatly undermine our position by granting an interview which involves payments of any kind. Even if there is nothing wrong with this, it would give the appearance of being completely inconsistent with our position that Ray's basic problems arise from the fact that he felt he had to sell his story to finance his defense. Under the present circumstances, appearances are just as important as realities.

If there is a change in course, we'll certainly be back in touch with you.

Best wishes for a good holiday season.

Cordially yours,

B. Fensterwald, Jr.

cc: Jim Lesar  
Robert Livingston  
Harold Weisberg

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15 December, 1974

Mr. Bernard Fensterwald, Jr.  
Fensterwald and Ohlhausen  
910 Sixteenth Street NW  
Washington, D.C. 20006

Dear Mr. Fensterwald:

Mr. Harold Weisberg has advised me that you have asked for an outline of my proposed Playboy interview with James Earl Ray--an event which fans my hope that, contrary to your letter of November 4, such an interview might soon be conducted.

However, I also understand that you have written to Mr Ray telling him not to talk with me pending the outcome of his legal petitions. Whether true or not, such advice is understandable as my letter of November 22 affirms, though I trust it sprang from a general concern and not from any specific animosity toward me and my project. You should know that I have from the beginning stressed that I would do nothing to endanger Mr. Ray, that I strongly believe a humane interview will help his cause, and that my interview would be subject to your review.

In any event, I have attached a proposed line of questioning for the interview. Since I am now much more interested in Ray's side of the case, the outline reveals that hope, while not springing eternally, does rise in correspondence with Mr. Ray's chances for a fair judicial process. I know others find the State's case persuasive and evidently would just as lief have Ray locked up forever, whatever the facts (for example, in my opinion things like Ron Rosenbaum's Village Voice piece on the "intermediary" casts doubts on the credibility of Ray's petition and so could do with a bit of media redress, but then. . .) I would not, obviously.

In honesty, I must also add that Mr. Weisberg has told me that you suspect him of "selling" this interview. That is not true. I did offer to pay the expenses in Nashville for Mr. Weisberg and Mr. Lesar when they accompanied me to do the interview, and that out of my own fee. Since their expenses and yours have been heavy during the period of the hearing, that seemed fair. But no other offer has been made, I assure you.

Finally, may I emphasize that I have no intention in meddling further than this plea for the interview in any of Ray's affairs. And I make the plea only because I believe in it. I know there are other stories, even other angles to this one (and frankly, my editors are pushing for that if the interview fails), but I remain convinced that an interview best serves both Mr. Ray and Playboy. And so I look forward to your reply.

With best wishes for the holiday season and for a favorable ruling from Judge McRae, I remain in hopeful waiting.

Sincerely,

A handwritten signature in dark ink, appearing to read "James M. Buckley".

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BRIEF OUTLINE OF PROPOSED INTERVIEW WITH JAMES EARL RAY .

- NOTES: (1) The broad outline of question-areas is just that; given the nature of interviews it is impossible to put down precisely what questions might be asked or what responses made.
- (2) Counsel for Mr. Ray (Messrs. Fensterwald, Lesar and Weisberg) may review the typescript of the interview and edit it in accordance with their estimates of its impact on Mr. Ray's legal situation.
- (3) Any or all of Mr. Ray's counsel may attend the interview sessions (and are asked to do so) to ensure that Mr. Ray's interests are held foremost.
- (4) The tapes of the interview remain the property of James McKinley, but copies will be provided to Mr. Ray and his lawyers on request.
- (5) The contents of this interview will remain the exclusive property of James McKinley for purposes of publication in Playboy magazine, and no other interview, printed or broadcast, will be released prior to the publication of this interview.

LINES OF THE INTERVIEW

I. RAY'S PREVIOUS INCARCERATIONS, INCLUDING MISSOURI

- A. Early Reactions: What does JER think the 1950's judicial system did to men? To him? What chances were there then of "rehabilitation"? What attitudes toward society were produced by this system and by its resultant "prison society"?
- B. Early Attitudes Toward the Law: What legal advice did JER have after his early arrests? What attitudes toward the judicial process were engendered in his case? What in the case of others?
- C. Resultant Actions: Are fantasies of escape and flight the result of these above-enumerated factors? What causes the desire to escape? When does one feel it is a last act? Was JER influenced by anyone who had escaped prison? Are the Hue stories of his Missouri escape attempts accurate? Why/why not?

II. RAY'S POST-MLK INCARCERATION

- A. Conditions Prior to Guilty Plea: [Beyond or in other words from trial or hearing testimony].

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1. In England: Conditions of JER's arrest, treatment, and of the initial allegations against him--their tone, manner, weight.
  2. In Tennessee: Conditions of JER's return, his treatment by Shelby County authorities, his initial relations with Huie and Hanes as a function of that treatment, and what if any "jail fear" may have resulted (why? so what?).
  3. Situation of JER and family: At time of his return, did the situation of his family influence JER? How? What later reaction did JER have to John's arrest for bank robbery?
- B. Conditions After Guilty Plea [Including reactions to "special handling"].
1. Threats: Did JER suffer threats on his life after his arrest for the King killing? Were these the first in his career? What effect did his mini-trial (and Huie-Hanes-Stoner) have on JER's decision to try again to escape?
  2. Solitary Confinement: What attitudes has solitary perhaps produced or hardened? What is the prison "code" regarding solitary for a prisoner like JER? As a result of his jail treatment, does JER see himself differently now compared to before King's death? In what ways? How much of that change, if any, has been prison-produced? What has solitary done to him long-term, does JER think?

III. LATEST ATTEMPT TO WIN JUSTICE FOR JER

- A. History Culminating in Memphis Hearing (to date):
1. JER's Views: How from JER's view did the successful Fensterwald-Lesar-Weisberg handling get started for him? What were JER's initial reactions relative to his previous experience with lawyers? How does he now feel about his chances for a new trial? [Assuming by publication a new trial has been granted, how does he feel about that?] How does JER assess the current effective representation versus the Hanes-Huie-Stoner axis?
  2. Background: Does it matter (and if so, how much) to JER that if acquitted of King charges he may still face Missouri charges? How does this attitude reflect his feelings about parole and "justification," relatively?
  3. Miscellaneous: What are JER's reactions to the vast exertions on his behalf by current counsel, including the skillful handling of the Memphis evidentiary hearing? Would his previous lawyers find it ironic that he is now represented by civil libertarians? What is



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his reaction from the "defendant's" view of Livingston's "intermediary" story and its effect on his case's credibility? What would be JER's advice to other people charged of crimes in their choice of lawyers and their knowledge and use of judicial procedures? How would he like to see the judicial and prison systems reformed?

IV. RAY'S PERSONAL REACTIONS

A. To Written Reports of King Case.

1. Books: How does JER feel now about Huie's book, especially its overall conclusion that his "weak ego" led to him killing King? How does he feel about the various merits of different written theories of the slaying, e.g. the "rich white racist" theory, the "CIA" theory, the "Black Panther" theory, the "SCLC dissension" theory? Does JER think Frank's book has been harmful or helpful? How and why? Do any of these written reports affect his thinking about either his defense or about the broadscale implications of his case? If so, how?
2. Other Media: How does JER feel about media coverage of his case? Why? Who? What can be done about it?

B. His Own Account of Activities Around King's Death. [Consistent with Memphis Testimony].

1. Travels: What are his reasons (vis' a vis Huie, Frank, et al) for leaving L.A., coming to New Orleans, buying a rifle, etc.? Could he estimate as a per-cent how much of what he told Huie about Canada, Mexico, and Birmingham is accurate now in longer recollection? What weight does he give to the fact that he, had he wanted to, could have followed King to Selma easier than to Memphis? What is JER'S reaction to Weisberg's reported telephone contact with a "Raoul"?
2. Memphis: Why was he in Memphis? Where stay? Did he meet anyone? What does he now think of the Raoul "cover"? JER'S location when shot was fired? Does he know of more than one Mustang? Will there be new evidence of his innocence at his new trial? What is his reaction to the ballistic evidence? Did JER see the bundle dropped at Caripe's? Does he think he has a big-enough ego, a'la Huie, to leave all that evidence around? Why did JER go to Atlanta? When (assuming if) did he realize he had been set-up?
3. Subsequent Adventures: How closely did JER follow his supposed activities in the media? Did their stories influence him, and how? What is his reaction now to Huie's "fat man" tale of the envelope?

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Did he make Rhodosian inquiries? Did he contact his Canadian female friend again? Is the FBI account of his flight accurate for purposes of the State's prosecution? Did he ever think during this flight that first, he was a dupe, and/or second, that he was (following Ramsey Clark's declarations) [REDACTED] not only in big trouble but that he was there alone?

4. Miscellaneous: If JER had not been caught in London what would he have done? If he decided to lie low for awhile, would he have sometime tried to clear himself? When captured, what was his feeling? What did JER think the public and private reaction would be, especially after the riots, the Clarkisms, the contradictory FBI stories? What effect has the case had on his family? Could or should something be done about it?

V. RAY'S FUTURE

A. Speculations

1. Does he think it possible that when/if a new trial is granted and if he is acquitted that he can eventually be paroled? What would he like to do then? Would he feel safe in society, i.e. from that society?
2. If the whole truth of the King killing comes out, what does he think the public reaction will be--in terms of the judicial process, of the Kennedy killings, of the social mood of the country as he now perceives it?
3. What would be his broadest interpretation of the significance of Kings's death?