

Dear Jim,

3/27/76

Hasty pre-supper thanks for your 3/24 and enclosures. As you'll see, the UPI story on the CIA's declassification is quite helpful. It is the only enclosure read to now.

The Playboy breach of contract idea seems pretty good to me. I've put a note in the next mailing to Lesar asking that question. It is entirely a verbal agreement on which they have paid me by check that includes a payment for the earlier plagiarism. As I believe I've let you know, I finally heard from one of their house counsel who is to call me again after checking, which can't very well be until perhaps Monday evening or Tuesday.

Your amplification of the Bandung crashes is helpful if I can help the friend. Now that you mention it while I knew none of the reporters I was aware of that crash. It was well reported. I was in NYC too briefly Thursday to call on this.

Only if I have to be away will I go over the paper until after 4/16. However, she knows of and understands the Butterfield interest.

Nothing new except in slight FOIA suits encouragements. Lesar and I both believe that the leak to the Post of an impending King assassination investigation is from our pressures. I think it represents an effort to keep control.

I've been gradually easing into outside work that requires no use of sharp tools. Started making new flowerbeds around new wellpit, which needed backfilling anyway. Today I put in a short flagstone walk, bedding it in sand so I can get to the beds without over-reaching or walking on the flowers. (We do east some.)

It was necessary to bring up some locust posts to make borders and they were nasty from rain and long laying in same spot. Solution simple: drag on pair of wheels on axle. As I went down for them my neighbor informed me of the storm alert I can now see in the sky and feel in the greatly lowered air pressure. We sure are having the craziest weather.

I've lost all the trees I want to and more. Still have perhaps a half-dozen to get out of the way before mowing weather which, with the unseasonal highs, can be almost any day now.

If I carbon you on the letter to Kay Black it is because the unnamed man whose name I seek knew of the King assassination in advance and became a drunk over it. He also quit the labor movement, which coincides with my first suspicion about who did it...I'm working on this with Les, who will be here tomorrow with his wife and kid.

As you have probably realized from some of the Ray carbons, I expect some developments in that area.

We have a problem in the King evidence - the burden on the judge of preserving what is still around to be secured. She was terribly overloaded in the Rosenberg case. This is one of the problems I'll have to be addressing factually in the affidavit I'm drafting. Jim will do it legally. We will be wanting a meaningful inventory filed with the court.

The reports Lesar receives from New York have it that the re-issued Meagher book is doing well but the Hoch et al ~~with~~ anthology is not. It may be too soon for a reading on that anthology. However, I think it does not deserve to do well. I've not heard a good comment yet.

Best,

24 March 1976

Dear Harold:

This responds, as much as I can, to your mailing of March 20. Thanks for your offer of the material you got from Schweiker. We'll pass, thanks. Trying to cut down on volume as much as possible, and I can foresee no real probability of using all this mass of material. We appreciate the offer, believe me.

I'm truly sorry that I have no experience which could lend anything toward a solution for your plagiarism problem. Since the news is copyrighted in effect for only 24 hours or so, the problem rarely arises in the area of daily news. Most papers would rather miss the story entirely than give credit where credit is due if less than 24 hours is involved. Depends on what papers are involved, of course. Situations vary a great deal, so it's hard to generalize. But unacknowledged plagiarism is very common, I think.

The impression gained from reading what you've been saying about the Playboy case is that they may have got away with something of the sort before and are trusting their wealth and general clout to carry them through. They also may understand very clearly your reluctance to sue and the fact that it's based partly on the element of danger you have warned them of.

The fact that their lawyers claim there is no such thing as plagiarism seems to me to be basically a statement that it's so common ~~that~~ and hard to prove in court that vigorous prosecution for plagiarism is relatively rare. Substantial awards for plagiarism may be equally rare. In other words, they may be speaking from their experience..

I realize that by the time you get this you will already have had to make up your mind, and can say only that it's a decision I wouldn't want to make without good legal advice.

How definitive an agreement did you have with Playboy -- in other words, could you charge breach of contract in addition to plagiarism? I feel sure Lesar would have good ideas on such possibilities, and that he have been working closely with him as this thing has developed.

Yes, I agree with you on your opinion about the plane crashes which killed Hammarskjold and the planeload of Chinese delegates to the Bandung conference. Never had any doubt about them at the time, although I couldn't prove a thing and may not even have any files on them. If I do they are buried so deep that I wouldn't know where to start looking at this late date. By the way, there was a planeload of correspondents which also crashed en route to Bandung, I think it was. I remember clearly because a couple I knew were on it and lost their lives. Lynn Mahan, a classmate who was a PIO, and Vince Mahoney of the SF Chronicle. That crash also looked pretty fortuitous as I recall it.

One more small string to tie around your and Lil's finger. We're interested in anything about Alexander Butterfield, as we still believe he disclosed the tapes according to instructions. Last we heard of him he was beginning his own business as an airline industry consultant. If you happen to sight his name anywhere we'd be glad to know about it.

Thanks and best from us both, *Jain* jdw