

3/11/76

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

Dear Larry,

Sorry you did not get back to me after my Monday's call. When you were in conference I believed what I had to say important enough to give Tom a detailed message for you. I'm sorry also that the way bureaucracies work you are not the one who sets policy and doctrine and that once again you (collectively) had me as a consultant and did not consult before the line of this King piece was set.

While I do not expect my candor to endear me to your hierarchy, you have paid me for candor and I owe it. This is why, when I saw clearly enough the potential for harm and cost to Playboy, I made the extra call. And because I felt I should place it on a higher level than Mary Zion, who I also did not want to be put in the same impossible position Chris was with the JFK pieces.

Aside from this sycophantic approach that has Playboy wiping the FBI ass and protecting all official indecency and corruption, ~~damaging~~ demeaning to Playboy and the worst possible public relation with so large a percentage of its readers knowing and believing other than this piece says, you face the most serious legal situations. There is also the sickeningly unethical pretense that there was no defense and that this is all Playboy's original work. In the first 27 pages only the interview with the former Ray jail companion is not taken from something else, where not inaccurately easily identifiable. And even that interview duplicates others.

If this piece appears in anything like this form you can expect a suit by Ray. He is not without rights because he is in jail, this piece will infuriate him and will be adverse to his rights, and the rest of the piece will support whatever he may sue over. This totality of the dishonesty is that great.

If you have anything like the current pretense that he spoke to Playboy you have, regardless of what your lawyers may tell you, at the very least a very serious liability. Especially when ~~you~~ you say Ray said is not what he said where it is important to him and his legal rights and current efforts to get a trial; where it is exactly opposite what he as said; and where there is a court record (With Jim there) in which he swore to his reasons for the one thing not inaccurately ripped off from Hue that has him in the position of confessing guilt. You and your people may not understand this last point so I'll explain it.

The charge of Murder First does not require that the one charged have fired the shot that killed King. If he was in any way a conscious participant he is guilty. Hue's deal required that he not even ask Ray any questions about the period of the assassination itself. He violated that, ^{Hanes} for whom the source of all money was Hue, joined Hue in pressuring Ray, so Ray, in desperation, invented the silliest story he could think of to get Hue off his back. Not only is this the only sensible explanation, not only is it that the Haneses also testified to it, but Ray swore to it in open court. He was subjected to strong cross examination and no part of what he testified to was touched at all on cross. Moreover, Ray has a very clear record of constant protest over this situation beginning not much more than a month after he was extradicted. We obtained his intercepted letters of protest to the judge and others and his effort to get other counsel when Hanes had this conflict of interest. They had been xeroxed by the prosecution. And they are in the court record now. Or, I don't see where you'll have ~~stick~~ a leg to stand on in court.

Nor do I see the need, with all the perfectly safe and completely accurate

material, for any approach that permits suing Playboy.

Jim told me that Playboy decided against ~~not~~ crediting Jim Lezar and me with the unusual work we did because it feared Fensterwald would sue. This is in all ways silly. It is also baseless. And it would have been easy enough to ask Fensterwald. He has never hidden the fact that Jim Lezar has done most of the legal work and if he had there is a public record of transcripts ~~at~~ about 10" high to establish it. Whatever the reason is, it is indecent and unethical. Consistent with this you have again pretended that my own work is public domain and it is not. You have in the course of using it without even asking my permission used what is uniquely mine. I did also do all the investigation in this case and that, too, is a matter of multitudinous official record, from these same transcripts to the records of county, state and federal governments.

I don't know what Playboy will or will want to do about any of this now. I meet my obligation to you and to myself with this written record.

If I do not get the rest of the copy today there will be the problems I anticipated in writing you and giving you my own schedule. If I get it tomorrow and we can't finish going over it then, unless someone there works on Saturday it will be impossible before I have to leave for New York on Sunday. When I was assured that there would be no last minute crisis on this one I changed my plans for staying in a hotel, which means that I will not be able to spend long evening periods on the phone unless the friend with whom I will be staying has more than one phone.

When I leave New York I will not be able to come directly home. I have to go to Washington to go over an affidavit of some length to be filed in federal court this coming week. I will probably spend that night and the next morning with Jim Lezar. If I can't be sure where I'll be what day, my best guess now is that I'll leave New York some time Wednesday, which can have me home late Thursday afternoon, maybe 3-3:30 your time. I can't make it earlier that or whatever other day it may be because I can't drive for that long now, so I can't rent a car. If I know in advance I can engage someone else to do this driving and maybe pick up a couple of hours. I tell you this because I regard your situation as that serious, where a couple of hours can make a difference.

The following week I'm now solidly booked, except for perhaps a couple of hours on Monday the 22d. I have a medical appointment in the morning and a speech in the evening. I'll be up and away at 5:30 a.m. Tuesday and will be spending a considerable amount of time in the Department of Justice and the FBI beginning that day, going over records supposedly to have been searched for me by them pursuant to one of my current suits. With four units involved, the one that has reported the estimated search time has billed me for a week of professional searching and its are not the most voluminous files. It could easily consume the three days prior to the calendar call in that suit Friday morning. Or, unless there is incredible official stonewalling, I'll not have a daytime minutes. Friday evening, which I presume will be late for you, I'll not be home before 4 my time or three yours unless, again, I can arrange other than bus transportation. That week I suppose I can to some degree ~~manage~~ let some of my own needs aside after the end of the working day and use Jim's phone. I'll be staying with him. And I can't, physically or medical stand for any length of time in a pay booth to use the phone.

Unless your people are insanely obtuse you are going to have the same last-minute crisis, perhaps more acutely. I'll do what I can to help, as in the past, if Playboy wants it.

On a personal note the treatment of me in this is again miserable and without any rational need. It is not a legal or a literary commonplace that a writer and his book do what I and mine did in this case. There isn't even mention of the book while the unpublished McMillan is quoted for all the world as though his book, eight years late, were out and credible. There is no mention of Hule's copyrighted and unique work

that he has in Ray's own handwriting. In fact, the opposite is in all cases true: Playboy pretends it is Playboy's unique work. If as I told you I do not believe Hume will sue (of course I do not know) this treatment makes Playboy a mark for any other suit. If Playboy again makes out I am a non-person, covering this with an inconsequential mention, my patience will be stretched very thin. There is no need for any of this juvenile machismo or the perzeating dishonesty.

If the copy gets to me in time and if any of you wants to work Saturday, I will, too, instead of perparing what I must for the work I'm to do in New York. If this letter does not reach you tomorrow I'll be in touch with someone by phone.

Despite what I regard as abusive and unnecessarily abusive treatment of me all over again, as I have I'll do my best to meet my obligation to Playboy. However, Saturday is the last day I can guarantee to do this as I have in the past unless you can make arrangements in New York for me to have access to a phone. If you have an office there I can go to that office. Or to a hotel for a day. If I know in advance I'll rearrange my own work to accomodate you and stay in New York longer.

I'm sorry I'll not be able to read and correct this and still get it in today's outgoing mail.

And I'm more sorry that a publication like Playboy engages in this kind of journalism with a write who in my opinion would not on his own turn out this kind of copy. If Refner gives a damn about his public image, even on that basis this degrades him. It even supports those he has publicly and emotionally called his enemies when there is neither factual nor reasonable basis for that support with Playboy's vast audience.

Sincerely,

Harold Weisberg