

Rt. 12, Frederick, Md. 21701  
12/23/76

Mr. Jim Fox, Counsel  
Harper and Row  
10 E. 53 St.,  
New York, N.Y. 20022

Dear Mr. Fox,

After Ms. McNabb's second call this morning I took all the manuscripts I received from Playboy into Frederick and left them at the Rogers Office Supply for copying and sending to you ~~at~~ by Greyhound. On the chance that one of you might not be in the office I asked that the package be addressed to both of you.

Prior to Ms. McNabb's calls I had started to mark special places with paperclips. To facilitate your comparisons I have left them in place to attract your attention. They are not by any means all inclusive but I think they should give you a good start.

Ms. McNabb suggested that I write you about what became apparent as I skimmed these pages. The original work is shot through with errors. I believe it can lay any publisher open to suit. I have no way of knowing what others will do. However, what Playboy hired me for is my subject expertise. Although the series was described to me as other than it was I nonetheless had the obligation as a consultant to protect Playboy. To the best of my ability, greatly more than the notations on the manuscript show, I did undertake to meet that obligation.

You will be getting the benefit of my consultancy without paying for it from these pages. Without realizing this I had offered you these pages with no strings attached. I do not withdraw that because it would mean breaking my word. If you use any of my work I believe it would be right and proper to pay for it. Because this was not a precondition I cannot honorably now make it a condition and I do not. If you do decide that you want to use this work and are willing to pay for it, as other publishers, not just Playboy pay me for consultancies, there is a means by which you can do this that will not profit me personally in any way and I would prefer that.

I have probably made more use of the Freedom of Information Act than any private person. If you are familiar with the legislative history you are aware that one of my suits is the first of four identified as requiring the 1974 amendments. I am obtaining unprecedented materials under the Act now. Mr. Lesar represents me in those actions. To pay for the xeroxing I had a special bank account in Washington on which he alone has power of attorney and on which I draw no checks. I have also made arrangements for the depositing of all the records I obtain as part of an archive in a university system. I have begun to make this deposit and will continue to do so as I can and as the records I obtain are complete enough not to be deceptive. There thus is no personal gain to me.

As I told Ms. McNabb under the circumstances I feel that I cannot make any demands on you with regard to this and I do not. I will make no complaint if you use this work and do not pay me for it. However, if you desire to use me further in that capacity, I do not believe the promises I made include any more.

You will have had to make major changes in the original Playboy copy if you want to be certain that no suits are filed against Harper & Row based on this work. I do not tell you this in an effort to sell you my services. James Earl Ray, in my opinion, although I am not a lawyer, is not without basis for suing. In my opinion he has this desire and plans suit against another publisher. He has obtained Tennessee counsel to that end. Aside from me there is only one person of whom I can who can guide you in this regard on the King assassination, Jim Lesar. I do not speak for him and I do not know whether he would be able to do this should you want it. I do know that next to me he is the one person possessed

of sufficient factual knowledge of the case. He has a better knowledge of the court record than I. He handled most of the in court work, I the investigations.

Were I in your position I might regard a stranger writing me in this fashion with some questions. I do not know whether they have read the Playboy articles and I have not spoken to them about this, but I have no reluctance in referring you to a law student who in March will become clerk to a federal appeals court judge and a college professor. Both know the field of political assassinations well. Howard Roffman, 1111 SW 16 Ave, Apt. 156, Gainesville, Florida, 904/373-9194, may be spending part of the holiday with his parents in Philadelphia. The last phone I have for them is OR3-4423. The father's name is Daniel. Professor David Wrone is of the history department of the University of Wisconsin at Stevens Point. I do not have either his office or his home phones. His home address is 1518 Blackberry Lane, Stevens Point. Either can qualify as an expert in publishing on the JFK assassination. Professor Wrone is the author of a published bibliography mentioned in a recent edition of The New York Post that was critical of the commercializing of the subject by publishers and others. Because I have not asked either about this I am sending each a carbon of this letter. Both will, without question, preserve confidentiality.

In skimming the pages I am sending you I noticed some references to me and my work. In no case was my permission sought or granted. You have no independent way of knowing how much of my work was merely ripped off and then attributed to others, like Ray's lawyers. It is fairly extensive. I saw no single instance in which my published work was credited.

There is no question in my mind that having written Harpers as I did after seeing the proofs I do owe Harpers an obligation. After you mentioned this when we spoke I discussed it with Mr. Cesar by phone. It is his opinion that in informing you in detail and in offering you access to my records I have met this obligation. If my situation were other than it is perhaps I might be willing to extend it. However, I am 63 years of age, I am in the midst of an enormous work. I do not know of its equal in scope. I am without support except for Mr. Cesar's legal assistance, for which I cannot pay. I am without regular income or subsidy. I am not a large corporation and I have no staff at all. What I do I must do myself. I hope you can understand this and that it is limited further by the permanent consequences of acute thrombophlebitis. Nonetheless I have tried to be as open and as informative as one can be. My other offers to you still stand but I do not feel that I can take time from my work to do what I believe is properly your responsibility now. You can, for example, listen to the tapes made by agreement. But I cannot undertake to make copies of them for you. Running through them once without stopping will take 15 to 20 hours. Subject only to the rights of others you are welcome to access to my correspondence with Playboy and McInley. Today I dropped work that is important to me and made a 15-mile trip to provide you with those copies you requested of what I offered. I just cannot keep doing this. But as I have written you you are perfectly welcome to use my machine and make whatever other copies you may want here.

As a lawyer you are aware that I have done ~~with~~ for you more than you could hope for under discovery in litigation without knowing what to specify. To any reasonable degree I will be as cooperative as possible.

Sincerely,

Harold Weisberg