

Rt. 12, Frederick, Md. 21701
6/4/76

Mr. Steve Jaffe
10853 Weyburn
Westwood, Calif or
Westwood Village, Los Angeles, Ca.

Dear Steve,

The last time I was in L.A. was the last time we spoke, then by phone. On that trip I left on election day 1968, for New Orleans and quite a n experience, even for New Orleans. There is not much probability of my being there soon, not only because I can't afford unnecessary travel but because it is not as easy for me as it was. I had a heavy phlebitis last year. Before I was hospitalized in October the damage was extensive and permanent.

I've adapted fairly well. I still work a long day, travel when I must and function with some efficiency and success. It hasn't improved my typing. I have to keep my legs horizontal when I type but I'm pretty flexible for 63.

Had a big success in court yesterday when we turned the appeals court around on the first case under the amended FOIA Act, the first of the four based on which Congress amended the law. In these various recent actions I've forced the early retirements of the key FBI agents so the government could claim they are not employees and can't respond under my discovery efforts. Well, this court that had initially ruled against me clearly indicated it is going to require these former agents, those who do have first-person knowledge, to give testimony.

Paralleling this on the district court level last week a federal judge held that the CIA also had to respond under discovery or he'd fill his witness room with them and have them testify in public.

This is not only to indicate that despite the phlebitis I can and do function. I've heard that you have become successful in public relations and assume that you have your old interests and with the accumulation of more years and experience have also matured. From this you may have learned more about the cheap shots that always lead to more messes. When it became apparent to me that this would be the result I had to shift my approach. I've sued the government nine times, lost once and it turned out to be my biggest success because of its influence on the Congress in amending the law.

It may yet turn out that despite the enormous odds I will do in court what the publicity hounds and self-promoters made impossible. To a very large degree this is due to a great young lawyer who cut his eye teeth cross examining Percy Foreman. Together we have turned much around.

One aspect of all this messing around is the reason I write. I've heard you have become friends with Hugh Hefner. From my recent as well as my 1966-8 experiences with his people on Playboy I can understand why it is in trouble as perhaps he can't. I'll tell you the story so you can, if you see fit, tell him. If you want more call me and by all means tape it for him if you'd like. He is going to know it all in the end anyway because the way it now is I'll be suing them anyway.

I have been James Earl Ray's unpaid investigator. It is my investigation and analyses and this young lawyer's legal work that did all that has been done on this case. You may not be familiar with it but we've even established new principles of law. We finally got an evidentiary hearing, in October 1974. At it a Playboy writer approached me for help on an impossibility. I suggested a reformulation that for no sensible reason Bud Fensterwald blocked and another that this writer, Jim McKinley, told me Playboy would not go for. In the course of this it was necessary for me to deal with him on a basis of

confidence. The most obvious of the several reasons is my relationship with Ray and the fact that in it I was under what is called a "protective order" of the court. He agreed to this confidentiality and I told him what he had to know to do what he had to do with and for Playboy, with the clear understanding that none of it was for any use in any way.

When Playboy did not go for the substitute proposal I made he then offered the ancillary rights to what is now my most recent book, Post Mortem. He came here with the then articles editor, Geoffrey Norman. On the way they stopped off and checked me out with Woodward and Bernstein, both of whom know me. They left with a xerox edition of the copyrighted work. Months passed. Finally McKinley told me that Norman had gone for it, the others at Playboy had, that it had been approved through all the bureaucracy, including the Bunny Clubs, but that Hefner, personally, had nixed it.

So, I was told, the editorial bureaucracy had kicked the thing around and had come up with its own substitute for ^{which} there had been approval all the way: a definitive study on violence in America. It had also been decided to ask me to be their consultant. It happens that my earliest investigating, for the Senate, made me an authentic expert on that subject. I had two later interests, one for Playboy, on which they behaved badly but I performed well. I obtained for them all the secret inside stuff of the Minutemen. I had a network director as a source. They never used it and never paid me for the work. Not even my expenses. When they came up with this new idea I arranged for the lawyer who had needed it to get it into the hands of a friend in Chicago where it could be available to Playboy for this series. I had also researched two different books on the subject.

Meanwhile, they did not return Post Mortem. I needed it. Eventually they paid me the cost of the xeroxing but they never returned the work. Instead they stole what they wanted. Literally. If you remember the way I keep records you'll believe I have the records. It is all in correspondence.

And instead of Violence in America they had this disgusting crap, this defamation of Hefner, this kissing of the asses of all his official enemies presented as Playboy's own original work in that so-called assassination series. Even when they called on me to be their consultant they never told me the nature of this rotten business on which they had started. That it was entirely misrepresented is immaterial but it is factual.

I don't see the magazine but they did, beginning with the first JFK piece, send me the copy for me to go over for them. They also borrowed materials they did not return. I have recently billed them for it, only after failure to get it also back after many requests. The copy on all pieces was terrible in every way, from content to style. It was low-grade high-school journalism. It was also seriously and dangerously faulted in ways that could have cost Playboy heavily. These ranged from wholesale larceny to the needless picking of a fight with Marcello et al. When I saw what it was I suggested that we both tape all our many long phone conferences, me to backstop them because their women researchers did not know how to use tape recorders, they so those above the researchers and McKinley both would know precisely what their consultant said about technical and detailed matters. These tapes are also explicit on the ways in which I tried to keep Playboy and Hefner out of the potentially serious and costly trouble. It is not a question of doctrine. That is an editorial matter. My only questions about that had to do with what they were doing to Hefner's reputation with this kind of rot.

When I saw the second JFK piece I was shock. They had, literally, stolen what they wanted out of Post Mortem after rejecting a normal use of the ancillary rights, the work they had claimed to have lost. I had finally been able to print the book and was trying to sell these rights. That is normal, necessary to a book.

I asked them to ~~xxxx~~ remove my work. They claimed it was too late, that they were already past deadline. They did promise to credit the book in a box. It never happened. By this time they had also bought the printed version from me and stole what it had added to the xerox edition.

I never could get through to anyone in authority until after the issue went to press. Then I had a conversation with Larry Gonzales. I was told he is articles editor. He actually told me that according to their lawyers there is no such thing as plagiarism, that once anything is published it becomes public domain. This may be Playboy's way, as from this series I can believe, but it is legal garbage.

Because I don't want to go to court if I can avoid it I said I'd forget it for \$2,000 and the understanding that they would not again use any of my work. Gonzales agreed. He later wrote me a letter describing Playboy's pleasure at what he said they all found to be very reasonable.

He also ~~wrote~~ wrote me an effort to extend this into a license to steal all my work on the King assassination. I replied immediately and to the contrary by certified mail. I specifically forbade any use of any of my King work.

Then I get the King piece and the thievery is again extensive and this time even more hurtful to me. Here I do not give you details only because if you are active as I've heard it might give you a conflict of interest and lead to problems we ought both want to avoid. I tell you I have a project well advanced in which I have invested an enormous amount of time and effort. It has this much promise: I refused to sell any of the rights until that work was completed.

This time I also raised hell. Finally I heard from one Leonard Rubin, who said he is Playboy's house counsel. He agreed that my work would be eliminated. I asked for proofs to protect them and me and these were refused on the allegation that it is never done. When I have the original copy? I'm their consultant? I was suspicious so I asked meaningful assurances, saying that without them I'd go to court and seek an injunction. I had begun the initial steps when I was given what was represented as these assurances. One I received them I could not seek an injunction.

Then the issue appeared, loaded with overt theft. There were a few changes. Childish efforts to ask the source, like "some day" or "according to Ray's lawyers," things like that. Even stealing from what is uniquely in Frame-Up and came from no other source. I have both the original copy and the printed magazine. I've not made a word-for-word comparison but for all practical purposes there were no changes except, perhaps, for this kind of juvenile effort to hide and deceive.

Remember, I have virtually all of this on tape. Where I do not, as for one example a deliberately deceptive call from McKinley the Saturday night prior to the mailing of the copy to me, I have a witness, my wife. She also like McKinley when he was here and was on the phone because she answered it and just continued in the conversation. He bad-mouthed everyone at Playboy, said they insisted on the miserable stories over his objections, assured me this King piece would be different and promised to mail me a xerox of the draft when he mailed it to Playboy if not sooner. He never sent me anything. These tapes alone show that Playboy admitted stealing my work and agreed to remove it. The magazine proves they did not after admitting it. And there is a check with correspondence on the ex poste facto payment for the earlier theft.

What will make this and more for which there is no present need to take time much more powerful in court is that prior to this theft from me I pinpointed really extensive stealing from others as part of my responsibility to protect Playboy.

I have written Playboy since the issue appeared. I've had no answer. I don't know what Hafner knows. I know little about him except that he has the right enemies and seems to be a man of decent concern. Yes, he also seems to have more than a fair

share of dumdums working for him to wreck what he built and get him into unnecessary trouble. They are also people who have no capacity for learning. I'll tell you a little story of the past onix this.

They had an interview with Mark after Rush to Judgement appeared. They had lots of trouble with the interview, with him or both. They solicited me to clobber him. I declined. But as a result of that their managing editor was to have come to visit me and go over the new work of which he then knew. Remember, I did four books by the time Sylvia's and Tink's appeared. So then they get into the Garrison interview, with so many of their people knowing me. They do no checking and what Novel cost them I can only imagine.

The people with whom I've dealt are the kind who guarantee trouble. They are also needlessly extravagant. Maybe with skin they know their business. That is a business I know nothing about. But with serious non-fiction they are dopes and fools. and what wasters of money!

I feel I owe Hafner some inkling of what lies ahead on this. I don't know if he knows or if he cares. I'd prefer to believe that he does care about common decency and about the honesty of his people or their lack of it and what can happen as a result. Something is going to happen. I can't accept this. It has been enormously hurtful to me. Unlike the past I now have an extremely able young lawyer to whom to turn. As of now Playboy has left me no real choice.

There is no point in trying to inform Hafner through his Chicago bureaucracy. Those dolts have even pretended to have received letters late when I have the receipts of certified mail showing when they received them. They have every interest, I believe, in his not knowing. However he reacts, I do think he should know. This is why I write you, to get the information to him and to enable him to learn whatever else he may want to know.

There is something else I think he should know. In order to protect Playboy I came as close to the edge of my responsibilities to Ray as I dared. I'll take time for only one aspect. I saw and see in the magazine real possibilities of a suit by Ray. I warned them when I read the copy. There was no literary need for this. There is, of course, the phoney machismo thing, the permeating false pretenses. They compound Playboy's problems if Ray sues. I am not going to encourage him to but what am I to do, as I told Playboy on reading the copy, if he turns to me for help? I told Playboy he was making changes in counsel with this kind of thing particularly in mind. It has since happened. What am I to do if I am asked for my records? Or if I do not give them voluntarily if I am subpoenaed for them?

Why should Playboy risk the cost of a suit without some good reason? If they win can you imagine the amount of money it can cost them? Suppose they lose?

This is all absolutely insane. There was no need for any of it. It has to be ruinous.

Sincerely,

Harold Weisberg