

The Miami Herald

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Wednesday

January 7, 1976

Mr. Bernard Fensterwald
910 16th Street NW
Washington, D.C.

Dear Bernie,

Interrogation is like sex. Nearly everyone partakes and nearly everyone considers himself an authority. It ain't so.

I write to make a suggestion: Allow Warren Holmes to interrogate your client, James Earl Ray. Holmes is a Miami polygraph man; quite probably he is the finest in the nation. He is a superb interrogator.

To give you a little background, I am enclosing here a book that Doubleday & Company Inc. published in October. Also, some blatant Doubleday puffery and book reviews from Business Week and your home town paper, The Post. This is propaganda. I am also enclosing a Xerox of an epilogue for the book that probably will go into a third printing. (Not soon enough.)

The book is about Florida's Pitts-Lee case. The man most responsible for that is Holmes. He is one hell of a man with an extraordinary ability to extract truth. The polygraph itself can be a useful instrument, but it is no more accurate than, say, a typewriter or microscope. It depends enormously on the man who uses it. And Holmes, I am certain, would be the first to acknowledge that it often is improper for any sort of courtroom use and that an awful lot of kooks call themselves lie detector experts.

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Holmes' primary strength is interrogation, a talent undeterred by Miranda in private practice. It is not the polygraph alone. If you would decide to use his services privately, I am sure you could arrange to be present yourself and tape record if you so desire.

I am not at all certain that a Holmes interrogation would be to your tactical advantage or that of your client. You probably have a better instinct for this than anyone else. I don't know how deeply you are committed to your present announced views. You may well be absolutely correct. I suspect that one of the days you may prevail legally and overturn the verdict, and that the State of Tennessee may well have a difficult time indeed proving its case.

But as most practitioners in our advocacy system realize, a court of law is often a damn poor forum for truth. By virtue of your representation of Ray, I think you possess a unique opportunity-- not afforded anyone else-- to establish the truth in the King assassination. In the long run that may be the single most important factor. You, of all persons, should make a maximum effort to find out what truly happened.

Ray certainly knows something. And I am naive enough to believe that this nation is entitled to the truth--- eventually, historically perhaps, one way or another some day.

I am not proposing that I write about it. I know Holmes well enough to have discovered over the years that he has encountered problems in private interrogation; specifically, obtaining information for a defense lawyer that could harm his case. It is a problem that he has resolved with lawyers who obtain his services on a confidential basis.

Conversely, I have worked three specific criminal cases with Holmes where we have established the innocence of four persons wrongfully convicted or murders. (Please take time to read the book; I think you may enjoy it under any circumstances.)

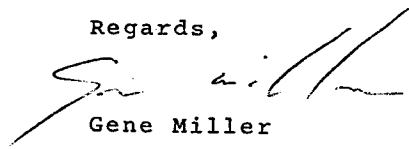
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You might want to check out Holmes' credentials yourself. If you know any polygraph people, ask. I am sure they are aware of his reputation. Holmes has done work for Lee Bailey. Lee knows him well. You know Dick Gerstein, the Dade County State Attorney. Holmes is the man who tested Philadelphia mayor Frank Rizzo-- a public, not private testing-- and afterward said that His Honor was lying. Rizzo responded, "What's wrong with a little lying in the bathroom?"

Holmes certainly is not fearful of reaching an unpopular conclusion; nor is he reluctant to admit candidly that he does not have an opinion if he fails to reach one. But frankly, I think he is a man who could deliver to you the truth, and possibly some leads that could help you corroborate it.

Holmes' address is 5210 West Flagler St., Miami, Florida, 33134. His telephone is: 305 445-5678.

Regards,



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February 9, 1976

Mr. Gene Miller
The Miami Herald
1 Herald Plaza
Miami, Florida 33101

Dear Gene:

I've had your letter of January 7th on my desk for the month that it took me to find time to read your fascinating book on the Pitts-Lee case.

Warren Holmes is an obviously unusual and able man, and we do appreciate your interest and your offer. However, at the moment, our client would not submit to a polygraph test. He will make no move until the Sixth Circuit decides on his appeal, which should be in a matter of weeks. We argued it on February 3rd. This seems sound to me.

We will, however, keep in mind your suggestion for the future.

Thanks for your interest.

Sincerely yours,

Bernard Fensterwald, Jr.

BF:fs

PS. Seems to me you are also interested in Leo Henzel's case. He too is a client. Here we might be of some help to you now.