

Rt. #2, Frederick, Md. 21701
1/18/77

Mr. Jim Fox, Counsel
Harper & Row
10 E 53 St.,
New York, N.Y. 10022

Dear Mr. Fox,

I am sorry I found thumbing the pages of the ~~xpm~~ proofs of the McKinley book dealing with the King assassination so unsettling. I hope you do understand it was not from anything you said, that it was not personal.

If weather permits Mr. Learer will be here day after tomorrow. We will have little time to discuss this because he is too pressed for time on litigation. He is handling three FOIA cases for me now and in the time he will be here we have an affidavit to prepare for one and other matters for which there will not be adequate time. I will tell him of our conversation and I will give him a carbon of this letter. As soon as it is possible thereafter I will try to spend some time with him on this in the event you want to discuss it further with him. He has a general knowledge of the ~~Eng~~ Playboy part and of the circumstances.

I realize that when one makes the representations I have made to Harpers Harpers is entitled to support. I realize that counsel also has special problems in matters of this nature because counsel cannot know all the fact relating to all the books that a large house publishes. On the other hand your author owes you obligations. I knew of no contract that does not include this. And I feel that I have leaned over far backward to be informative, to take these factors into consideration and to ease the problems for you. I believe I have offered you what you could not reasonably expect to have obtained under discovery were we in litigation because you could not know of its existence. Our today's conversation left me with the feeling that you are putting all of this on me. Under any circumstances this would be ~~xxx~~ unwelcome. Under my circumstances more so. What occurred to me after we spoke and did not while we were speaking can perhaps illustrate this for you.

I did offer you all in my files and did say that I believe your own interests indicated to me that you should have someone examine it all. Not just as it relates to me. You did not want to take this time. Instead you asked more unpaid time of me. I did take to be ~~xerexed~~ what you said you wanted immediately. I arranged to have ~~it~~ taken to the bus station for you so you could get it rapidly. This alone took much more time for me, living in the country, than it would for you. And with only one day intervening before Christmas I imposed on others to make it possible pursuant ~~xxx~~ to your request. I had been led to believe I would hear from you two weeks ago. It is more than five weeks since I first wrote Harpers about this. Now I find that you have made changes in the book without taking any of this into consideration when making other changes was still possible. I gather that the book is manufactured or is in manufacture. It seems apparent, as I did not realize when we spoke, that between the time I wrote Harpers and sent you what you asked for and now someone up there might have seen to the making of justified changes or at least have inquired into them.

The notes I made on the Playboy manuscript are cryptic and not very legible. They were intended for other purposes than today's. But I do feel that either an editor or a lawyer going over them and the proofs could have compiled a list of specific questions I could have addressed in less time than we took today. You also would have known more had someone at Harpers done this.

Now you want me to go over all of this all again, this time from what you will send me. I can see how in your position you may consider this reasonable but I would like you to think about how you would now feel in my position, especially when in working 16 to

18 hour days, at my age and in my present and permanent condition, I cannot keep up with the work I have undertaken.

It is not only that I feel this is unfair, as I do. I also feel that you are not even saving any time for Harpers and are wasting time for your house. As I have indicated to you - and I think I was really quite explicit - I told you that in accepting the offers I made you would be much better off with your book and would learn much about it and its content than you could learn any other way.

I am not unwilling to give you what I regard as a minor illustration of this, in the context of my having told you that it is not a good work and is neither honest nor without many factual errors, some I regard as serious and as holding the possibility of kicking back on Harpers.

There is now a Congressional investigation. Whether or not they are now fully informed they have asked for the largest appropriation in Congressional history. They have also asked for the largest staff, 170 people. They have the power of subpoena. They can at any time come up with what could be hurtful to your book and to Harpers. I did go over the manuscript with care, with what federal court records describe as the best knowledge of the subject. I did go into some of these things at some length with the Playbey people, particularly two researchers. It is my belief that in this work I anticipated all that could reasonably be expected to react unfavorably with future developments. Harpers would have had that knowledge and if ~~it~~ these led to other questions or concerns a means of resolving them and eliminating potential other problems and costs.

I do not intend to be unreasonable in this and I do not think I am being unreasonable. I mentioned the possibility of suits. Of course you have had counsel read this book with that in mind. But this is an enormously complicated subject and a book convoluted by a phony machine. I do not believe that any competent lawyer can anticipate all the possible legal problems. Perhaps there will be none. But I have told you of one I do consider possible. And I have some knowledge of the cost of defending even spurious suits.

If I cannot tell Harpers where its interest lies I hope you can see that when I have made an offer of access to this for you because it is inextricably contained in what relates me to me and my rights where you also have an interest in knowing I find myself wondering why it was not accepted and why it appears that we are back at the beginning. With the book frozen.

Within reason I will do what I can to satisfy you. If I have not already suggested it there are two others you can consult. I cannot say they will but I do take what I hope you do not regard as a liberty in asking them to read and mark up copies of the book for you, indicating whatever you may want, like uncredited use, unfair use, the masking of sources to disguise them or their existence ~~to~~ to pretend originality for them, and in some cases the use of copyrighted material. David Wrene is Professor of History at the University of Wisconsin at Stevens Point. He is the one respected bibliographer in the field. Howard Reffman is in his last semester in the University of Florida law school at Gainesville. His address is 1111 SW 16th Ave., Apt 156, zip 32601. In a short while he is becoming clerk to a federal appeals court judge. He is an exceptionally gifted man. He has more than a good knowledge of my work from having studied it and because I turned the appendices of the last two of my books over to him. Both are my friends but both are honest and honorable. Contrary to McKelley there are authentic scholars in this field. These are two. Both also are published authors.

Sincerely,

Harold Weisberg