

Mr. Richard Gellen  
14 E. 60 St.,  
New York, N.Y. 10022

4/4/76

Dear Dick,

As I believe I wrote you when I heard nothing from you after your lunch with Bair 3/19 I assumed that he was unreceptive to the idea of a settlement or the question did not come up.

There have been three weeks in which Bender, to whom Bair turned this and me over, has been silent. Two weeks from today I'll be leaving for New York. So, my purposes in the attached letter to Bender are to ask him to make it possible for us to have a meaningful discussion when I am there and to remind him that while his records are deficient I do have proofs and can establish damages. He has some knowledge of this, although he initially may not have (even if his name is on some of the records he did not recall). He could have forgotten. But he admitted there was a purchase agreement on my edition and that the kinds of provisions of which I told him were obviously essential to any agreement at all. Like who, having just reprinted, would have reprinted again, paying double-time for weekend work, to deliver 8,000 copies beginning the Monday after the Friday agreement without all having a plan to use these books before its own edition came out and without what his own writing establishes in part, protection of me by Dell on my costs. (Their records show the estimate not the actual figure. The printing cost of the first printing was, not counting such things as negatives, about 50¢ a book. But with increases in costs and the double-time weekend labor cost that one was, in my wife's recollection, 80¢.) They were to indemnify me against all manufacturing costs and to take care of all returns caused by their edition and these were great. In fact, however, except for the handling costs I have now sold all but the damaged copies except for those so badly damaged I took them to the junk yard. I have records on these and Dell compensated me for nothing. Without these losses from damaged books we are talking about more than \$3,500 in manufacturing costs alone.

Calling their records chaotic is an understatement. They are plain crooked. Nobody can do business that way. It appears to me that one of two things has to have happened: they were determined to pay me no more than the 6% they offered and I would not accept or they were reached.

So, I am hopeful of a reasonable out-of-court settlement and I think your suggestion is fair to both of us. I have no doubt I can sue for much more than \$25,000, prove more in damages and show what I think they would not want shown, crookedness.

Your suggestion that staying with you would be more convenient and less costly than a hotel worked out that way. If it is no inconvenience for Jill and the boys I'd like to do it again on the 18th. I'd probably return after the speech on the 21st. If you are not busy with Norman-like business then perhaps we can talk more about the new book, even meet with your friend at Warner or anyone else you may think of. Let me bring you up to date on that.

I have just returned from an unplanned trip to Memphis. If I had not had an early-morning medical appointment in Washington tomorrow I'd have stayed there through today. Monday offered to pay the motel bill for the added two days. I'd have liked to stay because, as I've been telling you, there is a new and considerable black interest. Blacks are making a big thing of this anniversary of the King assassination. They had a series of marches beginning yesterday, with the larger one for today, with all the top black national leaders included. The younger and the more militant and the more conservative are all involved. One former member of the radical Invaders, who caused the violence under Hoover's prodding, had six reservations of rooms in the Lorraine for his Washington friends only.

Although I was in Memphis for two days only, I did pick up some new and very good information I'll have to add to what has been retyped, the first chapter. It puts Hoover in the old, traditional labor-spy role. The violence he caused ended a peaceful settlement that was all but signed. More than just leading to King's death.

There are rumors of a to-be-announced official new investigation. The recommendation to Levi by the Civil Rights Division was reportedly completed before it was leaked to the Washington Post, which printed it 10 days ago. That it will be, if agreed to, still another Whitewash, improves the importance and possibilities of the new book, I think.

Just before I left I heard from the National Enquirer on other stories. They were sending my oldest friend there to spend several days going over story possibilities with me. While I was away I heard from another man there, also a friend. He has separate interests. Both are to be here this week. If this happens I'll have no time for more writing this week.

But the retyping is continuing. I've not checked on how much was done in my absence. I think the present arrangement will continue for the two remaining weeks of the tax season, after which this woman friend will be able to work more. I have also taken steps to get another typewriter so that when her tax work is over and she has rested my wife can help with the retyping.

Slowly as the retyping is going it should be completed before I can complete the draft. Civil Rights was, by promise in court on the 26th, to have delivered its records by now. It hasn't. Other compliance was set by the judge to be completed by May 5. It will never be full compliance but I'll not be able to complete the draft until I have whatever they do provide. I do expect to be able to work more toward it.

Sufficient unto that day is the evil of Playboy. It appears but is less than certain that they engineered a doublecross to frustrate my filing an injunction. I had a belated call from their lawyer, one Leonard Rubin, on the 24th. He promised to call me back after I explained the problems to him and told him that without meaningful assurances I would have to file. Instead of him calling back the editor to whom I had addressed all the unanswered earlier letters did. He assured me not to worry, that the changes I'd asked for had been made. I asked for galley proofs and he said it was too late, they were locking up in 20 minutes. But the next day, instead of asking me, they checked with two others neither of whom could supply answers on elemental/basic questions of fact. Oh, the assurance that it was too late to send galley proofs on Monday the 29th is proven false by questions asked of others on the 30th. And, of course, if they were ready to lock up on the 29th the corrections had to have been made much earlier and they could have sent galley proofs I could have read prior to the 29th. They could have sent copy xeroxes prior to galley proofs. I've added to the written record but have not burdened you with carbons. Once they gave me any assurances I had no chance with an injunction lacking any proof of deception.

Your Channel 7 is airing a show I taped with Les Payne today. Newsday is to have a story also. I don't know what else there will be on King but I'm certain it will be more than at any time since the event. Newsday's story will go to 200 papers.

Best to all,