

Mr. Bernard Fensterwald
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5/7/77

Dear Bud,

Via Kathy, on the assumption you'll have more contact with her. Besides which she should know.

I had just fallen asleep when you phoned late last night. I've been sleeping less again. So while I awaken immediately and am alert, I am not always fully cued in. I was not last night. I've been thinking and I have these added suggestions if you face the same problem you anticipated.

On Sturgia/Fiorini: he was part of an initial disinformation about Oswald, alleging Oswald was in Miami when that was not possible. You have these reports I gave them to you when the Watergate story first broke. Also involved was the Buchanan with whom he was later indicated for a hot-car racket. But when it is clear that he was a disinformation operator in the JFK assassination - and immediately - when he claims to have been working for the CIA, why assume he is not in disinformation or even rational today?

If you have any Mark problems, and I hope you do not, I think it will be indelicate if you say what you indicated, that he is a Johnny-come-lately. That will sound like sour grapes and if I know Mark as I think I do it will incite him to further obscenity because he will see his opportunities.

As I see it you have two choices or a combination of them. One is to get into something of substance and the other is to say well, we had an investigator, why don't we pick up the phone and call him? With reminders that will follow, especially if I am awakened they are necessary, you may recall what you have not mentioned, and I think it will go well.

In the book Mark pretends he was Johnny-on-the-spot when King was killed. He did go up from New Orleans. As usual, he could not find public hair, if I may quote myself, in an overworked and undercleaned whorehouse, with Les Payne's amendment, at rush hour. But he claims that Stephens told him he could not identify Ray. Here, and Jim agrees, were march Achilles he would have a heel. With this information that he claims (falsely) is exclusive and his great dedication and his investigatory and legal capacities he would have believed are unique, why does he not report having ever informed any of Ray's counsel of this fact, in Mark's words a quintessential fact? When you were Ray's counsel why did he never tell you?

(As you know we did not need Mark on this but I'm talking about his version. We had this from my work. And you got the former co-counsel, then DA, to admit Stephens was no witness to anything during the evidentiary hearing.)

In the book Mark makes a big thing out of Frazier's failure to say the bullet could not be proven to have come from that rifle. Well, how does Mark know this? How does anyone know this? You can't tell from Mark's book. If you do what Mark wants you believe it is his work. But in fact it is the result of an FBI case you handled for me, 718-70. In it (albeit in absentia) obtained a summary judgement against the DJ. You might ask how many lawyers in the audience have done this for few have. Then I published it in facsimile, then Mark bought my book and lo! he is an instant Perry Mason.

His and what was legally relevant and irrelevant are all you should use if you do it yourself. Unless you want to recall his book's subtitle and note you saw nothing at all about the murder in the book.

If you want me to participate, and it will not sell books for me if you do but it will cost me sleep, ask me about how it is known that the FBI could not make a ballistics match, and how Mark knows (His CGI bought Frame-Up from me!)

Mark says we should have gone for "new evidence." Did we do this? Is it a recognized ground in habeas corpus proceedings? It is not the habeas corpus way but we did do it in a formula I worked out and you agreed to: effectiveness of counsel. I did the investigating for this and you and Jim used the evidence and it all stacked. We exculpated Ray. That "red-squad reditt cannot do.

Mark's problem is that in a couple of days of literary light-fingering in Memphis he could not learn anything about the case itself. It also is that when he sent to maidens down there to do the work of an investigator or lawyer they did not manage to find the clerk of the federal district court in a month. So he either does not know what happened during the evidentiary hearing or chose to represent it unfaithfully.

You might mention that Art Hanes and Arthur Murtaugh are heroes in Mark's book, can I say anything about them? I would say that Hanes is famous for turning police-gogs and fire-hoses on blacks demonstrating peacefully; that as mayor he had Bull Connor for police chief (I was part of a 1937 Senate investigation of Bull Connor); and that when he did not get more of Hanes's money unless he got Ray back to the United States he flew to England and talked Ray out of appealing extradition. Senior admitted this to me in a confrontation in 1971. I have the tape. Murtaugh? What is true that Hanes attributes to him I enjoyed more on the Today show years ago. What is not true is that the "get king squad" was in charge of the investigation.

It wasn't even an Atlanta case. Most school-children know the crime was in Memphis. It is a Memphis case.

If you hear about Green (not Willie, but Willis, be my guest. I took this up with Jimmy about 3/1/71 and he said "that ain't the guy." Jim has the tapes.

Unless it is an important show it is not worth much time but because Lane knows nothing at all about the case or the crime and pontificated so I can lay him out. No "security" at the firehouse? Well, there happened to be three complete TAC units there.

Nobody ran out to Main Street to intercept the assassin? (Assuming that he ran that way, not the other, and was in the flophouse.) Well, what about the witness I had and you or Jim questioned, Chormley, who by out timing was there in about 40 seconds? He was a lieutenant, too.

I have taken no initiatives with Mark because to now it was not worth the time. Now he has gone too far and I want to wait and accumulate all I can, stories and tapes. I don't care if he sells books or does not. But if it is important enough I'm willing to start laying it on him - on fact, on him in the case and on him as the protector of the culpable agencies by his excessive and unfactual criticisms that he plain fabricated.

As you realize you'll be better off if you can ignore all of this. I write in the event you believe you cannot.

Hastily,