

dear jim,

12/10/76

this is an illwind day. with today's mail a set of bound proofs from harper & row of you'd never guess what - a book from mckinley's playboy crap!

it is without index but a thumbing of the pages discloses that the book contains the thievery even from hule against which I warned playboy as well of of my work attributed to ghosts.

when playboy and mckinley do this after they are on notice!

i will not now write further about what you will find in the enclosed carbon of my letter to playboy.

but i do want you to know that there is a big difference: harper & row do business about a half-hour from here - in maryland.

service and jurisdiction are no problem.

without pretending any legal knowledge i also want you to know that mine is the longest listing or work in the bibliography and my permission has never been asked.

i have asked a lawyer friend to see if he can locate any maryland lawyer who is expert in publishing law. i will then turn the name or names over to you. publishing is a fairly large business in baltimore and there are large publishers other than harper & row who have maryland operations.

without thinking this through it appears to me that new opportunities for doing something about these rippers-off present themselves.

the timing is good.

does this constitute a commercial conspiracy, at least by mckinley and playboy, both of whom i had on separate notice.

does it constitute negligence or other fault by harper & row when they list my work in a bibliography and do not have permission, did not even ask it?

i did not tell harper but it twice rejected whitewash, once when i tried in person and once when one of its salesman, having read the manuscript, predicted commercial success for it. it then owned the magazine, which turned it down. and it is the other half of priscilla's contract on marina's book. this salesman introduced me to the project manager on it in early june 1966 so i could help him persuade harper's to break that contract on which he told me their losses to then had passed into six figures. as i remember it his name is wright and he is from texas.

you know they did manchester.

boy do they have a record!

best.

Route 12 - Old Receiver Road
Frederick, Md. 21701

December 10, 1976

M. S. Wyeth, Jr.
Vice President and Editor-in-Chief
Harper & Row, Publishers, Inc.
10 East 53rd Street
New York, N. Y. 10022

Dear Mr. Wyeth:

Your courtesy in sending me bound proofs of your coming McKinley treatise permits me to return the courtesy by telling you that, if McKinley and Playboy did not notify you of my charges of plagiarism and other actionable offenses, they imposed upon you.

Had Playboy not deceived me into believing that they had removed what McKinley stole, I would have filed for an injunction, as they knew; thus, their deception.

If you have any doubt about this, the lawyer I consulted is James H. Lesar, 910 16th Street, NW, Washington, D. C., 20006, 202/223-5587.

This wretchedness relates to both the JFK and Dr. King assassinations.

I am certain this is a surprise to you. However, it is real. It also is an inevitable consequence of cowardly publishing, which not only drives the money mind to the essentially worthless (when it is not official sycophancy and harmful to truth) but makes works of substance unwelcome and unpublishable.

With Mr. Lesar's approval, you may have access to my extensive files on this.

At the moment it is impossible for me to read the proofs. I assume that the book is essentially the Playboy series.

This series is an outgrowth of Playboy's top-level fear of ancillary rights to my POST MORTEM, which then existed in a limited edition only. That followed McKinley's October 1974 asking for my aid on a project for Playboy that did not pan out.

Geoffrey Norman and McKinley came here in early 1975 on POST MORTEM. Norman left with a xerox copy. McKinley later phoned to tell me that, while there had been approval to the highest corporate levels, Hefner nixed it.

I could never get the return of POST MORTEM. There is correspondence on this. Material from it and it alone, my work and my work alone, was later presented by Playboy as the result of its supposed original investigation. This was at the end of the series and I did not know of it until then. It was over this that I would have sought an injunction had I not had the assurances of Playboy's counsel that what I objected to had been removed.

When McKinley phoned to tell me Playboy had not gone for POST MORTEM, he told me that a substitute formula had been approved, not of assassinations in America but of violence in America. That is a matter on which I am expert, as McKinley knew, going back to the 1930s when I was editor and an investigator for a United States Senate investigation of it. He said that, because of this expertise, Playboy wanted to engage me as a consultant on the series he described. I agreed and immediately offered him access to the hearings and reports of that investigation and other relevant materials I had deposited in an archive out of my possession.

When Playboy first consulted me on this series, I was aghast. It was terrible. It was inaccurate, angled, dishonest and defamatory. Someone at Playboy who is subject to retaliation held the same view. However, I had given my word and I was, in addition, concerned about the spread of further disinformation about these great tragedies

t hat turned the world around. I did perform. I have the manuscripts and my annotations.

Playboy's staff, especially the two women researchers, knew from nothing to little about this complicated subject. Without knowing of the thievery, copies of which had not yet been sent to me, it became apparent that the author should know what I said, as should the editors; and that nobody could keep it all in mind. I therefore suggested that they tape our telephone conversations. When it turned out that the women were inexperienced and because we can all forget and let tapes run out, I offered to make backstop tapes. I have those I made. If Playboy cannot produce them, it is because they destroyed their set after I put them on notice.

Extensive use was made of my work on the King assassination. I objected before publication.

McKinley knew about this because he went to Memphis for Playboy in October 1974 to get a James Earl Ray story. Ray's chief counsel refused to agree to the Playboy proposal. I asked McKinley if they would consider an alternative, what my personal investigation had developed. He said he would propose it if I showed him that there was a story. (I also had conducted the investigation for the evidentiary hearing then going on.)

Larry Gonzales responded to my objection. That conversation is taped. He freely acknowledged the unauthorized use of my work and actually told me their counsel had advised them there is no such thing as plagiarism, even that publication and copyright are a license to steal and that they do it all the time. (If you want a referral to their having done the same subsequently with a reporter and having told him the same thing, I will ask his permission.)

I am not a man of means. I do not like the scandalizing of this subject to which for 13 years I have devoted my life and work. And I was then recovering from acute thrombophlebitis in both legs and thighs. I gave Playboy a choice between a nominal cash payment for this thievery and a promise not to repeat it and my going to court immediately. When Playboy sent me the check, Gonzales actually wrote me that I had been more than reasonable. However, he also tried to extend their self-issued license to steal. You will find my prohibition of it explicit and immediate.

They then did this with other of my work in the next story, including with POST MORTEM, the xerox of which they never returned. You will find it mentioned in the bibliography where the longest lifting is of my work. Permission was never asked.

My complaint was immediate. I also again warned Playboy of other extensive plagiarism represented as Playboy's original work. I heard from Playboy's house counsel whose name I recall as Leonard Rubin. I told him that unless I received assurances that my work would not be used, I would seek injunctive relief. This was before the issue was locked up. I did speak to Mr. Lazar about filing in federal district court in Baltimore. He did consult other counsel. Then Playboy provided the assurances that turned out to be false.

This is an encapsulation of what you seem to have bought. There is no index so I cannot be sure in all particulars. But in thumbing through the book, I find where McKinley used one of his regular devices for making his thievery, "a few of Ray's advocates." If the book is anything like the articles, you cannot have missed this device.

I will you as I warned Playboy that you will be lucky if Ray also does not sue you. You hurt him and at a time when he is before the Supreme Court.

McKinley claimed to have no knowledge of some of this because of the alleged delay in reaching him of one of my letters when he was on a Spanish vacation. Since then we have corresponded. I mention this because you should know that he, too, had

personal knowledge at a time that certainly was prior to your going ahead with the book if not to your contacting it.

Temporarily I have a limitation in addition to the phelbitis, a tendon problem that limits the use of an arm. I am not, therefore, writing Mr. Lesar separately. I am sending him a carbon of this letter. I will also see him this coming Thursday when I will be in Washington for a medical consultation.

Subject to his agreement, I will make available to you whatever of my records you may want to see. You have an office about a half-hour from here. If you have Maryland counsel, this offer extends to him, with Mr. Lesar's approval.

While those who have commercialized these tragedies pretend otherwise and, having done little or no original work, have no choice, you will find that I have done most of the original and substantive work on the JFK assassination and virtually all on that of Dr. King. With this subject now having become safe, I believe you can see the damage to me from its unauthorized use. This is now even more damaging to me because I have about two-thirds of a new book on the King assassination in draft. It is temporarily laid aside because I am obtaining formerly secret records, a matter in which Mr. Lesar represents me.

I do not believe you want the other comments your letter solicits.

Sincerely,

Harold Weisberg