

3/17/76

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

Certified- Return Receipt 8-98545

Dear Larry,

Your non-responsiveness, the running of the clock and what I learned from Mary Zion today leave no alternative to my adding this letter to the existing record.

I rushed back from New York, difficult as travel can be for me, and was here earlier so I could better meet your needs but you seem to have made solution to one of your major problems close to impossible without at least another and an unnecessary crisis. You raised no question with me about my representation that you are stealing my work. Instead you have referred it to your lawyers.

This is tantamount, as I have to interpret it, to what you told me on the similar practise on my JFK work: that once it is printed the author has no rights and you are within yours in what I call stealing it, your practise as you represented it then.

After that experience with the JFK pieces I put you on notice. I said I do not want to sue and that I do not want my work used. About a month went by and lo! you have engaged in extensive ripping off despite this clear expression.

I told Mary that if eliminating what I have said is my work-and it is that-will leave you with voids to the degree I can I'll help you fill them in. But unless it is done this week it will be impossible for me through next week. You had my schedule in writing long enough ago to think of something other than asking your lawyers can they fashion a license to rob for you.

In short, without need and after notice, you created this problem for yourselves and have made what I think most people will regard as rather generous, an offer to help you out of your difficulties, for all practical purposes impossible.

I am, of course, shocked that as wealthy an institution as Playboy considers that it is right and proper to steal the work of another and that any writer even gives a thought to taking the work of another writer, more when a month ago he had warned not to.

There is a phrase in the computer business, "gigo." It means garbage in, garbage out. It is the same with honest lawyers and worse with those not honest. Your lawyer knows what you tell him only, unless, as I suggested, you ask him to make the wrong over and call it right for you.

In all of this you leave me no real choice. Unless I have written assurances from you by close to return mail I will have to ask my lawyer to seek an injunction. It is next to the last thing I want. The last is your use of any of my work, copyrighted or not - and you use both over my expressed objections. You have my schedule for next week as best I can anticipate it and the phone at which I can be reached. He is my lawyer and he has personal knowledge of all of this, including my conversations and correspondence with Jim. He also has copies of my recent letters to you.

You have a clear record and an incredible record in all these pieces. I do not know whether your management and lawyers know about this or not, so I feel it necessary to ask you to inform them both. There is a permeating pattern of pretending that stolen work is that of Playboy. In the past I have specified this not on the assumption you would be sued but because of my obligation to you. With me - and I have protested it regularly and frequently - you have gone farthur and pretended my work is that of others. Knowing better. You have compounded all of this by factual errors that not only are unique and on the face impossible but can't show any other source because there is none.

In some cases there is absolutely no doubt that those to whom you falsely attribute my work will swear that you have done this and that the work is uniquely mine. I am likewise without any doubt at all that those to whom you attribute what they did not say will so attest.

Some of what you attribute to me I neither said nor believe nor ever believed. In context it is professionally defamatory, more because none of this was ever checked with me. Obviously, it could not be without disclosing the intent to plagiarize. But checking is the journalistic norm, common and recognized practise.

You have even made up direct quotes when they are impossible and inaccurate. It is some time since I warned you about this.

The dodges are a disgrace, demeaning to Playboy, too. And so transparent! They can have no purpose other than masking deliberate thievery.

There is more but this should be enough for your superiors and lawyers. If you have not told them that using some of this will subject me to possible danger, it is not because I did not tell you. This is serious to me, if frivolous to you.

If you have replied to any of my letters I have received no reply.

I am sending carbons of this to two lawyers, one expert in publishing law the other in this case.

Sincerely,

Harold Weisberg

bcc: Dick Gallen, Jim Lesar