

9/28/76

Dear Les,

A strange and dangerous situation has developed with the House assassinations investigating committee. It provides an opportunity for unusual and responsible journalism. I believe<sup>4</sup> have done all the essential work and to the degree the Mark Lanes and Don Freed's of the world permit, own it.

Typical is the corrupting of your fine work by those who stole it along with mine. They were not content to luxuriate in the phoney fame the thievery provided. This corruption may well have been the deciding influence in the establishing of the committee. That, too, is characteristic, as it is one of the reasons for my concern.

Perceiving this situation was not only easy - I did anticipate it. I tried to address it in a speech I was to have delivered at NYU law school in April 1975. I got sick and Jim read the unedited speech for me. I tried to address it with members of the Church committee prior to the Schweiker subcommittee, did lay it out forcefully to Schweiker and then turned in other directions when it was apparent I could not undo all the nuts and self-seekers had done and were determined to continue doing.

When I wrote Ken Brief after your stories appeared I was trying to look ahead. My purpose was not merely attention to information about the JFK assassination. The Post, Times and other metro papers are hungup and have their own pasts with which to try to live. I've been through it with them all. They are all disgusted with the government because it refuses to recognize them as part of government, the brain-trust part. Pa rty makes no difference.

Beginning about 1967, about when Garrison's irresponsibilities added to my previous publishing difficulties made me consider what I do not believe I had until then, I did some rethinking. As one result I've had to cast myself in a role other than what is normal to a writer. I think you understand this.

Now I face the problem of trying to keep this farout gang and an at least partly farout committee for going berserk and visiting further great disasters on the country. I began when it became apparent that they were up to the utterly irrational, pushing an investigation resolution through when the House was about to end its legal existence. Once some of them accomplished the irrational they had second thoughts. I don't know whether this wing is entirely hopeless. The others are. There are also engaged in the most bitter in-fighting. There is conflicting ambition and contending irrationality.

As soon as the game these people were playing became apparent I started putting pressures on Bud Fensterwald, who has from the first been Downing's choice as counsel. This has also been Bud's longing, a consuming lust. The first result is that Downing's staff henchman on this, Rick Feeney, phoned to seek my advice the day the resolution passed. It was firm and very pointed. Last week Bud finally reacted back to me. He told me he had come to agree with all I had counselled and wanted to discuss it more with me. He came Sunday for this. He then told me, whether or not faithfully, that Downing had agreed completely with what I recommended. And my cautions.

I had recommended that for this session the committee restrict itself to laying a foundation in fact for the investigation to follow. I interpreted this to mean that it address both assassinations as a prosecutor would address any homicide.

This is the most thoroughly obfuscated part of the official "investigation." It has also been the focus of my work, most recently in my FOIA suits. I have done all this basic work for them and offered it if I am assured of responsibility. Here I'm talking about the formerly suppressed official records I've rescued from oblivion. They are official, they were suppressed and they leave no doubt that the entire official account is false and was known to be false.

This, of course, is a hell of a dose for any officials to swallow. But there really is no question about fact - as it relates to the homicide(s) as distinguished from the killers and motives.

As of Sunday night I'm under the impression that I will be testifying to all of this probably as soon as the election is over. I then went farther and urged that all my testimony be in confrontation with those who testified otherwise before the Warren Commission, each of us subject to the penalties of perjury. If this is accepted I think there is little chance the official explanations will be overturned. It may or may not influence the subsequent investigation toward responsibility. I can think of no other way of trying to.

The journalistic opportunity is to do this in advance of the Congressional investigation. All that now requires is a rewrite job only a little more complicated than condensing a book. I believe a by-product could be a book with a best-selling potential. To now I've rebuffed all such offers because to now the timing has not been right. I have all the official documents necessary, have even a chain of possession on them, and I have what I have not yet published.

Would you please talk to Ken Brief about this?

I'm rushing to be able to mail this today. Sorry about the typing. This is a mach I've not used since World War II. My regular one is in the shop.

If Newsday can be interested much more can go with it, like what I'm suing for and what I've already obtained.

Here is my schedule for the rest of the week. Thursday and Friday in federal court in D.C., Thursday on King evidence, Friday on the sweeping remand in that JFK case relating to the suppressed scientific tests. Friday I have a lunch date with Howard Bray, director of the Fund for Investigative Journalism, on a proposal for use of some of the unpublished stuff. After that a medical check-up. I do not expect Thursday's session to run past the morning. I do expect responses to interrogatories in a third case by the end of the week. This one deals with Ford as Joe McCarthy over Norman Redlich and the suppression of what was embarrassing to the CIA in particular, what the KGB defector Yuri Nosenko said that was suppressed. The Russians did suspect Oswald was an American "sleeper" agent. I have that now and what the Commission suppressed about it.

Hastily,

Dear Jim, my attached letter to Bud on House committee 9/28/76

The more I thought of what Bud said on his Sunday visit the more I wondered what was really in and on his mind. If I evaluate this from his words then in this order it was some promise he made to Downing having to do with counsel once he refused and Gonzalez, Gonzalez apparently as much for personal as any other reasons.

If these people are finally listening to me - and I have only an interpretation of what Bud said to indicate this - then I want them to know that when they have a counsel and assuming his is a good one their problems have only just begun.

If I have questions they are explained simply. Rick called me and asked me to give him recommendations. I took the time, as I had earlier with Bud. Bud did not bother to acknowledge them. Now I am to infer than Downing, who has never spoken to me, has accepted all I've said and in Bud's words has entirely agreed, without Rick or anyone else calling me to say it or to arrange to get together and do some planning for it.

There is no choice but to accept it absent reason not to. But from the past I cannot accept it without any questions at all.

You should get a copy of Gonzalez' letter to Downing. It is a takeover letter. It was premature in other ways. I believe it was ready in advance. While less wild than his record, it has some farout stuff in it. Phrased reasonably. I mean the thoughts.

To use their phrase, the pot has boiled over. We face the question I've always asked: who gets burned?

This strange cabal has brought us to the brink of the greatest disaster yet. In their collection of lusts they have refused to think or have been incapable of it. If I could be sure that Downing has changed in any material way and that the blacks will be other than as Fauntroy has (I've much more faith in the second possibility) I'd not be at all confident of not having a whirlwind harvest to the sowing of the ill wind.

In what time he has Les is his usual responsible self. He has been in touch with Fauntroy and Stokes. I did delay my letter to Fauntroy until after hearing what Bud had to say. Typically he had exaggerated and shown no basic understanding. He now has to face what he has never faced: what he has done. This is what worries me. He said "they" are playing "hardball." "They don't have to. This is more serious. He also said the investigation is off when he called me. He mentioned that only briefly, in the sense that Downing might do nothing this year. I don't know which is worse. I have a hunch that dropping it now also would not be good. If permanent.

While for several years I've favored a confrontation at the outset of any investigation as the best means of overcoming the power reluctance to face the realities and as a means of by-passing all the insanities, the nature of this investigation makes it appear to be more essential. The beginning must now do more than establish at least a reasonable basis in fact and do that in blance and in perspective. It must also provide a basis for immobilizing all the insanities and all their insane and self-seeking proponents. In turn this requires more. One simplification means getting all the crazy talk about what did not happen back in Andora's mind while making it comprehensible that there never was an investigation and all these irrelevancies are the direct result of all that was dumped on the Commission as a substitute for a real investigation and that this was possible only because it met the Commission's desires.

Here my focus over all these years on the essential evidence of the crime itself can make the difference. Time will tell. I'm prepared to go farther than I've told Bud or Rick but I'm not except under my own terms. Until I have some meaningful indications of responsibility I'll not even suggest how. One can lead jackals all over the world without the jackals striking back.

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9/27/76

Dear Bud,

I've not been able to think about you tomorrow's problem. I'm sure I could have made no useful suggestion. I am interested in what comes of your meeting. Others apparently thought of Sprague the prosecutor because I heard this morning that he is being considered.

I have thought a little more about what can be done this year with minimal staff including of investigators and counsel. It is possible to do fairly much without great preparation.

Les Payne is willing to help give first-person testimony, with his paper's okay. I believe that if we have a chance to talk and if he does not leave for Africa soon he could produce other witnesses. I have some in mind.

I had drafted a letter to Fauntroy before you came. I did not retype it then because I wanted to understand your telephone ellipsis better. I've included copies of Les' stories.

While the problems seem close to insuperable to me I'm afraid it will be necessary to try to eliminate some. This can be done. Problems like Lane can be eliminated. Gonzalez and his nutt/ery is another matter.

Classified information is going to be a minor problem. If this is going to be anything like a real investigation there will be no need for any in the early stages and very little thereafter. I've had some experiences with the CIA's classification and I think if there is a good staff and tough members a real dent can be out in that subterfuge. I am sure I know how to do this and it would be like Alice in Wonderland. However, you also know that I'm not going to have anything to do with those I consider irresponsible.

There is an area in which testimony from Jim would be proper and valuable: how the laws, courts and other public authority work. That is, do not.

It is unfortunate that nobody thought ahead to the day when the man who would write an introduction for a Weberman might run such a committee. Everybody thought just getting a committee was an end in itself. Not quite everybody. It is not an end. This one could be the end. You do not have a severe enough view of the insanities and who is insane on this. Downing has gone for the Morrow manufacturers and has made offers on it. Webermanian guides Gonzalez. Fauntroy has already gone off half-cooked. Devine's prejudices can be anticipated. And this is not even the beginning. I predicted to Anderson's associate Heinz Smolonsky a month or so ago that this was going to work out so badly the executive agencies would not oppose it openly if at all. They'll just ~~smuggle~~ compile for use. It looks great for them, as to me it has for some time.

My hunch is that as of now the Black membership looks better and the King possibilities look much more promising for the start. I've got more than they need and I'll be getting more. But I will have nothing to do with them if they have anything to do with Lane. I'll be the living Old Testament.

There are very few people who know what is really factual in these cases. And nobody can tell a Member with whom to speak. They and their staffs have been poisoned in the mind of will be. If I were a young man of 61 again I could not undo all this.

If I saw all of this coming a year and a half ago I did not see any answer then. The one I've given you, which is substantially my advice to Rick, is not an answer. It, too, is only a beginning. But if a good beginning it can offset much that is inevitable. It can earn the committee that probably won't deserve it some respect. I'd hope it might be good for some of the members.

But then what?

There is no way of keeping the insane and the self-seekers off the Hill and spreading their disinformation. How much of it can a committee survive?

Then you have the understanding or the integrity represented by Gonzalez denouncing theorizing. In three years has he even climbed up to that?

How can anyone undo what Downing did with Morrow?

Or what Fauntroy has already said under Lane's influences?

I also presume that Mrs. Burke is close to Abby Mann, who also now is NBC, which means much in her elections.

Sure staff is a serious problem. But they are not going to end with the selection of even a good staff. With the judgement some of these Members and their staffs have shown why even expect a good staff?

I've gone into this because I want you to realize that the problems do not end with staffing or by-passing Gonzalez. If that can be done.

We are where I said we'd be in the speech I prepared for NYU a year ago April. I've stayed out of it all since, except when I was sought out. I made no call-backs. I'm not being a crusty old bastard. I'm willing to try and fail but not where the failure is assured. There are other things that might be useful. I can do them instead. This is why I've tried to make my position clear. I don't know one of these people whose associates are not losers. Nor can I now neutralize all the poison. Of many kinds.

The one chance, I'm certain, is what I've suggested. And not after all the nutty friends of all the nutty Members are heard, either. If done well and followed by the kinds of confrontations I suggested, we may be able to do it. There is no other way.

I do not suggest these confrontations for drama, which they would be. They are essential to success. They have a good potential for making the difference. They would be anything but easy. There are some people downtown looking for me. They have not gotten me because I always give them the chance. I've just sworn contrary to eight of them on the material. But I guarantee that if a few doctors and a few FBI agents, mostly former, are under oath with me, each of us subject to the penalties of perjury, the chance is real if it is before there can be any nuttiness. After that I think fewer Members will dance to Nixon's sirens' songs.

If anybody should want to talk to me it depends on how long the hearings last. I've nothing after Thursday's until my ride home. After Friday's lunch and a medical appointment. Jim's estimate of how long they'll last is better than mine.

Sincerely,