

Dear Jim,

11/14/74

Your letter of the 12th came today. Thanks.

After we spoke I asked Jim if he can think of any reason why Jimmy ought not answer questions he was asked in court. He thinks of none. However, looking toward the future, I would suggest that these questions be prepared in advance and the questions rather than answers be ~~submitted~~ considered by counsel. While it is possible that Jimmy might go too far in some responses, I doubt it. My concern is not with truthfulness because I'm confident Jimmy has been truthful and will be.

My own view on timing is that there is not any timing. This is a legitimate story centering around unprecedented abuse of a prisoner whose charge that it is for pressure, to dissuade him from pursuing his rights, did not receive even pre forma denial. Something that seemed to be without journalistic interest. Technically the warden is the respondent. Neither he nor any representative testified on any aspect, including Jimmy's charges.

This story addresses the rights of others. I therefore see no need to hold back or to consider other factors. The sooner attention is drawn to abuses of this nature the sooner the possibility of correction. More than Jimmy's rights are at issue. However, it also is possible that these hardheads might decide to treat him a bit better with some attention to what they are and have been doing.

I'll try to see Bud tomorrow when I'm in DC. I know Jim and I will be getting together. I'll then show him and him alone the letters. I'll also be sending you, in confidence, some I'll be writing. They may give you a better overall view.

The printer has not yet delivered books to me. I have one remaining of the few I got from Jim. Delivery is rescheduled for Monday, not a bit too soon with pub date four days thereafter. I've addressed an envelope to you (wrong size the way this print job went!) so Jim can mail you a copy perhaps as soon as tomorrow.

There seems to have been a slight delay in the beginning of the effort to override Ford's FOI vote. The Senate seems impressed by the DJ cost argument. I've made a suggestion to counter it.

I wish someone who might be listened to at a place like the Sunday Times Magazine would suggest that it buy the condensation rights to Jim's analysis of how FOI worked with us.

If Bud is not in court tomorrow I'll be at his office long before lunch so I should be able to write further by Saturday.

Best,

UNIVERSITY OF MISSOURI-KANSAS CITY



COLLEGE OF ARTS AND SCIENCES
DEPARTMENT OF ENGLISH

5315 HOLMES
KANSAS CITY, MISSOURI 64110

TELEPHONE
(816) 276-1305

12 Nov. 1974

Dear Harold:

Nice to talk with you today, and to learn of all the goings-on. Attached is a copy of Bud's letter. You can understand my confusion since I thought an interview was possible, even desired.

To re-capitulate, Playboy would not run before May. We could delay to your specifications in order to generate whatever pre-trial favorable publicity, within the bounds of legal propriety, was desired. Our only conditions are the one of exclusivity that we have already discussed--and that Jimmy be allowed to respond to questions of fact issuing from others about the alleged conspiracy (again, subject to legal propriety).

Strictly personally, I have secured some contributions for you (and perhaps Jim) to help with the tremendous work you have put into this case (and which, as you know, has been ignored by many). More about that when we talk again.

Until then (I'll look forward to word of Bud's no-no), best regards and wishes.

Yours,

A handwritten signature in cursive script, appearing to be "Jim".

Law Offices
FENSTERWALD AND OHLHAUSEN

910 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20006
TELEPHONE (202) 223-1667

BERNARD FENSTERWALD, JR.
WILLIAM G. OHLHAUSEN
GORDON F. HARRISON
OF COUNSEL

NEW YORK ASSOCIATES
BASS & ULLMAN
342 MADISON AVENUE
NEW YORK, N. Y. 10017

November 4, 1974

Mr. James McKinley
Department of English
College of Arts and Sciences
University of Missouri
Kansas City, Missouri 64110

Dear Mr. McKinley:

It was a great pleasure meeting you in Memphis. I was genuinely surprised that so many people, including yourself, stayed around for the whole hearing.

I have discussed your project with the other lawyers and Mr. Ray and we believe that it would not be to his advantage to have an interview done at this time. If you are still interested, we may well change our minds at a later date; in this case, I will be back in touch with you.

I regret that this has to be our decision but we have to do what we think is best for our client.

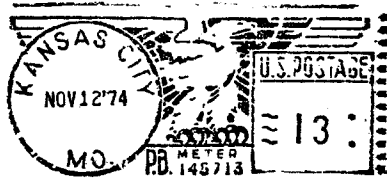
Sincerely yours,

Bern Fensterwald
Bernard Fensterwald, Jr.

BF:crr

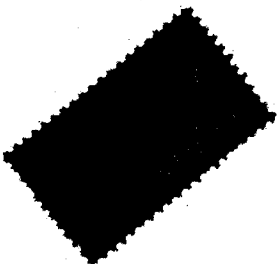
McKinley / English
UNIVERSITY OF MISSOURI—KANSAS CITY
KANSAS CITY, MISSOURI 64110

UMKC
THE URBAN UNIVERSITY
IN THE
HEART OF AMERICA



Mr. Harold Weisberg
Route 8
Frederick, Maryland

21701



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