

Dear Dick,

5/24/76

I hope this makes sense. What I write about is upsetting enough. What is more upsetting is that my worse leg is more swollen after a walk of less than a mile than at any of the supposedly more serious times when my wife measured both legs at the same point regularly. Swollen enough to make the newer Jobst supports feel to tight.

I don't remember how much I told you when I learned that after stealing extensively from Post Mortem after declining to buy the ancillary rights Playboy had stolen from my published and unpublished work on the King assassination. I think I told you that their lawyer had informed me they had removed all that was taken from my unpublished work and as a result I could not seek an injunction even if as I feared they would not have removed this.

It turns out to be the case. I finished that story yesterday. I have written Playboy's lawyer and the author, both certified, asking them to preserve specified records. My purposes were to get these records preserved. If they now do not when the article is in the current issue it will look pretty bad now. However, if they have the records, it will establish there is no other possible source, only theft.

The reality is that this will now be stolen further, by those who have been engaged in this for some time, in Hollywood. The guy's name is Don Freed. He kept offering me pie-in-the-sky deals all of which amounted to no more than ephemeral percentages. I asked for a minimum guarantee and he broke off. He has others now working with him and did plan a movie.

The worst part is how the crime was committed, part four of the book.

There may be problems with this kind of case but I believe I have as good or better a record than one could expect. There is no problem with being able to collect or show damages. This past week a Hollywood friend was in touch with me on just this - getting my agreement for him to approach the production company that first tried to steal this work. It wound up with it and its thief each suing the other. That company did Executive Action. It had planned a King assassination sequel. I did offer it the rights when they phoned me for copies of Face-Up. I presume their Executive Action gang, professional plagiarizers, put the kibosh on.

Playboy has paid me for prior plagiarism, admitting it and describing what I offered to settle for as quite reasonable. At that time I told them to steal no more, that it was not for sale after theft, that I was working on a book and hoped for a movie. Then they did this, first letting me know with the copy on which I was to be their consultant and then promising to eliminate the theft and going ahead with it. I have just about all of this on tape by mutual agreement. They also have it on tape and the tapes show the agreement to tape and the purposes. These were to protect Playboy, to make it possible for those higher than the researchers to know and to inform the author. So I have all the conversations that are relevant between Playboy and me, including those on this thievery and their promises.

The questions now are what to do, how to do it, when and where. There also is a question about whether or not you also are damaged and anyone to whom you may have spoken about this. I do not know whether you have. I do know that at the beginning you offered me an advance on writing costs I did not take because I did not then need it, for retyping and things like that. I do know you once said you'd rather hold off and present the complete package. And I'm sorry for you I did not tape any of this because it would be proof for you. My wife and Jim Lesar know of your offer, I measure, if it is not in any of my letters to you.

The amount of damage is serious and extensive. It includes some eight or nine years of hard work and all the litigation (which may give Jim Lesar an action because this was the only way he could be repaid for his legal services) some of which con-

continues and will for a long and costly time. Civil Action 75-1996 is a great amount of work for both of us, as the court record to date will show. Some of my rough work is, in individual cases, the length of a short book. This and more besides the value of what was stolen and what is endangered if not already ruined.

It is no exaggeration to estimate the work on this suit alone and to date only in the hundreds of hours. This suit is my own, not in any sense Ray's. In fact, he expressed no interest in it. It is not only that it is mine. He wanted nothing to do with it. (I do not know whether they have damaged him. My opinion is that they did and that they intended to. I did warn them about this and have that on tape and in my marginal notes on the unedited copy if not in letters.)

While walking it occurred to me that I might be able to begin this with criminal charges, larceny after trust, filed locally. They have not returned rare books they borrowed. I've asked for them many times. In my today's letter to their lawyer I place a \$5,000 value on these books. Actually, I doubt if they can be replaced after the expenditure of that much time.

There is also the question of jurisdiction. I don't know if they do business in New York but I'm sure they must. The phone book should say. If they have a bunny club there they do. But they must have some editorial and business offices in Manhattan. If under the law you and I have a deal there seems to be some advantage to New York. I did go there to discuss this with you twice, once for that purpose only. We did in New York discuss this more than twice. Our initial discussion was by phone. Our first in person was when you and your family had the flu. Others, like Les and Roger, know we had an arrangement, I believe.

Jim and I will hardly be able to talk about this immediately. We are in court tomorrow, nine days after that and eight days after the second one. After court tomorrow I'll give him a copy of this and discuss it briefly. There won't be time for more because I'll be using the bus. The one on which I return leaves Washington a little after two.

I really have not had time to think this through. I would like to hear from you. If you phone and want a record of our conversation let me know and I'll tape it and send you the tape.

Whether or not you have a legitimate claim, and I think you do, I am sure Jim does. There is precedent. He handled the case in which I obtained the 1/27/64 executive session transcript. I could not and did not pay him. Instead I asked him to write a short legal memorandum, put his name on the cover and gave him an interest in the net of the book. While without a penny for advertising or normal promotions the book has not been a smash, it has returned more than cash costs and I have paid him his share as of I think the first of the year. LLI keeps these records. We do have the checks, the bookkeeping and possible income-tax records, too.

My opinion is that you have not less than the agent's normal interest, possible more. I have Fred's opinion long before I had carried this work to where it now is that my share would be a quarter of a million dollars. If I am not expert in such matters I think that with what I have added then, unprecedented as it is, damages much larger than this can be alleged and probably proven. Especially if there is a court order for an inventory of the more than 200,000 documents in C.A.75-1996, which was filed for this work and as you know is an integral part of it and always has been. (Could this give you an interest in the litigation, too, and what it yields?) There is also the value of what this could have done to my other work, past and future as well as present....Incidentally, the King family has turned on, as have some of his former associates. I have just heard from one working with their lawyer, Harry Wachtel.

Best to all,