

Certified

3/12/76

Mr. Larry Gonzalez
Playboy Magazine
919 N. Michigan Ave.,
Chicago, Ill. 60611

Dear Larry,

Whether or not you return my call, as I will explain to you if you do, this letter is necessary in Playboy's interest, your personal interest and mine.

I have completed the reading of the "ing piece, beginning with page 28. I assume that the first 27 pages are identical with those sent earlier.

When you were in conference and Tom also was I tried Kary, only to find she is out ill. However, the most serious aspects have to do with policy and legal matters, and I recognize that these you will have to buck to others. Nobody has ever told me who these others are. So, please do not take anything that follows personally and please also lose no time in alerting those who bear the responsibility. Believe me, you have and have given me the most serious problems.

With me the stealing, and I use this word not by accident, is enormous and at this particular moment in particular, quite hurtful. I do not want any of my work used, regardless of the doses used to either hide that it is mine or pretend that I have authorized Playboy to use it. I have not. Quite the opposite, as I first made clear with the JFK pieces.

In this case, as you all know, I am most of the way through a new book. I do not want any of that material used. Obviously, I'm not writing a book only to have Playboy cream it nor do I file and fight lawsuits only to have Playboy lift that.

What Jim has used after my specific statements that I wanted none used ranges from what is my copyrighted work through what lawyers call my "work product" to what I told him in confidence for several different reasons and at several different times. It is not part of his misunderstanding or Playboy's of what the defense of Ray entails. In fact, most of it is known to only one of the current lawyers.

Because of your misunderstanding of the legal and factual aspects and requirements of the defense perhaps I'd best explain that right now because it can lead you into and legal and serious troubles as I recall that writing. If it is possible on your end before the day is over you'll have details on tape. The sole requirement of the defense is to meet the minimum, the "reasonable doubt" standard. Most defenses, including this one, would be prepared to go farther, depending on the lawyer who does the actual trial work if and when there is a trial. In Ray's case, believe me or not, there is no case - not enough for an honest judge to let go to a jury. You must be deceived by the kind of factual, legal and ethical skill you are publishing and somebody there asked of Jim, who knows and can write better. Nor ought any of you be misled by the nasty devices of deprecation, particularly making out that what is uniquely the work of one person is the imaginings of an assortment of never-specified paranoids. Most of all don't for a minute think that the solution to the crime, in any degree, is part of a defense. In this case Ray himself would have none of that. The way it works in a trial is that the prosecution puts on its case. If the defense believes there has been no case made, it asks the judge to dismiss. If the judge agrees, he does. If he does not then, the defense rebuts the prosecution's case. Only in Perry Mason does the defense consist in solving the crime. Were this the need or the actuality there would be no purpose in trials and there would never be enough jails.

Not only did I make it clear to Jim that I wanted nothing I told him used, I have made the fact rather than the details Jim uses in breaching confidence clear to you and Tom and Mary, so all of you would know.

What you use goes to the solution to the crime itself. That means an initial \$185,000 in rewards alone. I start with this to give you an idea of what to ~~expect~~ is the magnitude of this theft. It is far from all but is, I hope, enough to attract a little belated attention at some level of bureaucracy and indifference above you.

The man with whom I am working on this book, the man who encouraged me to do it and is acting as my agent on it, is a lawyer in publishing. I will be staying with him when I leave for New York on Sunday, partly because we are friends and partly so we can have some time to discuss this book. Now, of course, I will have legal questions to discuss with him and he will get a copy of this letter. He has already spoken to a major publisher.

You are stealing despite my frequent protests a major part of eight years of works. How many thousands of hours are beyond imagining. You are doing ~~it~~ at a time when it can ruin what all that work can mean for me and when I do have a specific project it will ruin. The breaches of confidence can be hurtful in other ways. One is that it can endanger me, personally, as well as my wife. We live in isolation and without fear, but you will have attracted those who did the crime to my knowing how it was done and, although it is not in the piece because I did not explain that to Jim so he could understand for his 1974 role, how it can lead to them. In and of itself this is totally unconscionable and no less impermissible and intolerable. The grim realities are not in Playboy's pages but that does not in any way make them less than real.

None of this is any way comparable with what you and your associates described as my "reasonable" offer when you did the same thing with my JFK work. You then had a crisis I recognized and of which I did not know until too late for you, meaning Playboy, to meet without a still more serious crisis if I had not been willing to make allowances. But I then and later and verbally and in writing cautioned all of you "no more." In addition, I beseeched Jim to let me see his carbons, uncorrected, as soon as he could. This past Saturday night he phoned. My wife, who also likes him, was on the phone from the time she answered it. I went through this again. He then promised to send me a xerox pronto, if not Sunday, Monday at the latest. I have received nothing from him and it is Friday. I did the same when I learned what is in the first JFK piece and then also he did not do as I asked. You had set type before you consulted me. In every case, even currently, if I remember correctly what Mary told me earlier this week, when she had some in Valley.

Playboy was abundantly on notice. There is no possibility of any misunderstanding and there is no question of the most serious as well as costly damage and potential for personal hurt. If despite this Playboy has persisted in stealing, I do propose to hold it responsible. It has left me no real choice. This time I can have no concern for you deadlines and the crazy situations into which for no real need you all work yourselves.

This insane attitude that you can with impunity steal everything is, I am certain, going to hurt you more if you do not make the most radical changes and eliminate all use of any of my work and the potential for danger for us. You wanted me as your consultant because of my unique knowledge. That knowledge lets me pinpoint what you have ripped off from others and pretended otherwise. In this piece it includes Gerold Frank and Russell K. Thompson, a name probably strange to you because of this sick machismo of the permeating dishonesty, the pretense that it is all Playboy's original work. Where you used names, as with Chestain, I could make out a case of unfaithfulness to what he has written, in a way a lawyer could argue is defamatory. You have also credited to him what I told Jim in confidence.

There is absolutely no doubt that there is a pattern in these pieces. If your lawyers tell you that it is right, proper and legal, well that is their opinion and somebody is going to have some very large bills to pay in order to find out.

I ~~may~~ have no way of knowing what others will do, but it is my obligation to you to let you know that I can see possibilities from this wholesale and permeating cribbing. The last I heard Frank still had hopes of a movie from his book. Mike is a madman on this, galled by his misjudgements and his failures. He desperately needs self-justification. It drives him to the irrational, like lying to say he could not get to testify in the evidentiary hearing because he had to look out for an 85-year-old mother, then as soon as the hearing was over, flying to New York to do a TV show of only self-justification, they flying to Rome and Tel Aviv, and then even flying to New York to retape ~~the~~ show because the tape was bad. And just before the recent oral arguments in the appeal at 6th ~~circuit~~ circuit, he actually repeated the same terrible stuff to "ewhouse News, telling the statute for Ray, who does want to try and end this prejudicial pre-trial publicity. (You never once faithfully represent the Mike/Ray relationship or Mike's own beliefs and intentions, as I warned in advance.) You will be a sitting duck for Ray.)

Your representation of Fensterwald and Cliff can be interpreted as defamatory, and the rest of the piece and doctrine of it and the others lends itself to this. How would you respond to what you have written to the claim by Fensterwald that as Ray's lawyer he had the obligation to check everything out and once he checked this out he not only abandoned it but went farther in a way I cannot spell out without breaching a confidential relationship? Especially when in the handling of CBS you do not say that CBS paid Cliff and filmed him in New York, at the Waldorf Astoria, after his claims were thoroughly discredited. And what could a lawyer do when you display awareness of the special CBS aired and do not mention what they suppressed for almost eight years, more when you go into that matter less than honestly in this piece, meaning the substance of what they suppressed, than aired, any you make no mention of it?

I can tell you about chickens and roosts and have the obligation to. I do not say these chickens will roost on those roosts.

What will Playboy's position be if after my explicit warnings Ray decides to sue and subpoena me? Even if I can prevail on a claim to a confidential relationship with you and he has a skilled civil lawyer who merely asks me about the facts? If this is not enough, suppose a judge holds there is no privileged relationship and that I have to testify? Suppose he files such a suit and also subpoenas all those from whom you have cribbed and asks them no more than if it is from their copyrighted work that virtually every word you will use that is not invented comes?

This whole situation is incredible to me.

Has anyone there the remotest idea what he is doing to Hefner with this doctrine on these pieces, this one in particular when Hefner makes all these beautiful statements about jails and prisoners and justice as recently as a couple of days ago on coast-to-coast TV? (That is where my interest in interesting Playboy began, by the way, and there is also an abundant record, with Ray's in-jail conditions, so incredibly long in solitary.) You even kiss the official ass more by lying about the nature and extent of the alleged Department of Justice "investigation" of the FBI. It is a fraud and were it not it is, from the public statements, quite opposite what you say. It is anything but what you say. Doesn't anyone there give a damn about the boss? Even when if they read the papers they know that Congress has taken a delayed interest in this case and that for the first time blacks have turned on, including King's widow and former associates and the Black Caucus?

I don't know Hefner. Because whenever I've seen him on TV he's come across as a man who really believes and means what he says I've wanted to. But if I were Hefner, my head would roll after this. And if the reports I have received of who is influential with him in Hollywood, I'd expect him to hear from one who is supposed to have ready access and will be offended by this series beginning if not earlier with the JFK officialese.

It is now going on four hours since I call. There has been no response. Tomorrow is Saturday. You knew I had to go to New York Sunday, quite early and that I must be there and thereafter in Washington. Yet I left messages for both you and Tam.

I don't want to sue you. I just want to be left alone with my own work neither stolen nor misrepresented (yes, you do that, too) nor misused.

It is obvious that I have not stopped with myself, now or earlier. I have tried as best one can to save that monster of an insensitive bureaucracy out there from itself and its crazy, insensate preconceptions. I have already begun to hear of what I immediately warned you, a strongly negative reaction from campuses. This is how I know the first JFK piece is out. Nobody sent me one so I haven't seen it. I've had the same reaction from the working press, yeah, even from within CBS.

What I can do to help you I still will. This now will not and cannot include any compromise with my own rights and my obligations to my wife as well as myself. Here all this time has passed since I placed the first of three calls. I have the other needs of which I forewarned you to meet/ before I leave. I will nonetheless be offering to let my own needs go again to serve you when I call again soon. I'll work on this tomorrow with any of you who wants to work on a Saturday. But believe me or not, I'm telling you that you have the most serious of potential problems and nobody in that ivory tower responds.

This will go out in tomorrow's mail. You should have it on Monday, if I don't get through to any of you this afternoon. I don't know what will be possible for me beginning 5:30 Sunday morning. I will get a message left for me at the home of the friend/associate with whom I'll be staying, 212/-TR3-9806, or his office, 212/755-1713. But it is impossible for me to stand in a phone booth or to use his phone all night. It is impossible for me to know now when I'll be able to leave New York. When I do the first day and possibly night I'll be with Jim Leary, 202/484-6023. My wife will be home nights. His office number is 301/662-4596.

If you want to discuss any of this with me, please be prepared to tape it so there can be no confusion or misunderstanding on the upper strata.

Sincerely,

Harold Weisberg

P.S. I did speak to Tom and I did, without success, try to get through to McKinley, last time to now at 5 p.m. here