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Playboy Magazine
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Dear Larry,

Thanks for your letter of the 24th and the check. I appreciate your promptness even more because I know you then were still under time pressures. I, too, am glad we had a chance to talk. I wish so much it could have been earlier.

You and Jim inherited a set of more serious problems than either of you had any way of anticipating. I am sympathetic to this, as I think Jim may not now realize it. Were this not true some of my comments of a personal nature would have been much stronger. We can't now do anything about this or your (collective, not personal) underuse of me once I agreed to act as consultant last year. It would have saved Playboy much and all of you most of the bad times you have had recently.

In my opinion you now face the same situation, if with entirely different specifics, and it should be faced as rapidly as possible. I am limited again in the service I can render in knowing nothing in advance of what you intend to say or how you will say it. The sooner you can let me know and let me think about this the better my possibilities of saving you what you have just gone through and not impossibly more and worse.

This requires that I trust you and write you about confidential matters that, as I trusted Jim to keep confidential I also expect you to. If he hasn't told you of the internal situation of the defense and of the nature of my effort to be helpful to Playboy and Ray beginning the end of 1974, you should know that there was a hell of a row over this. This internal situation, obviously necessarily confidential, is only one aspect of a combination of problems you do face. As a minor example of what this can mean I strongly encourage avoiding present tense in any reference to the defense team. On the other end of the scale, be certain that Ray is looking for a chance to file civil suits and not for what as he sees it is any frivolity. Jim has some knowledge of this and the internal defense situation but he should understand that it is only skimpy.

While we can't know when the 6th circuit will rule on the appeal, Jim Cesar's estimate is probably sometime in April. Or, after you are locked up. There is no real limit to the radical changes in the situation that become possible then, if not sooner.

If I project the doctrine I have seen in the past two pieces, if you carry it over into the Ray case, you are almost certain to have trouble. I see no need for this but I do not know anything at all about what you have in mind or, for that matter, about the piece Jim wrote long ago and you may now be revising. I can make guesses that cover a wide range but they will be only guesses. One is the reason for Jim's trip to Baltimore. It could well be from something I told him in Memphis and if it is I not only hope he succeeded but that after you are out you can let me have copies. Assuming your piece is consistent with the past two I strongly suggest that you put yourself in Ray's position and that of his defense when you will be coming out, with your wide audience, at a time where there will be an appeal to the Supreme Court, which is probable however the decision goes, or worse, if they order a trial and the State does not appeal. This assumption will be based on a more dispassionate and rational manner of thought than you should expect of a man who comes from a more limiting background and has spent so many years in solitary, designed to impair his ability to think rationally and to break his will. (The failures to break his will have made him more stubborn, less willing to consider what is not his own idea or conflicts with his way of thinking and understanding.) You face a real possibility of costly litigation that will be costly if you do not lose. I think there is no need for this and take this time to prepare you to avoid it.

Please do not misread this. I am not saying that Ray is going to use Playboy as a convenient means to an end. I am saying rather that without being aware of it you can hurt him as all the major media has for years and even that under some to me quite possible circumstances I would agree with him. He is a human being and he has not lost his rights and he does not want more of them whittled away. He knows nothing of this except that he agreed to both of Playboy's earlier proposals, first for an interview limited to his in-jail conditions, which are without precedent, and then as modified to include only what he testified to in the form of an interview. It was killed by Bud Fensterwald, senior counsel.

I have forgotten the original Playboy proposal. When Jim told me what it was I told him it was impossible and suggested the formula above. From this you can understand I have a pre-existing obligation to Ray I cannot and will not violate. So you can understand it better and how meaningless to me mere mention of my name is, after agreeing to be on the CBS special I declined, angering them. However, they presented me with a conflict of interest I could not honorably meet any other way. It was no trouble for me to reject coast-to-coast prime-time attention just when I knew I'd have a new book out. If I face a conflict of interest between you and Ray and I have no choice in how to resolve it. But if I do you will have troubles and again I think the best course is to eliminate them in advance. The kind of piece Jim can write and Playboy can be happy with does not require any of this. It did not with CBS, either. They could have accomplished their purposes with another and not improper approach but bureaucracies have a way of not thinking.

There can be conflicts between Playboy and me on this. I'll be explicit enough if they come up. But again, why not eliminate them in advance? So you can understand this, and this gets to part of your letter, I am responsible for the present situation of the Ray defense in having a) provided that defense and b) done all the work Jim Lesar did not do in it and all the investigative work. Basically this comes from my copyrighted work, Frame-Up, and my subsequent work, which is my work. I have said nothing about it publicly but I am most of the way through a new and entirely different book. Not a book on Ray. Here we face a different set of problems. I think you can see that nobody in my position would be willing to give his work away and that this new work puts me in an even better position to guide you. But the key to resolution in advance is my knowing what you plan.

So you can better understand the entire situation, the series described to me about a year ago was of an entirely different nature. The different subject in and of itself presents no conflict for me. However, with the King assassination, unlike that of JFK, there has been no real work by anyone else except sycophants. All of their work has already been destroyed in open court, subject to cross examination, leaving only mine unless you want to take a foolish course with a case in court. Again I believe this means eliminating problems in advance, not trying to rectify them when it is for all practical purposes impossible. You should be able to see the nature of this situation but if you feel you need more information, ask it as soon as possible.

I am willing for the consultancy fee to cover the entire series because, if it is a different series, there were changes there over which neither you nor Jim had control and because I did agree to its covering that series. (I think it would be great journalism and would make a fine book if at some time in the future Playboy returned to that concept. It has never been done to my knowledge and would, I think, be commercially successful.)

However, nothing was ever said or agreed to on the use of my work, paid or unpaid. Not only can writers not live if they give their work away but in these cases I have spent more than 10 unpaid and unsubsidized years doing it. And am most of the way through the draft of a new book.

I do not think that Playboy wants to be in the position comparable with that on JFK, where you not only attributed my work to others but without even asking me used work it had twice rejected when offered to it exclusively. There is nobody there now who remembers the first, in 1967 and 1968, but Jim knows about a year ago. And I do not think that my publishing my work makes it public domain. On this subject, in fact, the government's own interpretation of the law is that even use in evidence does not nullify the copyright.

Nor do I think you want to be in the position of asking me to put in a limitless amount of new time without compensation. Your collective opinion of the proposal I made to resolve the past is that it was reasonable. If it is going to come up again let us please work it out in advance. I see no need for it not to be amicable or in any way difficult. However, not knowing what you will be doing I am in the dark. I can do no more than try to anticipate the possible. I think both, really all, interests are served by eliminating any and all questions before they come to the crisis of the recent past stage. This is why when I've been away for two days and am tired I am taking all this time.

It is also necessary that I tell you my schedule so you can know and we can be available to each other. If your regular schedule is the one of the past month I may well be in New York that week. I will be in Washington for a court hearing on the 15th. From there I will go to New York, where I have a speech to make the 17th. I have other work I have to do there. I cannot now estimate how long it will take but it will be safer and wiser to assume that I may have to be there the entire week. I do not know where I'll be. If I can avoid the expense of a hotel I must. But I do not know with which friends I might stay because of my medical situation. I do not think I'll be able to make use of the subway because of the steps. This limits me to where there is bus service. However, I will let you know where I am. To the degree possible I'll try to be available during the day, but this will not be easy when my purpose in being in New York is to spend the days working. There will be no trouble in being available after 5 or 6.

Aside from this I now have only a minor time away from home, this coming Thursday afternoon.

As I have cautioned Jim I caution you that with a long spread you are dealing with a breaking story. How well I can anticipate how this can influence your piece depends on what it will say. You can look very foolish before this is over and I think we want to eliminate that to the degree possible. From my own work to that about which I can say nothing I can see real pitfalls. Where I have a confidential relationship I can visualize no situation in which I cannot let you know all you have to know. I may not be able to give you reasons. I should in all cases I can now visualize be able to tell you why without details in some.

This gets back to what we cannot now do anything about except to learn from it in the last minute: keeping me in the dark about what I'm supposed to advise you about. I strongly urge you.

I have done less work on the RFK and Wallace cases but I do know much about both and what is not responsible or likely. Most of the RFK people have been nuts and the few responsible have been inadequate. Even the last apparent resolution, which need not be the final one, is not generally understood. For example, it does not mean what the major media says it does and it was not possible for the tests made to address the origin of the fatal shot. This kind of thing I can explain fully enough if it does not await the last minute. I have some material you may want to use on both. With Wallace it is a little knowledge and extensive files of clippings. I also have the holograph of Bremer's diary. I do not agree with Vidal on his interpretation. I mention the diary because it may coincide with your or concept of visuals. Not knowing what you will be writing on RFK I do not know what I have or have published that you can use. You might

want to consider what is in Post Mortem beginning on page 430. I also have about two inches of the grand jury proceedings. This includes some of the most important stuff. What I have is a xerox.

On RFK, I think someone, perhaps Chris, should have a good understanding of the nature and limitations of the scientific tests, including those destroyed. There is enough for this purpose in Post Mortem. I have extensive files compiled for writing and for court use on them, too, from standard sources ranging from criminalistics texts to many issues of the Journal of Forensic Sciences. If you leave this out of that story you will be writingⁿ as I do not conceive, however you write. If you delay it when you now have time, you can be making a last-minute crisis. So, I invite you to have perhaps Ann do as she did with the JFK schmalz. She can use my machine for the cost of the paper and copy whatever you may need of the clippings. I have no way of knowing if or what research you have done but I'm willing to be as helpful as possible.

I do not regard the time this letter has taken as outside what I owe you without further compensation as a consultant. Nor would I regard any discussion we might have by phone, on discussions, so that we can eliminate potential problems as outside what is properly included in a consultancy. However, I do believe that actual ~~work~~ work is and my own work is. As we have had no problem resolving this in the past I see none ahead and no need for the resolution to be other than ~~as~~ what you describe as reasonable. I do again emphasize that there are what can be serious potentials in other aspects you and Jim may have no way of anticipating.

Where you can be prepared for it I urge you to tape what may not be easy to remember and what in fairness to Jim should be available to him. ^{He} has a close to impossible situation and I think he is already uptight. I'm sorry about this and I have written him about it. Where you cannot I can because I am set up for it from death threats and the need to record interviews by phone. I can then mail you the tapes if you'd like. As a writer I have concern for Jim, from his right to know to his feelings. I think we both bear his responsibilities in this regard and I for one want to meet them.

We will all be better off if research people can address the RFK and Wallace matters as soon as possible. While I do not anticipate any major medical problems I have a serious condition. I also have three active cases in court. Besides my own writing, which I will, as I have, laid aside for you, it would be better if I do not face neglecting court needs.

I'm sorry I have had to write this off the top of the head in order to get it to you as fast as possible. If there are ~~my~~ questions, please ask.

Best,

Harold Weisberg