

Dear Dave and Howard, copy to Jim,

1/18/77

As my enclosed letter to Jim Fox, Harper's counsel shows after a long silence I heard from him today.

His interest is in the uncredited use of my copyrights material (he seems not to be worried about that of others), what is called "fair use" and in the unauthorized use of what I guess is called work product, unpublished by original literary material.

XXX I do not know whether either of you is in a position to do this if he asks.

It also is not my intention to involve you if you prefer not to be involved.

After I started to write him for the other and apparent purposes it did occur to me that he might want to ask others.

There are few experts, fewer honest ones.

I think that in his own interest, or rather Harpers' it would be wise for him to do this. But I do not see how he can avoid the shlock merchants. How would he know who to ask or trust? From McInley after this in particular?

So I suggested you.

I do believe that the wholesale taking thinly covered by a bibliography while the work is presented as Playboy's own is relevant to fair use and motive and intent. I believe these also are relevant factors.

Best,